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* * *

Marlene Lewis
Minute Secretary

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Prepared by Office of City Clerk
DONNA M. BABB, CITY CLERK

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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, September 17, 1985, at 5:33 p.m., in the Council Chambers at Torrance City Hall.

2. ROLL CALL:

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

Absent: None.

Also Present: City Manager Jackson,
City Attorney Remelmeyer,
and Staff Representatives.

3. FLAG SALUTE AND INVOCATION:

Water System Superintendent Bob O'Cain led in the salute to the Flag.

Captain Ray Nelson, Salvation Army, provided the invocation for this meeting.

STANDARD MOTIONS:

4. APPROVAL OF MINUTES:

MOTION: Councilman Applegate, seconded by Councilwoman Geissert, moved to approve the City Council minutes of August 20, 1985, as recorded. The motion carried by unanimous roll call vote.

5. MOTION TO WAIVE FURTHER READING:

Councilman Applegate moved that after the City Clerk has assigned a number and read title to any resolution or ordinance on tonight's agenda, 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. Her motion, seconded by Councilman Wirth, carried by unanimous roll call vote.

6. WITHDRAWN OR DEFERRED AGENDA ITEMS:

Item 15a, continued hearing regarding CUP 85-23, PP 85-15, Clark M. Leonard - appeal withdrawn.

Item 21a, addendum item - withdrawn.

7. COUNCIL COMMITTEE MEETINGS:

None.

* * *

Mayor Armstrong announced with regret the passing of Mr. James Craig, father of former Manpower employee Ann Craig, and Mrs. Vickie Sullivan, wife of Environmental Quality and Energy Conservation Commissioner Joe Sullivan, and requested that the meeting be adjourned in their memories.

* * *

8. COMMUNITY MATTERS:

8a. PROCLAMATION Proclaiming September 21, 1985, as "I.O.F. Play It Safe Day."

SO PROCLAIMED by Mayor Armstrong, and gratefully received by Ms. Billie Rockey and Mr. Bob Fisher of the Independent Order of Forresters. Ms. Rockey invited all to participate in this free program, which provides parents an opportunity to have their children fingerprinted and to learn other safety measures, at Old Towne Mall, from 10:00 a.m. to 3:00 p.m., on Saturday, September 21, 1985.

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City Clerk Babb introduced Minute Secretary Marlene Lewis, who will replace Council Minute Secretary Peggy Lavery while she is on vacation. Ms. Lewis was extended a warm welcome by those present.

* * *

9. LIBRARY/PARKS AND RECREATION MATTERS:

9a. AGREEMENT WITH TORRANCE AREA YOUTH BANDS, INC. FOR FISCAL YEAR 1985-86:

At the request of Mayor Armstrong, City Clerk Babb read title to --

RESOLUTION NO. 85-270

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST THAT CERTAIN AGREEMENT BY AND BETWEEN THE CITY OF TORRANCE AND THE TORRANCE AREA YOUTH BANDS, INC. FOR THE FISCAL YEAR 1985-86

MOTION: Councilwoman Geissert moved for the adoption of Resolution No. 85-270. Councilman Nakano seconded the motion, and roll call vote was unanimously favorable.

9b. AGREEMENT WITH TORRANCE SISTER CITY ASSOCIATION FOR FISCAL YEAR 1985-86:

At the request of May Armstrong, City Clerk Babb read title to --

RESOLUTION NO. 85-271

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST THAT CERTAIN AGREEMENT BETWEEN THE CITY AND THE TORRANCE SISTER CITY ASSOCIATION FOR THE PERFORMANCE OF SPECIFIED SERVICES TO THE CITY FOR THE FISCAL YEAR 1985-86

MOTION: Councilwoman Geissert, seconded by Councilman Nakano, moved for the adoption of Resolution No. 85-271. The motion was unanimously approved by roll call vote.

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10. TRANSPORTATION/PUBLIC WORKS MATTERS:

10a. EMERGENCY REPAIR OF BOOSTER ENGINE AT
WALTERIA PUMPING STATION:

Recommendation of Water Department:

It is the recommendation of the Water Department that the City Council authorize Waukesha Engine Servicer, Inc. to perform said emergency work and appropriate \$13,500 from the Water Revenue Fund for this repair work.

MOTION: Councilwoman Geissert moved to concur with the recommendation of the Water Department, including the appropriation of funds. Councilman Mock seconded the motion, and roll call vote was unanimously favorable.

10b. LEASE OF CBS, INC.'S GROUND WATER PUMPING RIGHTS

At the request of Mayor Armstrong, City Clerk Babb read title to --

RESOLUTION NO. 85-272

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A WATER RIGHT LICENSE AND AGREEMENT BETWEEN THE CITY OF TORRANCE AND CBS, INC., FOR LEASING 9.5 ACRE FEET OF WATER RIGHTS ADJUDICATED TO CBS, INC.

