

I N D E X

Torrance City Council - February 13, 1990

<u>SUBJECT:</u>	<u>PAGE</u>
<u>OPENING CEREMONIES:</u>	
1. Call to Order	1
2. Roll Call	1
3. Flag Salute/Invocation	1
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 Withdrawn or Deferred Items	2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
<u>8. COMMUNITY MATTERS:</u>	
8a. Resolution Honoring Harvey Horwich	3
8b. Community Service Award Presentations	3
8c. Presentation to Council re Recycling Program	3
<u>9. LIBRARY/PARKS AND RECREATION MATTERS:</u>	
9a. Proclamation re "Kashiwa Day"	4
<u>10. TRANSPORTATION/PUBLIC WORKS MATTERS:</u>	
10a. Traffic Prohibitions - Van Ness Avenue/166 Street	4-5
10b. Funding Agreement with LACTC for MAX Commuter Bus Program	6
10c. Stop Signs in Newton Area	6-8
<u>12. PLANNING AND ZONING MATTERS:</u>	
12a. D 89-8, John Hartley	9-11
<u>14. PERSONNEL MATTERS:</u>	
14a. Job Description/Salary for Commuter Bus Operator	12
<u>15. HEARINGS:</u>	
15a. CUP 89-56, PCR 89-6, D 89-54, Scott Eidson	12-14
<u>17. ADMINISTRATIVE MATTERS:</u>	
17a. Outside Counsel - Rastello Appeal	14
17b. Scavenging Ordinance	14-15
17c. Correction of Subcontractor Listing for Torrance Cultural Arts Center as Requested by Moran Construction Co.	15-17
<u>20. CONSENT CALENDAR:</u>	
20a. Authorization to extend contract - Chevron Oil	18,19
20b. Award of Contract - street sweepers	18,19
20c. Authorization of Contract - vehicle purchase	18-19
<u>22. ORAL COMMUNICATIONS:</u>	
22a. City Manager re Transportation Planner Dick Etherington leaving City	19
22b. City Clerk Bramhall re election	19
22c. Councilwoman Hardison re R-2 concerns	20
22d. Councilman Nakano re legislation on double-hulled tankers	20
22e. Councilman Walker re newspaper article on Mobil Oil refinery	20

City Council
February 13, 1990

<u>SUBJECT:</u>	<u>PAGE</u>
	<u>22. ORAL COMMUNICATIONS (Continued):</u>
22f. Councilman Wirth re large-item pick-up	20
22g. Fire Chief Adams re Hazardous Materials Response Unit	20
22h. TPOA President Dave Nemeth re Council support re negotiations	21
22i. Eileen Hawkins re covenants on properties	21
22j. Steve Sullivan responding to Councilman Walker [Oral 22e]	21
22k. Donald Pyles re removal of trees	21
	<u>23. EXECUTIVE SESSION:</u>
23a. Executive Session Matters	21-22
	<u>24. ADJOURNMENT:</u>
Adjournment was at 12:31 a.m. to Tuesday, February 20, 1990, 5:30 p.m.	

. # # #

Peggy Laverty
Minute Secretary

City Council
February 13, 1990

February 13, 1990

MINUTES OF A REGULAR MEETING
OF THE TORRANCE CITY COUNCIL

OPENING CEREMONIES

1. CALL TO ORDER

The Torrance City Council convened in a regular meeting on Tuesday, February 13, 1990, at 7:07 p.m., in the Council Chambers at Torrance City Hall.

2. ROLL CALL

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

Absent: None.

Also present: City Manager Jackson, City Attorney Nelson, City Clerk Bramhall, and Staff representatives.

* * *

It was with sadness that Mayor Geissert announced the recent passing of James Timmons, a long-time resident and a Fire Fighter for the City of Torrance from 1966 to 1983. The Mayor directed that this meeting be adjourned in memory of Mr. Timmons.

* * *

3. FLAG SALUTE/INVOCATION

Boy Scout Troop #310 - Ray Enriquez, Scoutmaster, led the salute to the flag.

The invocation for the meeting was provided by Reverend George Johnson, Cathedral of Life Church.

City Council
February 13, 1990

4. APPROVAL OF MINUTES/MOTION RE FURTHER READING

MOTION: Councilman Applegate moved to approve the minutes of the City Council meeting of January 16, 1990, as recorded. His motion was seconded by Councilwoman Hardison and roll call vote was unanimously favorable [Councilman Nakano abstained].

MOTION: Councilman Applegate moved that after the City Clerk has assigned a number and read title to any resolution or ordinance on the agenda for this meeting, the further reading thereof be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. His motion was seconded by Councilwoman Hardison and roll call vote was unanimously favorable.

