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Torrance City Council - March 20, 1990

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#

Peggy Laverty
Minute Secretary

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MINUTES OF A REGULAR MEETING
OF THE TORRANCE CITY COUNCIL

OPENING CEREMONIES

1. CALL TO ORDER

The Torrance City Council convened in a regular meeting on Tuesday, March 20, 1990, at 5:40 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.

3. FLAG SALUTE/INVOCATION

Mr. Ted Porter led the salute to the flag.

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

4. APPROVAL OF MINUTES/MOTION RE FURTHER READING

MOTION: Councilman Applegate moved to approve the minutes of the City Council meeting of February 13, 1990, as recorded. His motion was seconded by Councilman Mock and roll call vote was unanimously favorable.

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 Councilmem-

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ber the right to demand the reading of any such resolution or ordinance in regular order. His motion was seconded by Councilman Mock 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 WITHDRAWN OR DEFERRED ITEMS

City Manager Jackson announced that consideration of the Old Shoe Factory and Columbia School has been deleted from the Executive Session schedule [Item 23a] for this date.

Item 10b, Cabrillo Avenue Water Main Extension - continued to March 27, per Mr. Jackson.

Mayor Geissert requested Council concurrence with citizen requests that Item 15a, PP 89-43, Ray and Estela Uchima, be held until the end of this agenda. There were no objections.

7. COUNCIL COMMITTEE MEETINGS

Public Safety Committee

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

Subject: Permit Process of Acutely Hazardous Material

Finance and Governmental Operations Committee

March 27, 1990, 5:30 p.m.

Subject: Capital Budget

Ad Hoc Armed Forces Day Committee

Councilman Applegate announced that the U.S. Coast Guard Band will participate in the 1990 Armed Forces Day events -- the Armed Forces Day parade will be held Saturday, May 19.

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8. COMMUNITY MATTERS

8a. RECOGNITION OF DONATIONS FOR DISASTER PREPAREDNESS

Mayor Geissert announced, with sincere appreciation, receipt of significant donations of emergency-related equipment from the following individuals.

Mr. Peter V. Ernster
Mr. Roy Hawker
Mr. John Linden
Mr. Eugene R. "Bob" Poole.

The Mayor was joined in recognizing these individuals by Mr. Charles Lobb, Chairman of the City's Disaster Council. Mementos in acknowledgment of these generous donations were presented by Mrs. Geissert, on behalf of the City.

8b. PROCLAMATION declaring April 22, 1990, as "Earth Day" in the City of Torrance.

SO PROCLAIMED by Mayor Geissert and accepted, with appreciation, by Ms. Laura Young, City of Torrance Recycling Coordinator.

8c. PROCLAMATION declaring March 23 to March 31, 1990, as "Total Count Census Week" in the City of Torrance.

SO PROCLAIMED by Mayor Geissert. This proclamation was presented to Mr. Ted Porter, Chairman of the Torrance Total Count Committee, who recognized those members of his committee who were present.

10. TRANSPORTATION/PUBLIC WORKS MATTERS

10a. SENIOR RIDE PROGRAM SERVICE CONTRACT

RECOMMENDATION:

The Department of Transportation recommends that your Honorable Body approve the resolution authorizing the Mayor to execute an amendment extending the agreement with Wilmington Cab Company to provide taxi service under the Senior Ride Program for one year. In addition, DOT recommends that approval be given to a policy enabling the Director of Transportation to waive

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the current limitation on ticket purchases for patrons with special or emergency needs.

RESOLUTION NO. 90-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING EXECUTION OF AN AMENDMENT EXTENDING THE AGREEMENT WITH WILMINGTON CAB COMPANY FOR THE PROVISION OF TAXI SERVICE UNDER THE SENIOR RIDE PROGRAM FOR ONE YEAR

MOTION: Councilman Nakano moved to adopt Resolution No. 90-43. His motion was seconded by Councilman Walker.

Prior to roll call vote, Director of Transportation Horkay provided specifics related to the Transportation Department's recommendation, noting that minor changes in the contract include a higher "flag drop" for pickups from outside Torrance, and staff's request for approval to administratively issue more than 12 tickets per month to patrons with extreme needs.

Ms. Betsey Matthews, 2203 West Carson Street, expressed sincere appreciation to the Council for the very successful Senior Ride Program.