MOTION: Councilwoman Geissert motioned for the adoption of Resolution No. 85-272. Her motion was seconded by Councilman Mock, and carried by unanimous roll call vote.

15. HEARINGS:

15a. CUP 85-23, PP 85-15, CLARK M. LEONARD
(CONTINUED FROM THE MEETING OF AUGUST 13, 1985):

Mayor Armstrong announced that this was the time and the place for a continued public hearing in the matter of City Council consideration of an appeal of a Planning Commission decision to allow the construction of a 10,800 square foot, two-story office structure in the C-3 (PP) zone at 17440 Prairie Avenue, CUP 85-23, PP 85-15, CLARK M. LEONARD.

Announcing that the applicant has withdrawn his appeal, Mayor Armstrong entertained a motion.

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MOTION: Councilwoman Geissert moved to close the public hearing. Mr. Walker seconded the motion, which carried without objection.

MOTION: Councilman Mock, seconded by Councilman Walker, moved to withdraw Item 15a from the agenda. It was so ordered by Mayor Armstrong without objection.

17. ADMINISTRATIVE MATTERS:

17a. DESTRUCTION OF UNNEEDED CITY RECORDS:

City Clerk Babb read title to --

RESOLUTION NO. 85-273

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

MOTION: Councilwoman Geissert, moved to adopt Resolution No. 85-273. Her motion was seconded by Councilman Mock, and unanimously approved by roll call vote.

17b. ASSIGNMENT OF GROUND LEASE FROM ROBERT G. HARRIS TO EXCELLON INDUSTRIES:

Recommendation of the Land Management Team, Director of Transportation, and City Manager:

The Land Management Team, Director of Transportation and City Manager recommend that Your Honorable Body adopt the attached two Resolutions: (A) approving the assignment of lease from Robert G. Harris to Excellon Industries, and (B) approving the amendment of lease requiring lessee to furnish the City with a certificate of insurance for \$1,000,000 and naming the City as additional insured.

Mayor Armstrong acknowledged receipt of supplemental material (of official record) consisting of a request from the Land Management Team that in adopting the Assignment of Lease and Amendment of Lease regarding Airport property at 24751 Crenshaw Boulevard the name "Excellon Industries" be amended to read "Excellon Industries, Incorporated;" that the Second Amendment of

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Ground Lease, Page 2, Line 15, currently reading "such amounts as may be requested...", be amended to read "such amounts as may be reasonably requested...;" and that all final language be subject to the City Attorney's approval.

Endorsement of the recommendation was requested by Albert Ng, Chief Assistant to the City Manager and Executive Officer of the Land Management Team, who announced that Mr. John Pomeroy, President of Excellon Industries, Incorporated, and Mr. Robert Klein, representing the lessee R. D. Harris Company, were in the audience to answer questions.

It was recommended by City Attorney Remelmeyer that parties to the assignment be permitted to amend the language thereof subject to his approval if they so desired, which he said, would not interfere with the Council's consent. There was no objection to this request by Councilmembers.

At Mayor Armstrong's request, City Clerk Babb read title to --

RESOLUTION NO. 85-274

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TORRANCE AUTHORIZING THE MAYOR
AND CITY CLERK TO EXECUTE AND ATTEST A
CONSENT TO ASSIGNMENT OF GROUND LEASE
FROM ROBERT G. HARRIS TO EXCELLON
INDUSTRIES

MOTION: Councilwoman Geissert moved to adopt Resolution No. 85-274 subject to the City Attorney's review. Her motion, seconded by Councilman Walker, carried by unanimous roll call vote.

City Clerk Babb then read title to --

RESOLUTION NO. 85-275

A RESOLUTON OF THE CITY COUNCIL OF THE CITY
OF TORRANCE AUTHORIZING THE MAYOR AND CITY
CLERK TO EXECUTE AND ATTEST A SECOND AMENDMENT
TO GROUND LEASE BETWEEN THE CITY OF TORRANCE
AND EXCELLON INDUSTRIES

MOTION: Councilwoman Geissert, seconded by Councilman Nakano, moved to adopt Resolution No. 85-275. The motion was unanimously approved by roll call vote.

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17c. REFUSE FRANCHISE REPORT AND RECOMMENDATIONS:

HELD; see Pages 8-17.

17d. EXECUTIVE SESSION:

CONSIDERED LATER; see Pages 18 and 19.