5. MOTION RE POSTING OF AGENDA

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

6. WITHDRAWN OR DEFERRED ITEMS

17a. RETENTION OF OUTSIDE COUNSEL -- City Attorney Nelson requested continuation of this agenda item to the Council meeting of February 20, 1990 [see Page 2].

7. COUNCIL COMMITTEE MEETINGS

Town Hall Meeting

Held this date - report forthcoming.

Finance Committee

February 27, 1990, 6:00 p.m.

Subject: Mid-Year Budget Review.

Public Safety Committee

March 21, 1990, 4:30 p.m.

Subject: Permit Process of Acutely Hazardous Material.

City Council
February 13, 1990

8. COMMUNITY MATTERS

8a. RESOLUTION HONORING HARVEY HORWICH

RESOLUTION NO. 90-27

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TORRANCE HONORING HARVEY HORWICH
AS THE TORRANCE LIONS CLUB CITIZEN OF THE
YEAR

MOTION: Councilman Nakano moved to adopt Resolution No. 90-27. His motion, seconded by Councilman Walker, carried by unanimous roll call vote.

This resolution will be presented at a later date.

8b. COMMUNITY SERVICE AWARD PRESENTATIONS

Awards in the form of plaques were presented by Mayor Geissert to the following retired Commissioners in recognition of their service to the community.

David Winkler	Airport Commission
William Craig	Environmental Quality and Energy Conservation Commission
Jim Colleran	Cable Television Advisory Board
Sophie Kutaka	Library Commission
Cris Eliopulos	Parks and Recreation Commission.

8c. PRESENTATION TO COUNCIL RE RECYCLING PROGRAM

Street Superintendent Garcia present T-shirts to Councilmembers commemorating the February 14 commencement of the City's recycling program.

City Council
February 13, 1990

9. LIBRARY/PARKS AND RECREATION MATTERS

- 9a. PROCLAMATION proclaiming February 14 as "Kashiwa Day" in the City of Torrance.

SO PROCLAIMED by Mayor Geissert. This proclamation was accepted, with appreciation, by Ms. Irene Harter, president of the Torrance Sister City Association.

10. TRANSPORTATION/PUBLIC WORKS MATTERS

- 10a. CHANNELIZATION AND PARKING RESTRICTIONS - VAN NESS AVENUE IN THE AREA OF 166 STREET

RECOMMENDATION:

The Department of Transportation recommends the installation of parking prohibitions on the east side and west side of Van Ness Avenue north and south of 166 Street to install left turn channelization for north and southbound Van Ness Avenue.

Following his formal presentation on this agenda item, Traffic Manager Vance responded to questions from individual members of the Council regarding the viability of a 4-way STOP; the speed of traffic at the subject intersection; the substantial red curbing area required to support the proposed channelization; etc. Mr. Vance advised that a traffic study of Van Ness Avenue from 182nd Street to Redondo Beach Boulevard is currently under way and will be submitted to Council as soon as possible.

Audience input was then invited by Mayor Geissert.

Residents of the area who spoke in opposition to the proposed parking prohibitions were:

- o Ms. Kathy Nuss, 16511 Van Ness Avenue,
- o Mr. Ray Medina, 16514 Van Ness Avenue,
- o Ms. Marian Reading, 16507 Van Ness Avenue.

Concerns included driveway accessibility; loss of nearby on-street parking; pedestrian safety; etc. It was recommended that consideration be given to decreasing the length of the left turn channel and associated red curbing or prohibiting left turns during peak traffic hours and allowing all on-street parking to remain.

City Council
February 13, 1990

During the ensuing Council discussion the speed of traffic at the subject intersection was commented upon and there was conjecture regarding the tendency of motorists to increase their speeds in an attempt to enter the intersection prior to the signal changing to red. It was also the opinion of several Councilmembers that the proposed parking prohibitions would seriously impact the ability of residents to safely back out of their driveways onto Van Ness Avenue.

Options such as limited channelization with associated reduced red curbing and restricted turning movements were suggested as alternative approaches. It was also recommended that the subject area be considered as it relates to the larger section of Van Ness presently under study in order that the impact of other changes along that route might be calculated.

MOTION: Councilman Wirth moved that the Council take no action at this time and this agenda item be held until staff can return perhaps with the complete study on Van Ness Avenue or at another appropriate time. The motion was seconded by Councilwoman Hardison.

Prior to roll call vote, Mayor Geissert requested that the study include information on the widths of the various lanes, as well as the possibility of a shorter left-turn channel and other considerations suggested by Council.

Roll call vote on the above motion proved unanimously favorable.

