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Torrance City Council - June 4, 1991

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Valerie Whippie
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, June 4, 1991 at 5:30 PM in the Council Chambers of Torrance City Hall.

ROLL CALL

Present: Councilmembers Hardison,
Mock, Nakano, Walker, Wirth and
Mayor Geissert.
Absent: Councilman Applegate.
Also present: City Manager Jackson,
Assistant City Attorney Pohl,
City Clerk Bramhall, and
staff representatives.

2. FLAG SALUTE/INVOCATION

Girl Scout Troop #474 [Carolyn Kintz, Leader] led in the salute to the Flag.

Reverend Dean Mayeda, Hope Chapel Gateway, provided the invocation for the meeting.

3. MOTION RE FURTHER READING/POSTING OF AGENDA

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

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MOTION: Councilman Wirth 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 Applegate.)

4. WITHDRAWN OR DEFERRED ITEMS

None.

5. COUNCIL COMMITTEE MEETINGS

Finance Committee

June 11, 6:00 PM - Council Conference Room.

Subject: Metropolitan Water District Water
Rate Policy

Citizen Development and Enrichment Committee

June 24, 4:30 PM - Council Conference Room.

Subject: Fee Policy for Large Picnic Groups.

6. COMMUNITY MATTERS

6a. PRESENTATION OF SERVICE AWARD TO CIVIL ENGINEERING
ASSOCIATE RICHARD P. PERKINS

Mayor Geissert presented a watch to Civil Engineering Associate Dick Perkins, commemorating his twenty-five years of service to the City of Torrance.

6b. RESOLUTION COMMENDING SISTER NANCY BOYLE

RESOLUTION NO. 91-70

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TORRANCE COMMENDING SISTER NANCY
BOYLE OF THE LITTLE COMPANY OF MARY HOSPITAL

MOTION: Councilman Nakano moved for the adoption of Resolution No. 91-70. Councilman Walker seconded the motion which proved unanimously favorable after roll call vote (absent Councilman Applegate.)

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Presented by the Mayor and accepted, with appreciation by Sister Nancy Boyle.

6c. RESOLUTION HONORING FRIENDS OF THE TORRANCE LIBRARY

RESOLUTION NO. 91-71

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING THE FRIENDS OF THE TORRANCE LIBRARY

MOTION: Councilman Nakano moved for the adoption of Resolution No. 91-71. Councilman Walker seconded the motion which proved unanimously favorable after roll call vote (absent Councilman Applegate.)

Presented by the Mayor, this Resolution was gratefully accepted by Friends of the Torrance Library President, Teresa Covey.

6d. RECOGNITION OF SHAMEKA BELL

Ms. Shameka Bell was recognized for her first place vocal performance in the Los Angeles Music Center's Spotlight Awards competition.

7. CONSENT CALENDAR

7a. APPROVAL OF MINUTES - None available.

7b. RELEASE OF BOND - TRACT NO. 43326

SUBDIVIDER: Torrance Investment Company
ENGINEER: E.L. Pearson
LOCATION: B/W Monterey Street and Sepulveda Blvd.
B/W Madrona and Maple Avenues
NO. OF LOTS: 9.

RECOMMENDATION

Torrance Investment Company has requested release of bonds for Tract No. 43326. The Engineering Department recommends release of the bonds.

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7c. PAYMENT FOR RIGHT-OF-WAY ACQUISITION - WESTERN AVENUE
FROM SEPULVEDA BOULEVARD TO CARSON STREET

RECOMMENDATION

The Engineering Department recommends that Your Honorable Body appropriate \$61,643.35 in unappropriated Gas Tax Funds to satisfy the City's obligation for right-of way acquisition for the improvement of Western Avenue from Sepulveda Boulevard to Carson Street.

MOTION: Councilman Wirth moved to concur with Consent Calendar Items 7b and 7c. Councilwoman Hardison seconded the motion and roll call vote proved unanimously favorable (absent Councilman Applegate.)

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Although supplementary material from the City Manager requested that Consent Calendar items 7d and 7e be considered under Administrative Matters in that both items contain Resolutions, said items were considered at this time.