20. CONSENT CALENDAR:20a. FINAL TRACT NO. 42957

SUBDIVIDER: W. & B. BUILDERS, INC.
(Frank Thompson, President)

LOCATION: 17831 PRAIRIE AVENUE
(Perry School Site)

NO. OF LOTS: 54

20b. AWARD OF CONTRACT: COMPLETE REMOVAL OF 500 TREES

To The West Coast Arborist, Inc.
REF. BID. #B85-56

EXPENDITURE: Not to Exceed

- \$94,500 Total Bid Amount
- \$10,000 Contingency Amount

MOTION: Councilmember Applegate moved for the approval of Item 20b, announcing that he would abstain on 20a for reasons of record. His motion, seconded by Councilwoman Geissert, was unanimously approved by roll call vote.

MOTION: Councilwoman Geissert moved for the approval of Item 20a. Councilman Applegate seconded the motion, which carried by majority roll call vote (Councilman Applegate abstained for reasons of record).

21. ADDENDUM MATTERS:21a. MULTIFAMILY HOUSING REVENUE BONDS:

Request from The Casden Company to explore the feasibility of multiple housing revenue bonds for an apartment project proposed in the Park del Amo Project

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Mayor Armstrong announced that a request had been received from the proponent to withdraw this item until the September 24, 1985, meeting. IT WAS SO ORDERED WITHOUT OBJECTION.

* * *

At 5:48 p.m., the City Council recessed and reconvened as the Redevelopment Agency. The City Council reconvened at 6:10 p.m., remaining in joint session with the Redevelopment Agency and returned to consideration of Item 17c. (No further Redevelopment business was considered prior to adjournment.)

* * *

17c. REFUSE FRANCHISE REPORT AND RECOMMENDATIONS, AND DRAFT "REQUEST FOR QUALIFICATIONS":

City Manager Jackson initiated discussion on a report and recommendations regarding the procedure to be used in the franchising of commercial and multi-family refuse collection and a draft request for qualifications presented to the Council for review, and noted that the report was prepared on the assumption the Council wished to proceed with same.

The team utilized to prepare the report, consisting of Richard Garcia, Street Maintenance Superintendent; Bill White, Acting General Services Administrator; Albert Ng, Chief Assistant to the City Manager; Carole Roundtree, Administrative Specialist; and Rick Pickering, Management Assistant; was lauded by Mr. Jackson for doing an outstanding job in researching the key elements in awarding a refuse franchise.

Elements of the Refuse Franchise Report were highlighted in a brief presentation by Administrative Specialist Roundtree of the Street Department, who stated that the primary purpose of the report was to transmit the draft "Request for Qualifications" and supplemental information requested by the City Council at its July 16, 1985, meeting. Ms. Roundtree concluded with the City Manager's Recommendations.

CITY MANAGER'S RECOMMENDATIONS:

On the assumption that the City Council decides to proceed with the franchising of commercial refuse collection for the City of Torrance, the City Manager would recommend the following:

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1. The Franchise would exclude hazardous or toxic materials, construction-type roll off bins, and certain multiple family residential units.
2. The Franchise of Commercial Refuse would be granted for ten years.
3. The Request Document would assume the City will not become involved in billing nor authorize putting refuse bills on the County tax bill.
4. The adoption of a 5% franchise fee for the commercial refuse franchise.
5. Rates should be evaluated in conjunction with qualifications by incorporating the Request for Qualification into a Request for Proposal as per Exhibit 3.
6. Concurrence with the inclusion of data on existing service in the RFP packet. (City Manager to return with final RFP for City Council review.)
7. Concurrence with recommended time frames and review procedures as outlined in the report totalling approximately 4-5 months.
8. Concurrence with recommendations regarding additional staffing. (Such would be implemented once the franchise was in place.)

Mayor Armstrong invited comments from Councilmembers.

It was noted by Councilwoman Geissert that staff material lacked a recommendation on whether or not to proceed on this matter. She further observed that the original recommendation (of the Study Team) was not to implement a franchise at this time. "In order to put this issue into focus for discussion purposes," SHE MOVED to receive and file the "Refuse Franchise Report" and instruct staff not to proceed further with the study on this issue. Her motion was seconded by Councilman Applegate. (Final action on Page 17.)

Councilman Nakano commended staff for their excellent report, and stated his conclusion, "after a long, hard look at the proposal," that it would be in the best interests of the City to keep refuse collection "status quo" -- "allow businesses to choose refuse haulers in light of the best service and least cost." It was his opinion that any environmental issues involved could be addressed in other ways.

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Stating that he did not agree with Mrs. Geissert's motion, and would vote against it, Councilmember Walker said he felt the City staff recognizes, regardless of misconceptions and negative rhetoric, that "we have a procedure that can go forward in the community -- be it now or in the future -- and that procedure could be of benefit to the business community and to the taxpayers in the City of Torrance." It is pointed out in staff's report, and comments from staff and industry indicate, Mr. Walker said, that the economy of scale is "one franchise company could more efficiently pick up trash in commercial areas of the City and reduce the price to the business community." It was Mr. Walker's opinion that those economies could also be the basis of income "sorely needed in this City." In saying this he opined that, although Torrance is a fine, healthy community, it is necessary to look to the future in order to maintain financial integrity.

