

January 16, 2001

**MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY COUNCIL**

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 5:35 p.m. on Tuesday, January 16, 2001, in City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Cribbs, Messerlian, Nowatka*, Scotto, Walker, Witkowsky, and Mayor Hardison.

*Arrived at 5:37 p.m.

Absent: None.

Also Present: City Manager Jackson, Assistant City Attorney Pohl, City Clerk Herbers, and other staff representatives.

Agenda Item 16 was considered out of order at this time.

16. EXECUTIVE SESSION

At 5:35 p.m., pursuant to Government Code Sections 54956.9(c), 54957 and 54956.8, the Council recessed into a closed session to discuss matters listed on the meeting agenda under 16a) Conference with Legal Counsel – Anticipated Litigation; 16b) Public Employee Performance Evaluation – City Manager; and 16c) Real Property – Conference with Real Property Negotiator.

The Council reconvened in Council Chambers at 7:10 p.m. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Richard Tsao, vice-president of the Torrance Area Chamber of Commerce.

Pastor John Hernandez, New Challenge Ministries, Inc., gave the invocation for the meeting.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember Cribbs moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember Nowatka and, there being no objection, it was so ordered by Mayor Hardison.

MOTION: Councilmember Cribbs moved that after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall 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 Councilmember Nowatka and, there being no objection, it was so ordered by Mayor Hardison.

4. WITHDRAWN OR DEFERRED ITEMS

None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Cribbs announced a meeting of the Citizen Development and Enrichment Committee with the Torrance Unified School District on Wednesday, January 17, 2001 at 4:30 p.m. at the TUSD Conference Room, 2335 Plaza del Amo.

Mayor Hardison invited the public to attend a City Council meeting and community outreach on the budget process at the North High School Library, 3620 W. 182nd Street, on Tuesday, January 23, 2001 at 7:00 p.m. She noted that there will be displays, refreshments and giveaways.

6. COMMUNITY MATTERS

6a. PROCLAMATION RE “DRAGON CIRCLE CHINESE NEW YEAR CELEBRATION DAY”

Mayor Hardison presented a proclamation declaring Thursday, January 18, 2001, as “Dragon Circle Chinese New Year Celebration Day” in the City of Torrance to Richard Tsao, vice-president of Torrance Area Chamber of Commerce.

6b COMMISSION APPOINTMENTS

Recommendation

Recommendation of the City Clerk that City Council review applications and make appointments to various commissions and boards.

Mayor Hardison encouraged those not appointed to apply again and noted that there are other opportunities to volunteer in the City.

The following appointments were made by unanimous ballot – AIRPORT COMMISSION - Edith Dominguez and Peter Donellan; CABLE TV ADVISORY BOARD - Eileen Haussman and Richard Tsao; CIVIL SERVICE COMMISSION – Patrick J. Furey and Cinda Herring; COMMISSION ON AGING - Arthur Callen, Richard C. Clutter, and Irene Griffith; CULTURAL ARTS COMMISSION - Betty Kohler and Debbie Stadler; ENVIRONMENTAL QUALITY & ENERGY CONSERVATION COMMISSION - Charles C. Leone and Linden Nishinaga; LIBRARY COMMISSION - Keri Botello, Tara Unverzagt, and Jamie Watson; PARKS & RECREATION COMMISSION - John S. McGee; PLANNING

COMMISSION - Susan Gibbons and Pat McIntyre; TRAFFIC COMMISSION - Robert Billett; WATER COMMISSION – Thomas Hansen and Marvin Miller.

City Clerk Herbers administered the oath of office to those present. As there were no candidates for the Disaster Council, the position will be re-advertised for appointment at a later date.

The Council recessed from 7:55 p.m. to 8:05 p.m.

7. **CONSENT CALENDAR**

7a. **APPROVAL OF MINUTES – DECEMBER 5 AND DECEMBER 12, 2000**

7b. **TORRRANCE YOUTH COUNCIL ANNUAL REPORT FOR 1999-2000**

Recommendation

Recommendation of the Youth Council that City Council accept and file the Annual Report for 1999-2000.

7c. **CONTRACT AMENDMENT RE SECURITY LIGHTING SYSTEM UPGRADES AT VARIOUS PARKS**

Recommendation

Recommendation of the Parks and Recreation Director that the City Council approve a Change Order for Contract C00-041 with Minco Construction for lighting projects on parks.

7d. **ACCEPTANCE AND APPROPRIATION OF CASH DONATIONS**

Recommendation

Recommendation of the City Manager that City Council accept and appropriate the following donations: \$415 from Hollywood Riviera Sportsman’s Club for furniture for the Walteria Branch Library; \$100 from Diane Brennan and \$100 from Qwest/BUCK Scientific West for materials for the El Retiro Branch Library.

