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Torrance City Council - September 11, 1990

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Valerie Whippie  
Minute Secretary

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SEPTEMBER 11, 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, September 11, 1990 at 7:05 PM\* in the Council Chambers of Torrance City Hall.

\*(Note: While the September 4, 1990 meeting was adjourned to 5:30 PM in anticipation of a lengthy agenda, it was ultimately deemed that convening tonight's meeting as regularly scheduled would be appropriate per supplementary agenda material, item 23a.)

2. ROLL CALL

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

Absent: Councilman Walker.

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

3. FLAG SALUTE/INVOCATION

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

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

4. APPROVAL OF MINUTES/MOTION RE FURTHER READING

MOTION: Councilman Applegate moved to approve the minutes of the City Council meetings of July 31, 1990 and August 7, 1990, as recorded. The motion was seconded by Councilman Mock and roll call vote was unanimously favorable (Councilmembers

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Hardison and Wirth abstained from the minutes of August 7; Councilman Walker absent.)

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. The motion was seconded by Councilman Mock and roll call vote was unanimously favorable (absent Councilman Walker.)

5. MOTION RE POSTING OF AGENDA

MOTION: Councilman Applegate moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. This motion, seconded by Councilman Mock, carried with unanimous approval following roll call vote (absent Councilman Walker.)

6. WITHDRAWN OR DEFERRED ITEMS

City Manager Jackson noted that a request had been received from the appellant to continue Agenda Item 16a (Appeal of Decision by Airport Noise Administrative Hearing Board - Aircraft N5336V) in order to be heard by a full Body. Without objection, it was so ordered by the Mayor.

7. COUNCIL COMMITTEE MEETINGS

Finance and Governmental Operations Committee

The meeting scheduled for September 17, 1990, was postponed to a later date.

November 13, 1990, 5:30 PM  
Third Floor Assembly Room  
Subject: First Quarter Budget Review.

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8. COMMUNITY MATTERS

8a. RESOLUTION COMMENDING SOUTH BAY SENIOR SERVICES

RESOLUTION NO. 90-179

A RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF TORRANCE COMMENDING SOUTH BAY  
SENIOR SERVICES FOR FIFTEEN YEARS OF  
DEDICATED SERVICE TO THE TORRANCE COMMUNITY

MOTION: Councilman Nakano moved to adopt Resolution No. 90-179. The motion was seconded by Councilwoman Hardison and roll call vote reflected unanimous approval (absent Councilman Walker.)

This resolution was presented by the Mayor and gratefully accepted by Ms. Marilyn Aldrich, Director of South Bay Senior Services and Larry Gentile, President of Behavioral Health Services, Inc.

8b. PROCLAMATION declaring September 13, 1990 as "Drug Abuse Resistance Education Day" in the City of Torrance.

SO PROCLAIMED by the Mayor and presented to Police Captain Weyant, Ms. Leah Olson and Dr. Owen Griffith of the Torrance Unified School District. Captain Weyant provided the Council with copies of "The DARE Notebook," prepared by Jeff, Marilyn and Steve Smith. A round of applause was offered in acknowledgment of the Smiths' effort.

Councilwoman Hardison expressed her enthusiasm about the DARE Program in the School District and urged her colleagues to visit one of the schools where this worthy program is in operation.

8c. PROCLAMATION proclaiming the week of October 1 through 5, 1990, as "Rideshare Week" in the City of Torrance.

SO PROCLAIMED by Mayor Geissert and accepted with appreciation by Director of Transportation Horkay.

8d. COMMISSION APPOINTMENT

Following interviews of applicants for a vacancy on the Fine Arts Commission, Mr. Stephen West was appointed by unanimous ballot.

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This newly appointed Commission member was duly sworn to office by City Clerk Bramhall.

10. TRANSPORTATION/PUBLIC WORKS MATTERS

10a. 1990-91 IN-LIEU REPLENISHMENT AND SEASONAL STORAGE PROGRAM

At the request of the Mayor, the City Clerk assigned a number and read title to:

RESOLUTION NO. 90-180

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING THE CITY'S PARTICIPATION IN THE 1990-91 IN-LIEU REPLENISHMENT AND SEASONAL STORAGE PROGRAM SPONSORED BY THE CENTRAL AND WEST BASIN WATER REPLENISHMENT DISTRICT

MOTION: Councilman Nakano moved to adopt Resolution No. 90-180. The motion was seconded by Councilwoman Hardison and carried, with roll call vote reflecting unanimous approval (absent Councilman Walker.)