*

7d. 1990/91 APPROPRIATIONS LIMIT

RESOLUTION NO. 91-80

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING THE SELECTION AND APPLICATION OF THE GROWTH FACTORS TO THE RESPECTIVE FISCAL YEARS FROM 1987/88 AND APPROVING THE ADOPTION OF THE 1990/91 APPROPRIATIONS LIMIT

MOTION: Councilman Nakano moved for the adoption of Resolution No. 91-80. Councilman Mock seconded the motion which proved unanimously favorable after roll call vote (absent Councilman Applegate.)

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7e. 1991/92 APPROPRIATIONS LIMIT

RESOLUTION NO. 91-81

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING THE 1991/92 APPROPRIATIONS LIMIT AND SELECTION OF THE ANNUAL ADJUSTMENT FACTORS FOR THE SAME FISCAL YEAR

MOTION: Councilman Nakano moved for the adoption of Resolution No. 91-81. Councilwoman Hardison seconded the motion which proved unanimously favorable after roll call vote (absent Councilman Applegate.)

9. TRANSPORTATION/PUBLIC WORKS MATTERS

9a. RISK MANAGEMENT AND PREVENTION PROGRAM FOR CHLORINE USE

RECOMMENDATION

It is the combined recommendation of the Fire Department, Water Department and Water Commission that the City Council appropriate \$64,418 from the Water Revenue Fund and authorize the retention and execution of a contract with Engineering Science, Inc. to prepare a Risk Management and Prevention Study and written safety program for the Water Department's two ground water treatment sites.

MOTION: Councilman Wirth moved to concur with the above stated recommendation of the Fire Department, Water Department and Water Commission. Councilwoman Hardison seconded the motion and roll call vote proved unanimously favorable (absent Councilman Applegate.)

12. PERSONNEL MATTERS

12a. DISABILITY RETIREMENT - MISCELLANEOUS EMPLOYEES

RESOLUTION NO. 91-79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACT IN BEHALF OF THE CITY COUNCIL IN MAKING APPLICATIONS ON BEHALF OF THE AGENCY FOR DISABILITY RETIREMENT OF MISCELLANEOUS MEMBERS IN THE CITY OF TORRANCE

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MOTION: Councilman Nakano moved for the adoption of Resolution No. 91-79. Councilman Walker seconded the motion which proved unanimously favorable after roll call vote (absent Councilman Applegate.)

13. ADMINISTRATIVE MATTERS

13a. AWARD OF CONTRACT - Re storage or handling of Acutely Hazardous Materials (AHMs)

Ref.: Bid No. B 91-13

Expenditure: Not to exceed \$139,992

RECOMMENDATION

It is the recommendation of the City Manager that the City Council authorize the City Manager to negotiate a contract, in an amount not to exceed \$139,992, for consulting services with Battelle for the development of the methodology/criteria for the review of an applicant's request to use, store or handle Acutely Hazardous Materials (AHMs).

Staff presentation was provided by Sr. Management Assistant Sunshine who provided detailed specifics about the Battelle proposal, as reflected in staff material re this matter. Fire Chief Adams and City Manager Jackson assisted in responding to various inquiries from the Council related to this issue. Council's general satisfaction with the proposal by Battelle was reflected by the following action:

MOTION: Councilman Mock moved to concur with the above stated recommendation of the City Manager. Councilman Walker seconded the motion and roll call vote proved unanimously favorable (absent Councilman Applegate.)

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13b. "SUNSET CLAUSES" IN TWO TAX ORDINANCES

RECOMMENDATION

It is recommended by the City Attorney that the Real Property Transfer Tax Ordinance [No. 3333] and the Utility Users' Tax Ordinance (No. 3332), each with two-year "sunset clauses" on the tax rates, be adopted. Since they are tax ordinances, they will become effective immediately.

A history leading to tonight's action was provided by City Manager Jackson, who noted that Ordinance Nos. 3332 and 3333 [considered at the May 28, 1991 Council meeting] were amended to include two-year "sunset clauses."