Roll call vote on the motion to adopt Resolution 90-43 was unanimously favorable.

10b. NOTICE OF COMPLETION - Water Main Extension in Cabrillo Avenue and Appropriation for Additional Work.

Continued to March 27, 1990 - see Page 2.

10c. FY 1989-90 UMTA SECTION 9 GRANT APPLICATION

RESOLUTION NO. 90-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING THE CITY MANAGER TO FILE AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION, UNITED STATES OF AMERICA, FOR A FY 1989-90 FORMULA ASSISTANCE GRANT UNDER SECTION 9 OF THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED.

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MOTION: Councilman Nakano moved to adopt Resolution No. 90-44. His motion was seconded by Councilwoman Hardison and roll call vote proved unanimously favorable.

Director of Transportation Horkay announced that, with this item, a total of \$3.6 million in grants has been obtained this year through the efforts of the City's Transit Manager, Ray Schmidt.

14. PERSONNEL MATTERS

14a. APPROVAL OF REVISED/RETITLED CLASS SPECIFICATION AND MODIFICATION OF SALARY RANGE FOR LEAD COMPUTER OPERATOR

RECOMMENDATION

The Personnel Department and the Civil Service Commission recommend that your Honorable Body review and approve the proposed revised and retitled class specification for Lead Computer Operator; the Personnel Department recommends adoption of the Supplemental Memorandum of Understanding modifying the salary range. Torrance Municipal Employees - AFSCME concurs in staff's recommendations.

RESOLUTION NO. 90-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH CERTAIN CHANGES REGARDING HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE MUNICIPAL EMPLOYEES - AFSCME, LOCAL 1117, RESOLUTION NO. 89-187

MOTION: Councilman Nakano moved to adopt Resolution No. 90-45. His motion was seconded by Councilman Mock and roll call vote was unanimously favorable.

15. HEARINGS

15a. PP 89-43: RAY AND ESTELA UCHIMA

Held until later in the meeting - see Page 10.

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17. ADMINISTRATIVE MATTERS

17a. DESTRUCTION OF UNNEEDED CITY RECORDS

RESOLUTION NO. 90-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING AND DIRECTING THE POLICE DEPARTMENT TO DESTROY CERTAIN UNNEEDED RECORDS AND DOCUMENTS WITHOUT MAKING COPIES THEREOF.

MOTION: Councilman Nakano moved to adopt Resolution No. 90-46. This motion, seconded by Councilman Walker, carried by unanimous roll call vote.

17b. RESOLUTIONS SUPPORTING AB 2857 AND URGING STATE REGULATION OF ACUTELY HAZARDOUS MATERIALS

RESOLUTION A

RESOLUTION NO. 90-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE URGING THAT STATE LEGISLATION BE ADOPTED WHICH REGULATES THE USE OF ACUTELY HAZARDOUS MATERIALS AND DEFINES AN ACCEPTABLE LEVEL OF RISK IN DENSELY POPULATED URBAN AREAS

MOTION: Councilman Nakano moved to adopt Resolution No. 90-47. His motion was seconded by Councilman Walker.

Prior to roll call vote, Council requested, and received, clarification regarding a comparison of the parameters of the two resolutions included in this agenda item.

Roll call vote on the adoption of Resolution No. 90-47 was unanimously favorable.

RESOLUTION B

RESOLUTION NO. 90-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SUPPORTING THE PASSAGE OF AB 2857 (TUCKER)

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MOTION: Councilman Nakano moved to adopt Resolution No. 90-48. This motion, seconded by Councilman Walker, was unanimously approved by roll call vote.

Mayor Geissert requested that copies of the above resolution be sent to members of the State Assembly Environmental Safety and Toxic Materials Committee, before which she will testify on April 3, 1990; to Assemblyman Tucker; and to other appropriate legislators.

Councilman Wirth noted that the above-referenced legislative hearing is scheduled for 2:00 p.m. on Tuesday, April 3, a regularly-scheduled 5:30 p.m. Council meeting date. In response to Mr. Wirth's suggestion, the Council generally agreed to establish a 7:00 p.m. time for commencement of the April 3rd meeting.

Mayor Geissert suggested that it may prove necessary to hold a second Council meeting during that week.