Traffic Manager Vance advised that the Van Ness Avenue study could be ready for submittal to Council in early May and will cover all available options.

Mayor Geissert requested that the three families who spoke on this issue this evening be notified when the matter is to be returned to the Council.

City Council
February 13, 1990

10b. FUNDING AGREEMENT WITH THE LACTC FOR MAX (CTIP)
COMMUTER BUS PROGRAM

RESOLUTION NO. 90-28

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TORRANCE AUTHORIZING EXECUTION
OF AN AGREEMENT WITH THE LOS ANGELES
COUNTY TRANSPORTATION COMMISSION FOR
FY 1989-90 PROPOSITION A INCENTIVE
PROGRAM FUNDING OF THE MAX COMMUTER BUS
PROGRAM

MOTION: Councilman Nakano moved for adoption of
Resolution No. 90-28. His motion was seconded by Councilwoman
Hardison.

City Manager Jackson requested that the resolution be
adopted subject to the final form of the contract being approved
by the City Attorney. This modification was accepted by Council-
man Nakano and Councilwoman Hardison and roll call vote was unan-
imously favorable.

10c. STOP SIGNS IN THE NEWTON AREA

RECOMMENDATION:

The Department of Transportation recommends no changes
in the existing STOP controls in the area bounded by
Hawthorne, Newton, Anza-Vista Montana and Pacific Coast
Highway until the area study directed by your Honorable
Body is completed and reviewed.

If your Honorable Body wishes to install additional
controls we would recommend the following intersections
in order of priority:

1. Los Codona at 244th
2. 244th at Neece
3. 242nd at Neece.

Staff presentation, per agenda material of record, was
provided by Traffic Manager Vance, who advised that the traffic
study presently under way for this area should be completed and
returned to Council in 30 to 40 days.

City Council
February 13, 1990

Brief Council comments were offered at this time and including the following recommendations for inclusion in the traffic study.

1. Means of moving the traffic more efficiently on Hawthorne Boulevard and Pacific Coast Highway;
2. Means of purposefully discouraging traffic from using the neighborhood as a cut-through;
3. STOPS at all remaining intersections for purposes of making it inconvenient for people to travel those streets;

Observations offered by Councilmembers included...

- o STOPS slow down traffic;
- o Visibility is very poor on Adolph and Los Codona because of the difference in elevations.
- o The area should be monitored to ensure that cut-through traffic is not shifted to another location which would represent a worse problem;
- o Measures should be taken to ensure that a false sense of security, particularly for young people on bicycles, is not represented by a proliferation of STOP signs.

In response to the Mayor's invitation, the following members of the audience addressed the issue.

Mr. John Bauman, 4722 Via Corona, representing the Palos Verdes Begonia Farm, 4111 242nd Street, indicated concurrence with the current study and also with STOP signs as an interim measure.

Mr. Jerry Burkhall, 4000 Newton Street, urged that the placement of a STOP sign at Adolph and Newton be carefully planned because of its proximity to his driveway. This speaker also suggested that, in conjunction with the study, consideration be given to removing the NO RIGHT TURN ON RED restrictions for eastbound Pacific Coast Highway at Hawthorne Boulevard, as well as time restricted NO RIGHT TURN signs for southbound Hawthorne Boulevard at Newton Street.

City Council
February 13, 1990

Mr. Steve Marlin, 24435 Neece Avenue, concurred with the concept of all-way STOP signs at every intersection in the area; installation of a left turn arrow for southbound Anza traffic at Pacific Coast Highway [part of the consultant's study, per Traffic Manager Vance]; and synchronization of the signals on Hawthorne Boulevard from Via Valmonte to Pacific Coast Highway.

Ms. Toni O'Brien, 3932 Newton Street, voiced strong disappointment with the delays surrounding the traffic studies in the subject area. This speaker indicated concurrence with all-way STOP signs on the remaining streets along Newton along with needed enforcement.

Mr. Lucien Kemfonic, a resident of Newton Street, spoke of the speeding traffic and the need for enforcement.

Mr. Karishi, 4064 Newton Street, suggested consideration of left-turn restrictions for Hawthorne Boulevard traffic at Newton and for Vista Montana traffic at Newton. Mr. Karishi objected to all-way STOPS as a short term measure.

Mr. Ron Singer, 3959 Newton Street, favored all-way STOP signs at every intersection on Newton Street.

Mr. John Bauman, 4111 242nd Street, urged follow through regarding the Hawthorne Boulevard/Pacific Coast Highway intersection upgrading which was approved some years ago. Mayor Geissert requested that staff check with Caltrans regarding the current status of this project.