Councilman Walker commented that contrary to the straw vote taken at the May 28, 1991 Council meeting, indicating individual Councilmembers' support of proposed action, he had since come to the conclusion that he could not support the Real Property Transfer Tax and that after having consulted with the City Attorney's Office he would be abstaining from the matter.

Following this announcement he inquired as to the prospect of publicly commenting on his preference to proposed action and while Assistant City Attorney Pohl was providing counsel in this regard, Mr. Walker explained that he feels the proposed increase to the Utility Users' Tax is sufficient to balance the budget.

Councilman Walker at this point in the meeting, exited Council Chambers.

Assistant Finance Director Flewellyn provided additional information about the sunset clauses, including the termination thereof, for the benefit of Councilwoman Hardison. Mrs. Hardison noted that while she is not happy about raising taxes, she is against cutting City services.

Referring to Councilman Walker's comment, Councilman Wirth requested that the City Attorney's Office prepare a written policy regarding guidelines to be followed when abstaining from an issue, it having been his understanding that once an individual announces his/her intention to abstain, he/she is precluded from offering any opinion whatsoever. Mr. Pohl indicated he would comply with this request.

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Mr. Wirth then offered a comment basically reflecting Mrs. Hardison's position against cutting City services and added that he felt it important for Council to proceed in the direction agreed upon by straw vote at the May 28, 1991 meeting.

Councilman Nakano offered his understanding of guidelines to be followed when abstaining from consideration of a matter and echoed Councilman Wirth in requesting that the City Attorney's Office provide a written policy in this regard.

Discussion of this matter ended with Councilmembers basically reflecting the same position, that while raising taxes is never pleasant -- in this case it is necessary to preclude cutting City services. Mayor Geissert stated that she looked forward to an improved economy and it is for this reason that the sunset clauses have been included in proposed action.

Audience input was invited and Ms. Alanna Noyes, 20024 Wayne Avenue requested and received clarification from cognizant staff members regarding proposed action.

MOTION: Councilman Wirth moved to concur with the above stated recommendation of the City Attorney. Councilman Mock seconded the motion which carried by the following roll call vote:

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

ORDINANCE NO. 3332

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF TORRANCE AMENDING SECTIONS 225.1.3, 225.1.4
225.1.5 AND 225.1.7 TO INCREASE THE UTILITY
USERS' TAX EXCEPT ON WATER

MOTION: Councilman Nakano moved to adopt Ordinance 3332 at its first and only reading. Councilwoman Hardison seconded the motion which carried by the following roll call vote:

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

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ORDINANCE NO. 3333

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF TORRANCE AMENDING SECTION 224.1.2, OF THE
TORRANCE MUNICIPAL CODE INCREASING THE AMOUNT
OF REAL PROPERTY TRANSFER TAX

MOTION: Councilman Nakano moved to adopt Ordinance
3333 at its first and only reading. Councilman Mock seconded
the motion which carried by the following roll call vote:

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

At the request of Councilwoman Hardison, the City
Manager agreed to provide a perspective report re this issue in
six months' time.

*
Councilman Walker returned to Chambers.
*

15. APPEALS

SIGN CASE 90-16, STAPLES

The Mayor announced that this was the time and place to
consider an appeal of Sign Case 90-16, Staples, 2748 Pacific
Coast Highway.

A slide presentation was provided by Environmental
Quality Administrator McElroy, who noted that the Environmental
Quality and Energy Conservation Commission [TEQECC] and Building
and Safety staff recommend denial of the appeal and denial of
the requests.

Ms. McElroy, while responding to various inquiries,
noted that the appellant is appealing the decision of TEQECC to
deny a ground sign on Crenshaw Boulevard and to modify the back-
ground color on an existing ground sign from ivory to red.

The nature of the request was presented by Mr. Tim
Pitts, Heath and Company, 3225 Lacy Street, L.A. who noted that
he was representing both Staples and the property owner.