17c. RECOMMENDATION ON MOST RECENT AQMD REPORT REGARDING THE POTENTIAL HAZARDS OF HYDROGEN FLUORIDE

RECOMMENDATION:

It is the recommendation of the City Manager that the City Council:

1. Accept the City staff analysis of the March AQMD task force report on HF;
2. Forward to the AQMD the concurrence of the City Council that the March draft report is appropriate to be presented to the AQMD Governing Board on April 6, 1990.

SUPPLEMENTARY RECOMMENDATION:

The City Manager recommends that, if the AQMD staff does indeed recommend a phase out of HF, that your Honorable Body concur with the AQMD staff recommendation.

MOTION: Councilman Nakano moved to concur with the supplementary staff recommendation on Agenda Item 17c. His motion was seconded by Councilman Mock and roll call vote was unanimously favorable.

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17d. POSSIBLE CLOSURE OF THE LOS ANGELES AIR FORCE BASE

RECOMMENDATION:

It is the recommendation of the City Manager that your Honorable Body adopt the position to oppose the closure of the Los Angeles Air Force Base and that letters addressing that position be sent to the appropriate persons.

MOTION: Councilman Applegate moved to concur with the recommendation of the City Manager on Agenda Item 17d. His motion, seconded by Councilman Walker, was unanimously approved by roll call vote.

18. SECOND READING ORDINANCES

18a. ORDINANCE NO 3297

ORDINANCE NO. 3297

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE REPEALING ARTICLES 1 AND 2 OF CHAPTER 5 OF DIVISION 8, OF THE TORRANCE MUNICIPAL CODE, ENACTING NEW ARTICLES 1 AND 2, WHICH ADOPT BY REFERENCE THE 1988 EDITION OF THE UNIFORM FIRE CODE, WITH APPENDIX, AND THE STANDARDS AND MAKING CERTAIN AMENDMENTS TO THOSE CODES AND STANDARDS.

MOTION: Councilman Nakano moved to adopt Ordinance No. 3297 at its second and final reading. His motion was seconded by Councilwoman Hardison and roll call vote was unanimously favorable.

20. CONSENT CALENDAR

20a. COUNCIL AWARD OF CONTRACT - Re: Purchase of two (2) rubber-tired tractors with front loaders and ROPS
Ref: Bid No. B90-06
Expenditure: \$51,348.89 including sales tax.

RECOMMENDATION:

The Purchasing Division and the Fleet Services Department request that your Honorable Body authorize the award of a contract to purchase two (2) rubber-tired tractors with front loaders and ROPS to Eberhard Equip-

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ment of Santa Ana, California, in the amount of \$51,348.89 including tax.

MOTION: Councilman Applegate moved to concur with staff's recommendation on Agenda Item 20a. His motion was seconded by Councilwoman Hardison and roll call vote was unanimously favorable.

* * *

At 6:19 p.m., the City Council met in joint session with the Redevelopment Agency of the City of Torrance.

At 6:21 p.m., the Council/Agency remained in joint session and convened as the Cable Television Public Access Foundation. The meeting of the Foundation was adjourned at 6:29 p.m. and the Council/Agency remained in joint session for purposes of a joint executive session held later in the meeting -- see Page 14.

* * *

22. ORAL COMMUNICATIONS

22a. Councilwoman Hardison expressed appreciation to Planning Department staff for an update on the General Plan revision.

22b. Councilwoman Hardison requested that staff provide background information relative to letters received from Palos Verdes Boulevard residents. City Manager's office to follow through.

22c. Councilman Mock advised that Oxford Properties has developed a modified plan in an attempt to meet Council concerns [Item 15a on the March 13 City Council agenda]. Mr. Mock requested that an agenda item be returned to allow Council action regarding a possible reconsideration of the case. There were no objections and it was so ordered.

22d. Mayor Geissert commented on the extremely successful Tommy Sullivan run on Sunday, March 18. All City Departments involved were commended by the Mayor.

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The Council now returned to...

15. HEARINGS

15a. PP 89-43, RAY AND ESTELA UCHIMA

Mayor Geissert announced that this was the time and place for City Council consideration of an appeal of a Planning Commission approval of a Precise Plan of Development to allow construction of a new two-story residence in the Hillside Overlay District located at 150 Via Pasqual. PP 89-43, RAY AND ESTELA UCHIMA.