Noting his opinion that there should be consideration of removing more on-street parking on Pacific Coast Highway and on Hawthorne Boulevard in the WALTERIA area, Councilman Wirth also indicated hesitation about any left-turn restrictions on Hawthorne Boulevard at Newton. The following was then offered.

MOTION: Councilman Wirth moved that the City Council authorize four-way STOPS at the three locations recommended by staff [Los Codona at 244th; 244th at Neece; and 242nd at Neece], and all-way STOPS on Newton at Neece and Newton at Adolph.

The motion was seconded by Councilwoman Hardison and roll call vote was unanimously favorable.

City Council
February 13, 1990

* * *

At 8:55 p.m., Mayor Geissert called a recess. The Council returned at 9:20 p.m.

* * *

12. PLANNING AND ZONING MATTERS

12a. D 89-8: JOHN HARTLEY

Mayor Geissert read aloud the following statement concerning this agenda item.

Now is the time and place for consideration of Item 12a. Mr. John Hartley received permission from the City some months ago to subdivide a single lot at 1621 Iris Street into two, and to construct two single-family dwellings on them. He executed a covenant and agreement with the City to restrict the height of the two houses to not more than 17 feet. He now seeks permission to amend that Covenant and Agreement to allow one of the houses at slightly over 19 feet.

It is my understanding that this is not a public hearing, but that the affected neighbors have been notified of the matter.

Planning Director Ferren affirmed that notices of these proceedings were mailed to all those previously notified of the lot split request, owners and residents within 300 feet, and the Madrona Homeowners Association.

Staff presentation was provided by Senior Principal Planner Gibson. In response to a question by Councilwoman Hardison, Mr. Gibson advised that the height of structures is typically determined by measuring from the lowest part of the property to the highest point of the structure.

The proponent, Mr. John Hartley, explained that while the covenant on the subject property designates a maximum height of 17 feet, it does not specify from where that height is measured, and he had given his architect permission to measure one of the structures from the back of the lot. Mr. Hartley requested Council permission to leave that structure at 1625 Iris Avenue at its present height [19 feet, 4 inches].

City Council
February 13, 1990

Mr. Burt Belzer, 1610 Iris Avenue, referenced points set forth in his correspondence dated February 13, 1990, of record, and strongly urged rejection of the applicant's request maintaining that it was never Mr. Hartley's intent to act in good faith. Mr. Belzer also chastised the City for a lack of communication concerning this issue and deemed this a "symptom of a sickness or a weakness in your system."

Next to speak was Ms. Barbara Hawkins, 2804 Sonoma Street, who submitted [for the record] copies of a verbatim transcript of portions of the May 2, 1989, hearing on the request by Mr. Hartley for a lot split on the subject property.

Ms. Hawkins proceeded to refute a memorandum from Assistant City Attorney Quale which she stated was in Council boxes on February 6; and to compare portions of the minutes of the May 2 Council meeting with the verbatim transcript provided by her. During her presentation, this speaker maintained that the decision of the Council was "arrogantly" ignored in that although a covenant was signed agreeing to a 17-foot height limitation, plans were submitted for a structure some 19 feet in height; a structure was then put up at 23 feet 6 inches in height which was quickly lowered to 19 plus feet after the neighbors measured the structure overnight.

Mr. Ambrose Hahn, 2810 Sonoma Street, voiced his personal frustrations in connection with this case and outlined the sequence of events concerning the neighbors observation and reporting to the City of the over-height construction. Mr. Hahn also stated that, upon measuring the square footage of the structure under consideration, he determined it to be over the .4 FAR allowed.

Concerns regarding an apparent lack of communication in the City were voiced by Mr. Paul Hawkins, 2804 Sonoma Street, who stressed his desire that construction at 1621 and 1625 Iris Street meet all requirements including the .4 FAR, single-story, and the 17-foot height limitation.

The last resident of the neighborhood to speak was Ms. Nancy Hahn, 2810 Sonoma Street, who related her observations of the events surrounding this case and urged that the covenant be kept intact and represent guarantees to the neighbors in the future.

Council discussion ensued at this point.

City Council
February 13, 1990

Councilman Applegate voiced his concerns regarding the dissension which this case has brought forth in the neighborhood. It was his observation that the only issue at hand is the question of the location from which the height of the building is to be measured.

MOTION: Councilman Applegate moved that Mr. Hartley be required to reduce the height of the structure under consideration to no more than 17 feet as measured by the standard rules of the Building and Safety and Planning Departments; further, that the City make sure that the floor area ratio is not being exceeded on the property.

City Attorney Nelson requested that the motion reflect the statement that the request for amendment of the covenant be denied. Mr. Applegate accepted that statement as part of his motion and the motion, as amended, was seconded by Councilman Mock.