14. PERSONNEL MATTERS

14a. SUPPLEMENTAL HEALTH INSURANCE PROGRAM

The City Clerk assigned a number and read title to:

RESOLUTION NO. 90-181

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE IMPLEMENTING A TEN MONTH SUPPLEMENTAL HEALTH INSURANCE PROGRAM

MOTION: Councilman Nakano moved to adopt Resolution No. 90-181. The motion was seconded by Councilwoman Hardison and carried, with roll call vote reflecting unanimous approval (absent Councilman Walker.)

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15.           HEARINGS

15a.           CUP 90-25, CUP 85-26 MOD JERRY L. CONROW

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 Conditional Use Permit and a Modification to a previously approved Conditional Use Permit to allow the operation of a judicial facility with conference rooms and other assembly areas in an existing office park on property located in the M-2 zone at 1880 Crenshaw Boulevard. CUP 90-25, CUP 85-26 MOD, JERRY L. CONROW

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

Supplementary material included a petition in opposition to the project. During staff presentation, Senior Principal Planner Gibson noted that the Planning Commission recommends denial of the appeal and denial of the project, while the Planning Department recommends approval of the appeal and approval of the project subject to a joint-use parking agreement and certain other conditions.

Inquiries pertaining to the permanence of a joint-use parking agreement were addressed by cognizant staff members. Mayor Geissert questioned why the Planning Commission had recommended the deletion of Condition 3 [relating to the joint-use parking agreement] while denying the project because of inadequate parking. After a brief discussion, Planning Commissioner Rizzardi, seated in the audience, was invited to the podium.

Mr. Rizzardi, 23544 Carlow Road, affirmed that the Planning Commission motion for denial of the project was based upon inadequate parking -- after the proponent had indicated that he was unable to secure a joint-use parking agreement with the adjacent church. When asked, Mr. Rizzardi could not recall including the deletion of Condition 3 in the motion for denial.

Representing the proponent was Attorney Richard Knickerbocker, 10940 Wilshire Boulevard, who requested that a condition be imposed requiring the applicant to meet the parking requirements -- without a joint-use parking agreement -- and that the requirements be met on a ratio of 1 space per 150 square

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feet, only for the actual area of courtroom use. He spoke at length about the appropriateness of this request, sharing his opinions and experiences pertaining to courtroom parking and the critical need to address that issue.

During discussion, Councilwoman Hardison expressed an interest in establishing how many square feet of court-related uses the building could accommodate while meeting its own parking requirements.

With respect to Mr. Knickerbocker's testimony, the City Attorney noted that the application before the Body tonight is for a courtroom, not for a law office within which arbitration would be held, the latter situation presenting a different problem not facing the Council at this time.

Mr. Jerry Conrow, 1880 Crenshaw Boulevard, detailed the nature of his request at length, maintaining that the parking he has proposed in relation to the anticipated area he intends to use for court related uses is ample. He went on to discuss his experiences with various types of judicial arbitration and took issue with the manner by which the related parking requirements were calculated.

Mr. Conrow maintained that his design has been tailored so that it fits a judicial arbitration type of usage; it fits a potential usage with the County or the State [i.e., Worker's Compensation], per the speaker. He briefly addressed his concerns of looming bankruptcy.

In response to Councilwoman Hardison's inquiry about the proponent's remark related to the purview of the Federal government in relation to City regulations, the City Attorney clarified that the issue at hand involves a privately-owned building which is proposed for specialized governmental purposes. In this situation, the City is permitted to impose its standards for parking.

While responding to inquiries, Senior Principal Planner Gibson discussed the City's parking requirements and offered various calculations, at length [as he did throughout the hearing.]

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Ms. M. McFarlane, 1228 S. Roberta, Redondo Beach, as an investor in the project, expressed the hardships she and others would face should Park Beyond The Park undergo bankruptcy. She urged favorable consideration, discussing today's economy and a need to attract big renters.

In response to Councilman Nakano, the City Attorney affirmed that personal financial hardship is not a factor to be considered in land use issues.

Discussion resumed with Senior Principal Planner Gibson again addressing various parking scenarios.

Mr. Jerry Donahue, 23840 Madison Street, also an investor in Park Beyond The Park, voiced his personal opinion that the building and its parking could accommodate courtroom uses and challenged that the City changed its parking requirements for such uses arbitrarily.

It was moved by Councilman Applegate that the hearing be closed. This motion was seconded by Councilman Mock and voice vote reflected unanimous approval.

For the sake of the investors, Councilman Applegate reviewed the history of Mr. Conrow's application including his initial meeting with Mr. Conrow wherein Mr. Applegate indicated his unfavorable reaction to the building's prospects.