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

During the staff presentation on this item Senior Principal Planner Gibson noted that the Planning Commission and the Planning Department recommend denial of the appeal and approval of the request.

Mr. Gibson then responded to various requests for clarification from individual members of the Council. Councilman Mock, who had filed the appeal, stated that his concerns were not because of view impact, but rather because of the bulk of the structure proposed.

The proponent, Mr. Ray Uchima, 150 Via Pasqual, described in some depth his proposed project and his efforts to work with neighbors to mitigate their concerns and to design the house in such a way as to not impact any existing views [supplemental information included with agenda packets substantially set forth Mr. Uchima's verbal comments and observations].

Mr. Uchima submitted the following items for the record.

- Correspondence dated January 15, 1990 from Senior Principal Planner Gibson.
- Document entitled "Computing F.A.R."
- Packet of photographs in support of the subject request.

The proponent also read aloud a letter of support [included in agenda backup material] from Barbara and Jim Gates, 142 Via Pasqual.

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Ms. Estela Uchima also addressed the Council, reading aloud letters of approval from Richard Phillips, 153 Via Pasqual, and Douglas Rovens and Catherine Carlisle, 102 Via Pasqual. These letters were submitted by Ms. Uchima for the official record.

Architect for the applicants, Mr. Larry K. Harris, 1200 Aviation Boulevard, Suite 201, Redondo Beach, was also present.

Members of the audience who spoke in support of the project were:

Mr. Paul Cohen, 154 Via Pasqual.

Mr. Rich Saliture, 118 Via Pasqual.

Mr. Charles Clevens, 141 Via Pasqual.

Ms. Jean Ibara, 5309 Calle de Ricardo - maintained there was misrepresentation in connection with the petition of opposition [180 signatures], and challenged implications contained therein.

Mr. Daniel Niemann, 162 Via Pasqual - read aloud letter which he submitted for the record.

Mr. Clement Stabolepszy, 218 Via Anita.

Ms. Ruth Hart, 170 Via los Miradores.

Mr. Kez Mazuba, 215 Via Anita.

Mr. Jim Gates, 142 Via Pasqual.

The above speakers noted, among their reasons for support, non-infringement on views; enhancement of property values; minimal impact on surrounding neighbors; etc.

Opposed were:

Mr. Bob Rhodes, 146 Via Pasqual [correspondence of record] - submitted photographs of view from his home with overlay indicating proposed construction.

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Mr. Paul Labadie, 305 Via Anita [correspondence of record] - displayed, but did not submit, printout of names of 180 people who signed petition of opposition to the plan; submitted photographs depicting view from his rear yard with overlay of proposed construction.

Mr. Harlan Jost, 423 Via Mesa Grande.

Mr. John Higgins, 313 Via Anita [letter on file].

Ms. Carol Carmichael, 309 Via Anita [correspondence on file].

Mr. John Carmichael, 309 Via Anita [letters of record in packets] - submitted copies of petitions [approximately 100 pages containing 160 signatures] and displayed photographs with overlays which were not submitted for the City's record. This speaker urged earlier contact with neighbors in projects such as this.

Ms. Rosalie Woodward, 208 Via Mesa Grande.

Ms. Mary Jo Berger, 404 Via Malaga.

Concerns voiced by these speakers included: adverse impacts on available light and privacy; question of land stability; incompatibility with the established neighborhood; over-building on the lot; adverse precedent-setting aspects; overpowering size, bulk and mass of the dwelling; view impact [per Ms. Carmichael], cumulative impact; etc.

It was suggested by Mr. Carmichael that the proponent consider a redesign moving the garage further back from the street. In response to this suggestion, Senior Principal Planner Gibson explained engineering considerations involved and also noted, in response to concerns regarding building pad elevations, that there will be no more than a six-inch rise on the site and that will be for drainage purposes [see final action].

Ms. Carol Moore, 135 Via Pasqual, did not indicate whether she favored or opposed the project itself, but expressed concerns regarding heavy truck traffic on the hill during construction.

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* * *

At 7:50 p.m. [during the above recorded audience input] Mayor Geissert called a recess. The Council returned at 8:20 p.m.

* * *

At the conclusion of the audience testimony, Councilman Applegate moved to close the hearing. His motion was seconded by Councilwoman Hardison and roll call vote was unanimously favorable.