Prior to roll call vote, Councilmembers Hardison and Nakano voiced their severe displeasure and concern regarding the apparent bitterness being displayed by residents of this neighborhood.

Councilman Wirth alluded to the fact that the real issue at hand had been lost sight of and, instead, a personal attack was waged. Commenting on his efforts to look at the case objectively, Mr. Wirth stated his position that the structure under consideration would not represent a negative impact to the neighborhood; thus, he would have no problem supporting a change in allowable height to the existing 19 feet.

Although noting that he did not find the 19-foot height objectionable, Councilman Walker pointed out that the structure was originally built at approximately 23 feet and then lowered to the 19 feet. He further observed that Mr. Hartley, as a professional builder, should be able to build according to the rules established.

Mayor Geissert remarked regarding the controversy surrounding this issue and the fact that the proponent is in the "building trade". She noted her firm opposition to going beyond the restrictions written into the covenant.

The above motion carried by way of the following roll call vote.

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

NOES: Councilman Wirth.

City Council
February 13, 1990

14. PERSONNEL MATTERS

14a. JOB DESCRIPTION/SALARY FOR COMMUTER BUS OPERATOR

RECOMMENDATION:

It is recommended that your Honorable Body approve the proposed job description for Commuter Bus Operator and adopt the Supplemental Resolution setting the pay rate for the new classification.

RESOLUTION NO. 90-29

RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF TORRANCE SETTING FORTH CERTAIN CHANGES
REGARDING HOURS, WAGES, AND WORKING CONDITIONS
FOR EXTERNALLY FUNDED AND LIMITED TENURE
EMPLOYEES

MOTION: Councilman Nakano moved to adopt Resolution No. 90-29. His motion was seconded by Councilwoman Hardison and roll call vote was unanimously favorable.

15. HEARINGS

15a. CUP 89-56, PCR 89-6, D 89-54: SCOTT EIDSON

Mayor Geissert announced that this was the time and place for City Council consideration of an applicant appeal of a Planning Commission denial of a request for approval of a Conditional Use Permit, a Planning Commission Review and a Division of Lot to allow the construction of two detached condominium units on property located in the Small-Lot, Low Medium Overlay District in the R-2 zone at 1812 Andreo Avenue. CUP 89-56, PCR 89-6, D 89-54: SCOTT EIDSON.

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

During his presentation on this agenda item, Senior Principal Planner Gibson advised that the Planning Commission recommends denial of the appeal and denial of the project; the Planning Department recommends approval of the appeal and approval of the project.

Representing the applicant, Ms. Cheryl Vargo, 5147 Rosecrans, Hawthorne, described the proposed project, noting their efforts to design for compatibility with previously ap-

City Council
February 13, 1990

proved projects in the area. This speaker submitted, for the record, a petition containing signatures of 14 individuals in favor of the project and one individual opposed.

Opposition to the subject proposal was voiced by Mr. John Vollmer, 1920 Andreo Avenue, who pointed out that projects for three adjacent lots with a similar FAR were denied in October of 1989. This speaker also inquired about the possibility of requiring builders to bear the cost of small local parks, whereupon staff explained the City's park and recreation tax and park maintenance fee structure.

In response to a question by Councilwoman Hardison, Mr. Vollmer advised that he does not think 40-foot lots, wherever located in the City, are suitable for two units.

There being no further audience comments, Councilman Applegate moved to close the hearing. His motion was seconded by Councilman Wirth and roll call vote was unanimously favorable.

Councilwoman Hardison addressed the three projects which were denied and were above referenced by Mr. Vollmer, noting that in those plans there was no apparent attempt to be sensitive to the neighborhood in terms of setbacks, nor did the design appear to be architecturally compatible with the area. The subject project, in Mrs. Hardison's opinion, is similar to others which have been approved and, in the interest of consistency, she would support the subject application.

[See Page 20, Item 22c, for further comments by Councilwoman Hardison concerning development of R-2 lots.]

MOTION: Councilwoman Hardison moved to grant the appeal and approve CUP 89-56, PCR 89-6, D 89-54 SCOTT EIDSON. Her motion was seconded by Councilman Walker.

Prior to roll call vote, Mayor Geissert noted agreement with Mr. Vollmer's comments, observing that a 40-foot lot is no place to put two families in houses of this size, even though the front unit is modest in size. The Mayor also indicated concerns regarding the curb cut.

The above motion carried by way of the following roll call vote.

AYES: Councilmembers Applegate, Hardison,
Mock and Walker.

NOES: Councilmembers Nakano, Wirth and Mayor
Geissert.