The evolution of the City's parking requirements was addressed by Mr. Applegate, as well, in response to certain allegations that the City's parking ratio for courtroom uses had been an arbitrary decision. Disputing inferences made against the City and the Council that parking restrictions have affected the viability of Park Beyond the Park, Mr. Applegate stated there are a number of buildings in the City and elsewhere, undergoing economic hardship. He subsequently offered the following:

MOTION: Councilman Applegate moved for **denial of the appeal and denial of the project**. The motion was seconded by Councilman Mock, and ultimately carried; see page 10.

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Prior to roll call, discussion returned to the issue of parking needs for courtroom uses. Councilwoman Hardison indicated that she would be supporting the motion for denial of the project as proposed, adding that she would be willing to look at a modification of the project if it provided the necessary parking.

Mayor Geissert stated that she would like to see figures that expand upon the question of how many courtrooms could be accommodated. While empathizing with the investors, she noted that the City has a planning responsibility and that a decision pertaining to parking requirements must be rendered based upon the assumption that the building at some point will be fully occupied.

Stating that she felt the proposed project to be a reasonable use, the Mayor indicated that she would like to see some way of providing the parking. She subsequently asked if there had been a survey of any other commercial properties in the area that would be feasible for the purpose of a joint-use parking agreement, in light of the fact that the adjacent church was no longer interested in participating in such an agreement.

Senior Principal Planner Gibson subsequently addressed the problems associated with joint-use parking with other adjacent land uses, including the problem of conflicting hours of operation and possible unavailability of parking. Additionally, he explained that he was unaware of any use within a reasonable distance of the proposed project that has extra parking to provide.

During discussion of a possible continuation, Senior Principal Planner Gibson affirmed that if approval of the request were conditioned upon the consummation of a joint-use parking agreement and the City Attorney were to find a means by which to make the agreement binding with successor users -- the burden of proof would be with the applicant.

Councilwoman Hardison expressed a willingness to continue the project to allow the applicant an opportunity to meet its own parking needs without the need for a joint-use parking agreement.

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Councilman Applegate requested that the City Attorney investigate as to whether the City can impose and/or enforce a condition with the courts, barring criminal hearings at any location. Discussion focused on parking needs for various types of mediation processes, the details of each provided by City Attorney Nelson.

Mr. Knickerbocker indicated a wish to be heard again and it was moved by Councilwoman Hardison that the hearing be reopened. Mayor Geissert seconded the motion, which failed to carry by way of the following roll call vote:

Ayes: Councilwoman Hardison and Mayor Geissert.  
Noes: Councilmembers Applegate, Mock, Nakano,  
and Wirth.  
Absent: Councilman Walker.

Mayor Geissert noted that she would not be supporting the motion for denial because, while she does not support the project as proposed, she would favor a continuation to pursue additional information pertaining to the binding nature of a joint-use parking agreement. Additionally, she indicated she would like to review an updated communication from the adjacent property addressing the prospect of a reciprocal arrangement and how binding that might be and also how binding certain conditions would be upon future owners of the building with whom the agreement had been negotiated.

In addition, the Mayor expressed an interest in Councilman Applegate's inquiry as to whether the City can impose and/or enforce a condition with the courts, barring criminal hearings at any location.

Councilwoman Hardison explained that she too does not support the project as proposed, and while she earlier indicated she would support the motion on the floor, she stated she would be willing to continue the matter to pursue something which would meet the applicant's needs while meeting the needs of the City, as well.

Roll call vote was now taken on the motion for **denial of the appeal and denial of the project**. The motion carried by the following roll call vote:

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Ayes: Councilmembers Applegate, Mock, Nakano,  
and Wirth.  
Noes: Councilwoman Hardison and Mayor Geissert.  
Absent: Councilman Walker.

16. APPEALS

16a. APPEAL OF A DECISION BY THE AIRPORT NOISE ADMINISTRATIVE HEARING BOARD - AIRCRAFT N5336V.

Postponed; see page 2.

18. SECOND READING ORDINANCES

18a. ORDINANCE NO. 3310

ORDINANCE NO. 3310

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF TORRANCE EXTENDING FOR SIX MONTHS  
THE TERM OF A PIPELINE FRANCHISE ORIGINALLY  
GRANTED BY ORDINANCE NO. 1435

MOTION: Councilman Nakano moved to adopt Ordinance No. 3310 at its second and final reading. The motion was seconded by Councilwoman Hardison and carried with roll call vote reflecting unanimous approval (Councilman Applegate abstained; absent Councilman Walker.)