7e. **PURCHASE ORDER RE TRAVEL TRAILERS**

Recommendation

Recommendation of the Fire Chief that City Council authorize a purchase order in the amount of \$33,052.43 be issued to Domiano RVs, Inc., for the purchase of two 27-foot travel trailers.

MOTION: Councilmember Nowatka moved for approval of Consent Calendar Items 7a through 7e. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

11. ADMINISTRATIVE MATTERS

11a. REVIEW OF WEST END RACQUET CLUB'S ENTERTAINMENT PERMIT

Recommendation

Recommendation of the License Review Board that City Council approve West End Racquet Club's Business License application for an Entertainment Permit and Dance Permit.

Mayor Hardison noted supplemental material available at the meeting consisting of a letter and petition from Pacific Verdes Homeowners Association and indicated that a videotape had also been received and would be made part of the record.

Assistant Finance Director Flewellyn provided a brief summary of previous action taken regarding West End Racquet Club's application for a Dance Permit and a modification of the existing Entertainment Permit to include a disc jockey and amplified sound. He reported that the 6-month trial period authorized by the Council on June 20, 2000, had been completed; that 11 events were held with amplified sound during that period; and that two reportable incidents occurred, neither of which had to do with amplified sound inside the club. He stated that staff was recommending approval of West End Racquet Club's application.

Police Sergeant Mark Matsuda, Community Lead Officer (CLO), described the circumstances surrounding the two complaint calls. He reported that the first call was determined to be unfounded and the second call was related to noise in the parking lot, however, no problems were observed in the lot when officers arrived to investigate the complaint.

Ms. Diana Katnic, representing West End Racquet Club, stated that club had adhered to all the conditions imposed by the City Council and had successfully completed the six-month trial period with no complaints, demonstrating that they can conduct their business in a responsible way without impacting the neighborhood. She requested that the Council grant a one-year permit subject to the same conditions imposed during the trial period. She stated that the club hopes to establish a communication system with Pacific Verde and Spencer Estates homeowners so that residents can bring their concerns directly to the club without involving the City.

In response to Councilmember Witkowsky's inquiry, Assistant City Attorney Pohl outlined the process for revoking an Entertainment Permit and advised that the City would not bear any liability if the club should lose its entitlement and have to cancel events, such as wedding receptions, that are booked far in advance. He noted that there is a slightly higher threshold for revoking a permit as opposed to denying one.

Mr. Richard Levy, 4489 Spencer Street, #336, vice-president of Pacific Verdes Homeowners Association, stated that his main concerns were noise in the parking lot and safety issues associated with partygoers driving down residential streets. He contended that the events held at the club during the six-month trial period were not necessarily representative of events that would be held in the future and maintained that the club has not demonstrated that it was capable of controlling large parties where alcohol is consumed. He suggested that if the Council was inclined to extend the club's permit, it should be extended for only a 12-month period, after which time the matter should be reviewed again by the Council.

Mayor Hardison noted that when this matter was originally brought to the Council's attention, residents' main concern was amplified music inside the facility spilling out into the neighborhood and that that concern seems to have been resolved. Mr. Levy indicated that noise from within the facility was no longer a problem.

Mr. Larry Lominico, 4489 Spencer Street, #200, expressed concerns about West End's increasing their volume of business to a point where it would have a tremendous impact on the neighborhood. He commented on the difficulty of revoking a permit once it has been granted and the danger posed by partygoers who drink and drive.

Mr. Jason Jem, 4489 Spencer Street, #112, stated that he had submitted video evidence showing that, while the club may be able to control what happens inside the facility, they cannot control people in the parking lot. He reported that despite the club's strict policy against loitering, he documented patrons loitering at least 15 minutes in the parking lot before being asked to move along by the police. He maintained that the club has not been sensitive to its neighbors and has failed to follow through on promises to chain the parking lot. He urged the Council to deny the extension of the permit.

Mr. Curt Kamada, 4258 Spencer Street, reported that his complex, Spencer Estates, has not been impacted by recent events at the club and that he believed Pacific Verde residents' concerns were mainly related to activity in the parking lot.

Ms. Ming-Fang Lin, 4489 Spencer Street, #132, voiced her opinion that it was not appropriate to have a club with entertainment in a residential area, explaining that she was worried about being disturbed on weekends by noise in the parking lot.

Asked if she had experienced any problems during the last six months, Ms. Lin replied that she has been disturbed by the club's public address system.

Mr. David Young, 4489 Spencer Street, #234, reported that he also has been disturbed by the frequent paging of tennis players and employees. He maintained that the six-month trial period was not indicative of what will happen once the club is granted a permanent license.

Mr. Mike Ma, 4489 Spencer Street, #114, stated that, despite six months of improved performance, he was not convinced that the improvement was permanent because of his past experience with the club and urged the Council to deny the application.