City Council
February 13, 1990

RESOLUTION NO. 90-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A TWO-UNIT, TWO STORY DETACHED CONDOMINIUM DEVELOPMENT ON PROPERTY LOCATED IN THE R-2 SMALL LOT, LOW MEDIUM OVERLAY ZONE AT 1812 ANDREO AVENUE
CUP 89-56: SCOTT EIDSON

MOTION: Councilman Walker moved to adopt Resolution No. 90-30. His motion was seconded by Councilwoman Hardison and carried by way of the following roll call vote.

AYES: Councilmembers Applegate, Hardison, Mock and Walker.

NOES: Councilmembers Nakano, Wirth and Mayor Geissert.

17. ADMINISTRATIVE MATTERS

17a. OUTSIDE COUNSEL - RASTELLO APPEAL

[See Page 2 for request of City Attorney to continue this agenda item.]

MOTION: Councilman Applegate moved to continue Agenda Item 17a to February 20, 1990, 5:30 p.m. His motion was seconded by Councilman Walker and carried without objection.

17b. RECYCLABLE MATERIALS RESOLUTION/SCAVENGING ORDINANCE

RESOLUTION NO. 90-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ENUMERATING THOSE HOUSE-HOLD MATERIALS CONSIDERED SUITABLE FOR RECYCLING

MOTION: Councilman Nakano moved to adopt Resolution No. 90-31. His motion, seconded by Councilman Walker, carried by unanimous roll call vote.

City Council
February 13, 1990

URGENCY ORDINANCE

ORDINANCE NO. 3295

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING SECTION 43.1.11 TO THE TORRANCE MUNICIPAL CODE RELATING TO SCAVENGING, AND DECLARING IT TO BE AN URGENCY MATTER

MOTION: Councilman Nakano moved to adopt Urgency Ordinance No. 3295 at its first and only reading. His motion was seconded by Councilman Applegate and roll call vote was unanimously favorable.

17c. CORRECTION OF SUBCONTRACTOR LISTING FOR THE TORRANCE CULTURAL ARTS CENTER AS REQUESTED BY MORAN CONSTRUCTION CO.

[NOTE: A court reporter was present to record the testimony on this agenda item.]

Mayor Geissert announced that this was the time and place for the hearing on Item 17c, which is a request by Moran Construction Company to substitute two new subcontractors on their bid documents. The two subcontractors who are sought to be deleted have filed objections, and the matter now comes to this body for decision.

In response to a question from the Mayor, City Attorney Nelson affirmed that the law requires that this proceeding be conducted with the witnesses sworn.

Mayor Geissert then asked those individuals who intended to testify to stand. Those individuals responding to the Mayor's request were then duly sworn by the Court Reporter.

Continuing, Mayor Geissert noted her understanding that this matter involves Moran Construction Company, the general contractor, and ACS Airconditioning Systems and Amer-way Electric Company, the two subcontractors who are sought to be deleted from the bid documents. Representatives of these companies then identified themselves at the Mayor's request.

Staff presentation on this matter was provided by Management Programs Administrator Tilden, per agenda material of record.

City Council
February 13, 1990

Mayor Geissert then invited testimony from Mr. Hudson of Moran Construction Company.

Mr. Bruce Hudson, representing the Moran Construction Company, described the procedure followed by Mr. Fritch in writing in the bids from ACS and Amer-Way on the day of the bid, but in utilizing pricing from two subsequent lower bids from Circulating Air and Lawrence Electric in rendering their price to the City.

There being no one else who wished to speak from Moran Construction Company, Mayor Geissert invited testimony from a representative of Circulating Air, Inc. -- there was no response. Representation from Lawrence Electric was also invited by the Mayor to speak. No one came forward; therefore, Mrs. Geissert invited testimony from ACS.

Mr. Don Cervantes, Vice-President of Air Conditioning Systems, 1480 Carol Street, La Habra, provided background information on the subcontractor listing law and the practice of "bid peddling". Mr. Cervantes maintained that an error was made by Moran Construction in not documenting the late bid, which must be documented in order to be of value.

Council support of the subcontractors submitted on the original bid was requested by Mr. Cervantes, who deemed the ACS bid to be responsible, fair and on time.

In response to Mayor Geissert's invitation for testimony from a representative of Amer-Way Electric, Mr. John Rabrenovich, Secretary-Treasurer of that company came forward to describe the timeliness of their submittal and to voice objection to the requested substitution.

Mayor Geissert then invited any other party to this matter desirous of speaking to come forward.