20. CONSENT CALENDAR

20a. FINAL TRACT MAP NO. 47700

SUBDIVIDER: Watt Homes  
LOCATION: North of Sepulveda and Hickory  
NO. OF LOTS: 5 (131 unit condo)

RECOMMENDATION

The Engineering Department recommends that Final Tract Map 47700 be approved, and that two Resolutions be adopted.

(Note: Action on this recommendation was taken following consideration of Consent Calendar Items 20b through 20d - see below.)

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RESOLUTION NO. 90-182

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, AGREEING TO THE MUTUAL CANCELLATION OF CERTAIN EASEMENTS BETWEEN SOUTHERN CALIFORNIA GAS CO., TORRANCE INVESTMENT COMPANY, WATT HOMES AND THE CITY OF TORRANCE FOR INGRESS AND EGRESS PURPOSES NORTH OF SEPULVEDA BOULEVARD AT HICKORY AVENUE WITHIN THE PARK DEL AMO HOUSING/COMMERCIAL PROJECT LOCATED NORTH OF SEPULVEDA BOULEVARD BETWEEN HICKORY AVENUE AND CRENSHAW BOULEVARD

MOTION: Councilwoman Hardison moved to adopt Resolution No. 90-182. The motion was seconded by Councilman Mock and carried, with roll call vote reflecting unanimous approval (Councilmen Applegate and Nakano abstained; absent Councilman Walker.)

The nature of this action was explained by the City Engineer in response to an inquiry from Councilwoman Hardison. He affirmed that the final tract map embodies the final action of the Council.

RESOLUTION NO. 90-183

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, AGREEING TO THE MUTUAL CANCELLATION OF CERTAIN EASEMENTS BETWEEN MARRIOTT CORPORATION, TORRANCE INVESTMENT COMPANY, WATT HOMES AND THE CITY OF TORRANCE FOR INGRESS AND EGRESS PURPOSES NORTH OF SEPULVEDA BOULEVARD AT HICKORY AVENUE WITHIN THE PARK DEL AMO HOUSING/COMMERCIAL PROJECT LOCATED NORTH OF SEPULVEDA BOULEVARD BETWEEN HICKORY AVENUE AND CRENSHAW BOULEVARD

MOTION: Councilwoman Hardison moved to adopt Resolution No. 90-183. The motion was seconded by Councilman Mock and carried, with roll call vote reflecting unanimous approval (Councilmen Applegate and Nakano abstained; absent Councilman Walker.)

Councilman Nakano noted that he abstained from these matters on the advice of the City Attorney, in that he lives within 300' of the project.

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Items 20b and 20c were considered together, as follows:

20b. FULL RECONVEYANCE TO SWITZER CENTER

RECOMMENDATION

It is the recommendation of the City Attorney that your honorable body authorize:

- 1) the Mayor and City Clerk to execute the attached Full Reconveyance; and,
- 2) delivery of the documents to the Switzer Center along with the original \$40,000 Note and Deed of Trust executed by Janet Switzer, President and Joan Moe, Secretary, both documents dated August 28, 1975.

20c. SALE OF SURPLUS VEHICLES

RECOMMENDATION

The Purchasing Division and the Fleet Services Department recommend that Your Honorable Body authorize the sale of surplus vehicles [listed in agenda material of record] utilizing the services of both commercial auction companies, Nationwide and Ken Porter Auction Company.

MOTION: Councilman Applegate moved to concur with the above stated recommendation re Consent Calendar items 20b and 20c. The motion was seconded by Councilman Mock and carried, with roll call vote reflecting unanimous approval (Mayor Geissert abstained from 20b in that she is a member of the Switzer Center Board of Directors; absent Councilman Walker.)

20d. WATER MAIN RELOCATION PROJECT (C-2949)

RECOMMENDATION

It is the recommendation of the Water Department that the water distribution replacement facilities constructed in conjunction with Los Angeles County's North Torrance storm drain project be formally accepted and that a supplemental appropriation of \$4,561 be authorized from the Water Revenue Fund to pay the Water Department's share of the project.

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MOTION: Councilman Applegate moved to concur with the above stated recommendation re Consent Calendar item 20d, including the appropriation. The motion was seconded by Councilman Mock and carried, with roll call vote reflecting unanimous approval (absent Councilman Walker.)

Council Consideration returned to:

20a. FINAL TRACT MAP NO. 47700

MOTION: Councilman Wirth moved to concur with the above stated recommendation of the Engineering Department. The motion was seconded by Councilwoman Hardison and carried, with roll call vote reflecting unanimous approval (Councilmen Applegate and Nakano abstained; absent Councilman Walker.)