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Regarding the request for a red background on the existing ground sign, Mr. Pitts noted that the property owner not only concurs with the applicant's identification needs, but would be willing to sign a document stipulating that Staples would be the only tenant allowed to deviate from existing standards. Regarding the request for a ground sign on Crenshaw Boulevard, Mr. Pitts explained that the store has no identification for northbound traffic on Crenshaw Boulevard.

During Council discussion it was generally felt that Staples has ample identification and a good reputation. Most Councilmembers felt that sign standards established by the City after considerable effort should be observed, unless a critical need has been established.

Councilman Walker commended Heath and Company for its expertise and noted that he had no objection to the request for a red background on the pylon sign, however he was not in favor of the ground sign.

Councilman Mock captured the majority opinion by the following action:

MOTION: Councilman Mock moved to concur with staff recommendation for denial of the appeal and denial of the requests. Councilman Nakano seconded the motion, which carried by the following roll call vote:

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

At 7:00 PM, the City Council met in joint session with the Redevelopment Agency of the City of Torrance. At 7:01 PM, the regular Council agenda order was resumed, Council/Agency remaining in joint session for the purpose of a joint executive session; see page 11.

19. ORAL COMMUNICATIONS

19a. City Manager Jackson commented on the success of Make-A-Circus and the Water Conservation Fair.

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19b. Assistant City Attorney Pohl congratulated Terri Farinas of the City Attorney's Office for passing the State Bar Exam.

19c. Director of Parks and Recreation Barnett discussed the success of Make-A-Circus.

19d. Councilwoman Hardison commended the Youth Council for the many events it sponsors; most recently Make-A-Circus.

19e. Councilwoman Hardison inquired about the feasibility of bike racks on City buses. Transportation staff will pursue this issue.

19f. Councilman Nakano requested and received clarification about the removal of graffiti from a building on Western Avenue north of Sepulveda Boulevard.

19g. Councilman Wirth expressed appreciation to Building & Safety staff for its attention to the site at 182nd Street and Yukon Avenue.

19h. Councilman Wirth noted Cal-Span [coverage of California State Assembly] is now cablecast on Channel 60, during the day.

19i. Mr. Tony Kriss, 18528 Gramercy Place, discussed the Real Property Transfer Tax [agenda Item 13a]; property values; and, the budget process, the latter issue inciting various clarifications from different Councilmembers.

19j. Ms. Alanna Noyes, 20024 Wayne Avenue, inquired about certain aspects of the City budget and expressed concern about what she perceives to be the apathy of taxpayers as it relates to tax increases.

20. EXECUTIVE SESSION

20a. Executive Session Matters

The City Council/Redevelopment Agency having remained in joint session [see page 10] Mayor/Chairwoman 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:

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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 John Rastello, et al. vs. Rollo Green, et al., Los Angeles Superior Court Case No. SWC 74882;

Potential litigation concerning disruption of City Activities;

Pending litigation entitled Evangelina Velasco vs. City of Torrance, Los Angeles Superior Court Case No. SWC 000641;

Potential litigation involving El Camino College.

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

The City Council, acting as the Redevelopment Agency, will recess to closed session to confer with Agency Counsel and staff on the following subject:

Potential litigation involving water quality in the 26 acres.

Authority to hold an executive session for this purpose is contained in Government Code Section 54956.9(c).

At 7:25 PM, the City Council/Redevelopment Agency of the City of Torrance recessed to joint executive session returning at 8:15 PM. The following Council-related action was taken as a result of this session:

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RESOLUTION NO. 91-77

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 90-210 SETTING FORTH CERTAIN CHANGES REGARDING HOURS, WAGES AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE POLICE OFFICERS ASSOCIATION

MOTION: Councilman Nakano moved for the adoption of Resolution No. 91-77. Councilman Walker seconded the motion which proved unanimously favorable after roll call vote (Councilman Walker was absent from Council Chambers; absent Councilman Applegate.)

21. ADJOURNMENT

At 8:18 PM, the meeting of the City Council was formally adjourned to June 11, 1991, 7:00 PM.



Mayor of the City of Torrance



Clerk of the City of Torrance

Valerie Whippie
Minute Secretary

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