Mr. Jim Clampitt, 4489 Spencer Street, #218, contended that West End downplayed the impact on the neighborhood by holding only 11 events during the six-month trial period, noting that there was a potential of 72 events if the facility had been booked each Friday, Saturday and Sunday. He voiced his opinion that problems will intensify as the number of events increases.

Mr. Kenneth Ree, 4489 Spencer Street, #128, reported that when he purchased his home six months ago, he was told that the adjacent club was only a tennis club and that he was concerned that the club would try to maximize profits to the detriment of the neighborhood. He indicated that he favored granting only a one-year permit.

Ms. Hyo Lee, 4489 Spencer Street, #106, stated that she was also opposed to granting the club a permanent permit and would prefer to have another trial period of six or twelve months.

Noting that she had viewed Mr. Jem's video, Councilmember Witkowsky commented on residents' close proximity to the parking lot. She stated that she was impressed with how few complaints there were during the trial period, however, in view of residents' concerns about an escalation in activity, she would support a temporary one-year permit.

Indicating that he also watched the video and had attended social events at the club, Councilmember Scotto suggested the possibility of planting a hedge between the parking lot and the Pacific Verdes complex in order to buffer the noise. He recommended that the club be required to chain the parking lot every night and to turn down the PA system and/or redirect the speakers.

Councilmember Messerlian commented on the progress made over the last six months and offered the following motion:

MOTION: Councilmember Messerlian moved for the approval of a 12-month temporary Entertainment Permit under the same conditions imposed during the previous 6-month period with the permit subject to review by the License Review Board. The motion was seconded by Councilmember Witkowsky, and discussion briefly continued.

Councilmember Walker voiced support for the motion, expressing confidence in the racquet club's ability to continue to do a good job of addressing residents' concerns.

In response to Mayor Hardison's inquiry, Police Chief Herren confirmed that there had been a change in Community Lead Officers during the 6-month trial period; that the previous CLO had not had much success in facilitating meetings between the club and Pacific Verdes residents; and that Sergeant Matsuda would be willing to make another attempt if residents believe it would be worthwhile.

Mayor Hardison noted that she had visited the club on two occasions during the trial period while events were being held and heard no amplified sound coming from the facility and observed no problems in the parking lot. She agreed that trees and shrubs might be useful in providing a buffer for noise and that the parking lot should be chained after hours. She indicated that she shared residents' concerns about an increase in the number of events but thought requiring events to end by 10:00 p.m. would help control problems.

Returning to the podium, Ms. Katnic provided clarification that Mr. Jem's video was shot through the wrought iron fence separating the properties, not from his balcony, and pointed out that the people shown loitering in the parking lot were tennis players. She offered her assurance that the club intends to host family-oriented events and explained that it would be highly unlikely that the facility would be booked three days in a row, noting that in its busiest year the club held only 50 events. She expressed her willingness to chain the parking lot, lower the volume on the PA system, and meet with residents to discuss any concerns they might have.

Assistant Finance Director Flewellyn offered clarification that, in order to conform with the Business License cycle, January 1 to December 31, the temporary permit would expire on December 31, 2001, and that he would schedule a review of the permit the last week in December.

Mayor Hardison called for a vote on the motion, and the motion was approved by unanimous roll call vote.

11b. ADOPTION OF RECORDS RETENTION SCHEDULE

Recommendation

Recommendation of the City Clerk that City Council review and adopt a Records Retention Program for the City of Torrance.

City Clerk Herbers stated that, as custodian of records, the City Clerk's office had developed a Citywide retention program to more efficiently track and manage the flow of documents and noted that there were safeguards built in to the process to ensure that vital records are retained in a proper manner.

In response to Mayor Hardison's inquiry, City Clerk Herbers reported that the records retention process will be explained in detail to each department and that departments will be required to go through the retention process on an annual basis.

Mayor Hardison asked about the retention of City Council records, and City Clerk Herbers advised that City Council records are encompassed under the City Manager's office and that most of the Council's records are duplicates of records stored in the appropriate department.

Councilmember Witkowsky commented on the potential for storing documents on CDs in the future. City Clerk Herbers advised that staff will be exploring the possibility of using optical imaging in the next budget.

City Clerk Herbers thanked Certified Records Manager Cal Jackson and Records Management Coordinator Joe Huld for their efforts on this project.

RESOLUTION NO. 2001-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, ESTABLISHING A RECORDS RETENTION POLICY BY ADOPTION OF A RECORDS RETENTION SCHEDULE

MOTION: Councilmember Messerlian moved for the adoption of Resolution No. 2001-01. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

11c. RESOLUTION URGING FIVE PERCENT ENERGY REDUCTION

Recommendation

Recommendation of the City Manager that the City Council adopt a Resolution which sets a goal of a 5% reduction in the use of electricity.