Regular agenda order was resumed, as follows:

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At 8:50 PM, the City Council recessed and reconvened as the Redevelopment Agency of the City of Torrance. The meeting of the Redevelopment Agency was adjourned at 8:51 PM and regular Council agenda order was resumed.

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22. ORAL COMMUNICATIONS

22a. Councilman Applegate was welcomed back after sharing details of his recent visit to Alaska.

22b. Councilwoman Hardison requested expanded notification pertaining to a petition received from residents of the 2700 block of Dalemead Street.

22c. Councilwoman Hardison expressed concern about student transportation in view of recent action affecting school bus transportation and driver training and expressed hope that the City might be able to assist in mitigating transportation problems facing some students.

22d. Councilman Mock requested a comparative analysis of the City's mosquito abatement program vs. that which is operated by the County.

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22e. Councilman Mock requested that action be initiated to reconsider a hillside case heard by the Council August 21, 1990 (PP 89-54, Ed McClure and Jan Schlesinger.) The City Attorney will pursue the matter in that final Council action resulted in a tie vote.

22f. Councilman Nakano requested that staff explore an effective means to preclude various violations occurring in the parking lot at Wilson Park.

22g. Councilman Wirth requested that future matters relating to speed limits in the City be brought forth to the Council separately by area and that steps be taken to ensure appropriate notification.

22h. Torrance Police Officers Association representative Paul Besse discussed ongoing wage/salary negotiations with the City.

23. EXECUTIVE SESSION

23a. EXECUTIVE SESSION MATTERS

Mayor Geissert read the following statement into the record:

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

Salaries, salary schedules and compensation for certain unrepresented employees and represented employee groups as well as certain other personnel matters;

Pending litigation entitled People of the State of California vs. Mobil Oil Corporation, et al., Los Angeles Superior Court Case No. C 719953;

Pending litigation entitled Patrick Coyle and Nancy Coyle vs. City of Torrance, et al., Los Angeles Superior Court Case No. SWC 102305;

The lease of City-owned Airport property presently under lease to Eli Alexander; and,

Lease development status on Madison Park.

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

At 9:25 PM, the City Council recessed to executive session, returning at 11:12 PM to take the following action:

At the request of the Mayor, the City Clerk assigned a number and read title to:

RESOLUTION NO. 90-184

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 89-143 SETTING FORTH CERTAIN CHANGES REGARDING HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE CITY EMPLOYEES ASSOCIATION

MOTION: Councilman Nakano moved to adopt Resolution No. 90-184. The motion was seconded by Councilwoman Hardison and carried, with roll call vote reflecting unanimous approval (absent Councilman Walker.)

RESOLUTION NO. 90-185

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH WAGES, HOURS, AND WORKING CONDITIONS FOR SAFETY MANAGEMENT EMPLOYEES AND REPEALING RESOLUTION 89-177

MOTION: Councilman Nakano moved to adopt Resolution No. 90-185. The motion was seconded by Councilman Mock and carried, with roll call vote reflecting unanimous approval (absent Councilman Walker.)

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RESOLUTION NO. 90-186

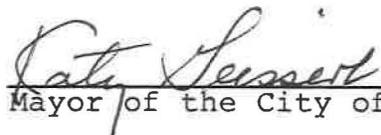
A UNILATERAL RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF TORRANCE AMENDING RESOLUTION  
NO. 89-176 SETTING FORTH CERTAIN CHANGES  
REGARDING HOURS, WAGES, AND WORKING CONDITIONS  
FOR EMPLOYEES REPRESENTED BY THE TORRANCE  
POLICE OFFICERS ASSOCIATION

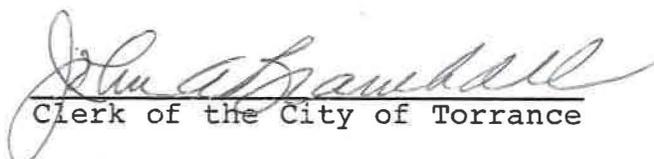
MOTION: Councilman Nakano moved to adopt Resolution  
No. 90-186. The motion was seconded by Councilman Mock and  
carried, with roll call vote reflecting unanimous approval  
(absent Councilman Walker.) .

24. ADJOURNMENT

The meeting of the City Council was formally adjourned  
at 11:15 PM to Tuesday, September 18, 1990, 5:30 PM.

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Mayor of the City of Torrance

  
\_\_\_\_\_  
Clerk of the City of Torrance

Valerie Whippie  
Minute Secretary

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