Ms. Lila Cervantes, Secretary-Treasurer of Air Conditioning Systems, residence address 1480 Carol Street, La Habra, voiced her opinion that if Moran Construction had sufficient time to re-tabulate their bid, they should also have changed the subcontractors accordingly.

City Council
February 13, 1990

Mr. Greg Peterson, 22925 Estorel Drive, Diamond Bar, sales estimator for Air Conditioning Systems who was involved with bidding the project in question, described his contact with Moran Construction the day following the bid opening at which time he was told that a change was made in the bid at three minutes before bid opening. He deemed their bid very responsible and fair and maintained that it was the responsibility of Moran's representative "to make sure that he knew what he was doing all the way through that procedure."

In response to the Mayor's invitation for questions from the Council, Councilman Applegate inquired regarding any affect on the City's price should the Council not agree to the requested substitution. City Attorney Nelson advised that such action would not affect the City's price.

There being no response to the Mayor's further invitation for audience comments, Councilman Applegate described his knowledge, per past personal experience, of the bidding process, and stated his opinion that in "playing that game to the very last minute" the ability to turn in proper paper work so that the bid is complete and concise is required. Mr. Applegate recommended, in this matter, that Moran Construction be required to "stand with the people" that they had submitted to the City.

MOTION: Councilman Wirth moved to close the proceeding. His motion was seconded by Councilman Mock and roll call vote was unanimously favorable.

MOTION: Councilman Applegate moved that the City not allow the substitution and that the subcontractors as supplied by Moran Construction should be the subcontractors of record and those that he should be required to use on the job. The motion was seconded by Councilman Walker.

City Attorney Nelson requested that the following statement be added to the motion: That there has been insufficient evidence presented to permit the finding that there was an inadvertent clerical error. This statement was accepted by Councilman Applegate as part of his above motion.

The motion, as amended, carried by unanimous roll call vote.

City Council
February 13, 1990

20. CONSENT CALENDAR

- 20a. COUNCIL AUTHORIZATION TO EXTEND EXISTING CONTRACT -
Re: Purchase of Motor Vehicle Fuel with Chevron Oil Company as a Special Opportunity Purchase.
Ref: Original Bid No. B82-37
Anticipated Annual Expenditure: \$800,000.00.

RECOMMENDATION:

The Purchasing Division and Fleet Services recommend that your Honorable Body authorize a one (1) year extension to the City's present contract with the Chevron Oil Company in the anticipated amount of \$800,000.00 as a special opportunity purchase as provided for in the Municipal Code.

- 20b. COUNCIL AWARD OF CONTRACT - For the purchase of one (1) truck chassis mounted vacuum street sweeper and one (1) truck chassis mounted mechanical street sweeper.
Ref: Bid No. B89-04
Expenditure: \$238,446.41 including sales tax.

RECOMMENDATION:

The Purchasing Division and the Fleet Services Department recommend that your Honorable Body award a contract for the purchase of one (1) truck chassis mounted vacuum street sweeper to Carde Pacific Corporation of Santa Fe Springs in the amount of \$110,630.36 (including sales tax), and for the purchase of one (1) truck chassis mounted mechanical street sweeper to Haaker Equipment Company of Pomona, CA in the amount of \$127,816.05 (including sales tax).

- 20c. COUNCIL AUTHORIZATION OF CONTRACT - For the purchase of thirteen (13) Chevrolet Corsica LT 4-door compact sedans, as a cooperative purchase with the State of California.
Ref: State Contract #1-90-23-10
Expenditure: \$143,353.47 (including sales tax).

City Council
February 13, 1990

RECOMMENDATION:

The Purchasing Division and the Fleet Services Division recommend that your Honorable Body allow the City of Torrance to participate in this cooperative purchase and authorize the award of a contract to Michael Chevrolet (lowest responsible bidder of the State of California bid process) in the amount of \$143,353.47 (including sales tax).

MOTION: Councilman Applegate moved to concur with staff recommendations on Agenda Items 20a, 20b and 20c. His motion was seconded by Councilwoman Hardison and roll call vote was unanimously favorable.

* * *

At 11:32 p.m., the City Council recessed and reconvened as the Redevelopment Agency of the City of Torrance. This meeting of the Redevelopment Agency was adjourned at 11:33 p.m.

* * *

22. ORAL COMMUNICATIONS

22a. City Manager Jackson noted that the City's Transportation Planner, Dick Etherington, will be leaving the City of Torrance for employment with the City of Long Beach.

The Mayor praised Mr. Etherington for his work while with the City of Torrance.

22b. City Clerk Bramhall outlined procedural matters pertaining to absentee voting at the General Municipal Election to be held March 6, 1990.