Assistant to the City Manager Keane reported that the League of California Cities had requested that local cities take action with regard to the current power crisis by setting a goal for reducing energy consumption by at least 5% in the City and encouraging residents to do the same.

Mayor Hardison suggested the possibility of sponsoring a drawing for residents and businesses in the community that achieve a 5% reduction.

Mr. Scott Gobble, representing Southern California Edison, urged everyone to limit electricity usage during the peak hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 7:30 p.m., noting that electricity cannot be stored and must be generated as used.

RESOLUTION NO. 2001-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE COMMITTING THE CITY TO A REDUCTION OF ENERGY USAGE OF AT LEAST 5% AND URGING ALL CITIZENS TO REDUCE THEIR ENERGY USAGE AS WELL

MOTION: Councilmember Messerlian moved for the adoption of Resolution No. 2001-04. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote.

11d. APPEAL RE DIANA LEE'S ACUPRESSURE TECHNICIAN LICENSE

Recommendation

Recommendation of the License Review Board that City Council concur with the decision of the License Review Board to deny the applicant's (Ms. Diana H. Lee) request for a Business License as an Acupressure Technician.

Mayor Hardison announced that this was the time and place for a hearing on this matter and noted that the minutes from the November 21, 2000 License Review Board meeting had been submitted as evidence.

As the appellant was not present, Assistant City Attorney Pohl advised that the Council could remove the item from the calendar and let the License Review Board's decision stand or conduct the hearing as scheduled and rule on the case. It was the consensus of the Council to proceed with the hearing.

Assistant City Manager Giordano requested that, in addition to the minutes, an interdepartmental correspondence dated October 30, 2000 be received into evidence. She called on Police Detective Jim Lynch to testify, and he was duly sworn by City Clerk Herbers.

Detective Lynch reported that the Police Department was recommending denial of Ms. Lee's application based on the following factors: 1) In 1997, Ms. Lee was convicted of grand theft stemming from an incident that occurred while she was working for an attorney service where she filed a false insurance claim, intercepted insurance checks totaling \$24,000, and cashed them; and 2) As of July 2, 2000, Ms. Lee was working as an unlicensed massage technician at PCH Spa in Redondo Beach. He noted that, after meeting conditions of her probation, Ms. Lee's probation was terminated

and her grand theft conviction was reduced to a misdemeanor. He offered into evidence a certified copy of the court case docket.

Councilmember Nowatka asked if there was any possibility of mistaken identification, and Detective Lynch explained that Ms. Lee's identity was confirmed based on a fingerprint comparison and noted that Ms. Lee had acknowledged the conviction at the License Review Board hearing.

Assistant City Manager Giordano stated that the License Review Board believes that Ms. Lee's conviction of insurance fraud precludes her from meeting the standards outlined in the Torrance Municipal Code for receiving a license as an acupuncture technician and requested that the Council uphold the Board's decision.

Noting that it was now 9:40 p.m. and Ms. Lee had not appeared, Mayor Hardison stated that she would entertain a motion to close the hearing.

MOTION: Councilmember Messerlian moved to close the public hearing. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote.

MOTION: Councilmember Cribbs moved to concur with the License Review Board's decision and to deny the appeal. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

Mayor Hardison noted that Findings of Fact would be prepared and returned to the Council for signature.

14. 2ND READING ORDINANCES

14a. SECOND AND FINAL READING OF ORDINANCE NO. 3492

ORDINANCE NO. 3492

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, IMPLEMENTING THE STANDARD URBAN STORM WATER MITIGATION PLAN OF THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD FOR THE LOS ANGELES REGION BY AMENDING THE TORRANCE MUNICIPAL CODE TO ADD NEW CHAPTER 11 TO DIVISION 4 TITLED, "STANDARD URBAN STORM WATER MITIGATION PLAN IMPLEMENTATION"

MOTION: Councilmember Messerlian moved for the adoption of Ordinance No. 3492. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

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The Redevelopment Agency met from 9:43 p.m. to 9:45 p.m.

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15. ORAL COMMUNICATIONS

Councilmember Messerlian announced a free Torrance Symphony concert on Saturday, January 20, 2001.

Councilmember Nowatka requested that the City examine the possibility of establishing a Torrance chapter of Emergency Volunteer Air Corps (EVAC).

16. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

17. ADJOURNMENT

At 9:47 p.m., the meeting was adjourned to Tuesday, January 23, 2001 for a regular meeting commencing at 7:00 p.m. in the North High School Library, 3620 W. 182nd Street.

Attest:

Mayor of the City of Torrance

Sue Herbers
City Clerk of the City of Torrance

Approved on February 27, 2001