Councilman Applegate indicated his approval of the subject design in that, with one level subterranean there is no view impairment, i.e., the 21-inch increase in elevation of the house doesn't take away any ocean or city light views.

MOTION: Councilman Applegate moved to deny the appeal and approve PP 89-43, RAY AND ESTELA UCHIMA, with the added condition "That no grading change from the existing shall take place except as required by staff for drainage." [See Page 14 for rewording of this condition].

The motion was seconded by Councilman Walker.

During the ensuing Council discussion, it was generally acknowledged that although the subject project would not impact views, it would represent an architectural change to the neighborhood.

Councilwoman Hardison expanded further noting that even with discounting the unusable portion of the hillside, the floor area ratio of the buildable pad area still comes within the new R-1 guidelines. With that consideration, as well as the absence of any view, light or privacy impact, Ms. Hardison indicated that, although she would have preferred less house on the lot, she would reluctantly support the proposal.

Mayor Geissert noted her past concurrence with the concept of excavating for placement of one story of a structure on the uphill slope of hillside lots, a method which she judged to be a logical approach to obtain living space desired and still preserve neighbors' views.

The Mayor then requested staff suggestions for appropriate wording of conditions relative to building pad elevation and slope stability.

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Senior Principal Planner Gibson recommended the following with regard to the building pad:

"That the existing building pad height shall be maintained and not be modified with the exception of driveway access and City minimums for property drainage -- this shall be verified by a licensed surveyor."

Building and Safety Director Grippo recommended the following condition be added relative to slope stability.

"That the applicants shall provide a slope stability analysis to the satisfaction of the Director of Building and Safety."

Councilman Applegate amended his motion to accept both conditions as stated; Councilman Walker accepted, as seconder of the motion.

Roll call vote on the amended motion was unanimously favorable.

RESOLUTION NO. 90-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 6, ARTICLE 2 OF THE TORRANCE MUNICIPAL CODE TO ALLOW CONSTRUCTION OF A NEW TWO-STORY RESIDENCE ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 150 VIA PASQUAL PP 89-43: RAY AND ESTELA UCHIMA

MOTION: Councilman Nakano moved to adopt Resolution No. 90-49, as amended. His motion was seconded by Councilman Applegate and roll call vote was unanimously favorable.

23. EXECUTIVE SESSION

23a. EXECUTIVE SESSION MATTERS

The City Council having remained in joint session with the Redevelopment Agency, Mayor/Chairwoman Geissert read the following statement into the record.

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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 Shirley Yung Chan v. City of Torrance, et al., Los Angeles Superior Court Case No. C 566215;
- Potential litigation regarding a claim that has been filed by Brent Laney, Douglas Christopher Swartz and Anthony Alexander Cook;
- Potential litigation regarding a claim that has been filed by Stephanie DeTomaso;
- Update on pending litigation entitled Socorro Lopez v. Los Angeles County Flood Control, et al., Los Angeles Superior Court Case No. SWC 103334.

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

Acting as the Redevelopment Agency, the Council will recess to closed session to confer with Agency Counsel regarding the possible sale or lease of Agency property to Gascon-Mar Limited.

Authority to hold an executive session for this purpose is contained in Government Code Section 54956.8.

At 9:48 p.m., the City Council/Redevelopment Agency of the City of Torrance recessed to joint executive session, returning at 10:51 p.m.

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Mr. Nakano announced, for the record, that he did not participate in consideration of the Redevelopment issue relating to Gascon-Mar Limited. Mr. Nakano had absented himself from the meeting room during that discussion.

City Attorney Nelson requested that the Council concur in recommendations of Counsel in the following matters:

Pending litigation entitled Shirley Yung Chan v. City of Torrance, et al., Los Angeles Superior Court Case No. C 566215;

Potential litigation regarding a claim that has been filed by Brent Laney, Douglas Christopher Swartz and Anthony Alexander Cook;

Potential litigation regarding a claim that has been filed by Stephanie DeTomaso;

Councilman Applegate SO MOVED. His motion was seconded by Councilman Walker and roll call vote was unanimously favorable.

24. ADJOURNMENT

At 10:54 p.m., this meeting of the City Council/Redevelopment Agency was formally adjourned to Tuesday, March 27, 1990, 7:00 p.m.

#


Mayor of the City of Torrance


Clerk of the City of Torrance

Peggy Laverty
Minute Secretary

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