Mr. Bramhall also noted that, because of precinct consolidation, the location of some polling places may have changed from previous years.

In response to concerns voiced by Councilmembers Hardison and Applegate, Mr. Bramhall indicated that, where deemed appropriate, previously "traditional" voting locations will be signed directing voters to their new polling place. Councilman Applegate requested that all polling places which have been eliminated be so posted on the day of election.

City Council
February 13, 1990

22c. Councilwoman Hardison expressed appreciation for the Information provided Council regarding R-2 development, and questioned the projected time frame for Council consideration of the General Plan update.

Planning Director Ferren advised that Planning Commission workshops for consideration of the Land Use Element of the General Plan are presently anticipated for the latter part of April, with July or August for submittal to Council.

Consistency, particularly in the consideration of lot splits for parcels of less than standard widths, was a concern voiced by Ms. Hardison as was the need to address building standards from a practical standpoint.

22d. Councilman Nakano referenced a recent oil spill from a tanker off the Southern California coast and stressed his opinion that Council's action of August 29 in urging the requirement of double-hulled tankers was appropriate.

City Manager Jackson, at the request of Mayor Geissert, advised that his office will provide an update on the status of legislation in this regard.

22e. Councilman Walker read aloud portions of a newspaper article entitled Mobil Refinery Explosion Laid to Human Error [Los Angeles Times, February 11, 1990], and referenced a graphic illustration accompanying this article exemplifying how the Mobil refinery explosion of November 24, 1987, occurred.

Mr. Walker urged that residents of the City of Torrance become familiar with the information contained in this article and seek information regarding safety-related issues.

22f. Councilman Wirth inquired regarding the next scheduled large-item pick-up in the City of Torrance and was informed by Street Superintendent Garcia that March 1, is scheduled for the inception of this project.

22g. Fire Chief Adams described the Fire Department's new Hazardous Materials Response Unit which was on display in front of City Hall earlier this date.

It was recommended by the Mayor that this unit be made available, if possible, in the educational field of the City. Chief Adams indicated that he will follow up on this suggestion.

City Council
February 13, 1990

22h. Torrance Police Officers' Association president Dave Nemeth expressed appreciation to the Council for their past support; commented on the low crime rate in the City of Torrance and requested positive support during wage negotiations.

22i. Ms. Eileen Hawkins, 1303 Date Avenue, requested information regarding the placement of covenants on residential properties. Mayor Geissert provided clarification and requested that Planning Department personnel provide any further information desired by Ms. Hawkins.

22j. Mr. Steve Sullivan, 15209 Yukon Avenue, Lawndale, representing members of the Oil Chemical and Atomic Workers Union who are employed by Mobil Oil Corporation, referenced Councilman Walker's oral communication [22e, Page 20] and commented on the reliability and training of "regular" Mobil employees.

22k. Mr. Donald N. Pyles, 2647 Grand Summit Road, requested suspension of the scheduled removal of trees along Grand Summit Road pending further review.

City Manager Jackson briefly outlined the City's structured program of tree management and noted problems caused by the trees heretofore used in this area. Efforts to reduce these problems were noted by Mr. Jackson.

Mr. Pyles requested that there be no further tree removal on his block during his campaigning for election to the Torrance City Council.

Mayor Geissert requested that Street Superintendent Garcia check on this matter.

23. EXECUTIVE SESSION

23a. EXECUTIVE SESSION MATTERS

Mayor Geissert read the following statement into the record.

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

City Council
February 13, 1990

- o Salaries, salary schedules and compensation for certain unrepresented employees and represented employee groups as well as certain other personnel matters; and pending litigation;
- o Pending litigation entitled John Rastello, et al., vs. Rollo Green, et al., Los Angeles Superior Court Case No. SWC 74882;
- o Pending litigation entitled People of the State of California vs. Mobil Oil Corporation, et al., Los Angeles Superior Court Case No. C 719953.

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

At 12:17 a.m., the City Council recessed to executive session, returning at 12:30 a.m. No action was taken as a result of the executive session.

24. ADJOURNMENT

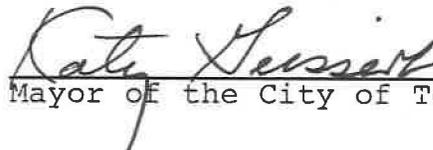
At 12:31 a.m. [Wednesday, February 14] this meeting of the City Council was formally adjourned to Tuesday, February 20, 1990, 5:30 p.m.

* * *

Adjournment was dedicated to the memory of

Mr. James Timmons.

#


 Mayor of the City of Torrance


 Clerk of the City of Torrance

Peggy Laverty
 Minute Secretary

City Council
 February 13, 1990