"The process should continue," contended Councilman Wirth, who opined that, although he may ultimately vote against a refuse franchise, the Council would not be doing the issue justice without all the information, including proposals from the hauling companies.

Councilman Applegate suggested the Council should "look for less spending" if "income is sorely needed, both today and for the future years," noting a recent Council commitment to build a project he, personally, did not believe was of "high enough priority." It was his opinion that such comments tend to instill fear that the City might need funds for public safety in order to justify a trash franchise. Observing that the business community, multi-tenant residential community, and City staff have all indicated their opposition to a refuse hauling franchise, Mr. Applegate proposed that there is no need for further study, and voiced his desire that the issue be shelved and "not rear its ugly head again for a long time to come."

People think you are against free enterprise if you are for franchising, it was observed by Councilman Mock, who stated that he did not think that was true. He explained that he considered two critical areas in evaluating whether or not to go forward on franchising: 1) The City can have more control over Commercial refuse pickup with a franchise; and 2) The revenue realized would be an added benefit, in his opinion. Mr. Mock said he would be voting against Mrs. Geissert's motion because he did not have the information necessary to make a good evaluation and judgment on franchising, and wanted to go at least "one step further."

Mayor Armstrong invited audience comments, requesting participants to speak to the issue, only.

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First to speak, Mr. Ed Johnson, 23059(A) Nadine Circle, who was in favor of Mrs. Geissert's motion, suggested "If it isn't broke, don't fix it." Mr. Johnson, a resident of New Horizons condominiums, indicated that he was satisfied with the current level of service obtained by selecting their own collector. He predicted ever increasing rates would be dictated with a "monopoly," and expressed his fear that their costs would double.

Mr. Bernie Hollander, 22595(B) Nadine Circle, was also in favor of Mrs. Geissert's position, and opposed a franchise. This speaker related a recent experience wherein New Horizon's was able to circumvent a rate increase through the freedom to "shop around" for another refuse hauler; and, using the City's tax on utility bills as his "case in point," Mr. Hollander opined that a franchise would represent an indirect tax that would "go up with the concurrence of a Council that could propose such a monopoly in the first place."

Stating that he was speaking on behalf of several neighbors in the area, Mr. John Polenko, 1323 Crenshaw Boulevard, agreed in a City that promotes free enterprise, and supported Mrs. Geissert's position. He also related an incident wherein he was able to save money on refuse service through free enterprise, and proposed that people should not be locked into a certain franchisee who might continue with rate increases.

The Torrance Area Chamber of Commerce was represented by Mr. William Beverly, 21515 Hawthorne Boulevard, who read a brief statement with a clear message that the Chamber, as a body, is emphatically opposed to franchising commercial refuse collection, with or without competitive bidding, and recommends the process currently under way be aborted. This position was motivated by the Chamber's belief in its philosophy that "free enterprise creates a healthy competition which produces better prices and better service for the consumer," Mr. Beverly said.

Two other points stressed in this message delivered by Mr. Beverly included the lack of data relative to the range of rates or level of satisfaction with current services within the City, and the lack of data on comparable price or service satisfaction prior to and post franchising in neighboring cities. In conclusion, Mr. Beverly's statement indicated that the matter needs further analysis and he supported the motion by Mrs. Geissert.

Next to speak in favor of the motion was Mr. Don Lee, 2319 West 233rd Street, who identified himself as a Torrance Businessman and member of the community. Mr. Lee maintained that the free enterprise system allows for the lowest rates possible, and suggested that any problems with the current form of refuse pickup could be resolved through existing resources, such as

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City Ordinances. Pointing out, as did Councilman Applegate, that the City has just committed itself to a large sum for a project that is not as urgent as Police or Fire needs, this speaker said he is concerned over the indicated need for money, now.

Also in favor of Mrs. Geissert's motion not to proceed further with the franchise process for refuse hauling, Mr. Robert K. Green, Councilman for the Apartment Association of Greater Los Angeles representing over 9,000 members, and President of Penmar Management Company, with properties in the City of Torrance, offered three reasons for recommending not to proceed further:

1. From his experience, he knew refuse collection rates would go up with a franchise - 30% higher, in his opinion.
2. The franchise would be indirect taxation, and it would be more ethical for the City to let the people know it is in need of money and tax them directly, in his opinion.
3. While he conceded that a franchise would give the City greater control over refuse collection, he pointed out that it would be a loss of freedom to the property owner who would have to battle a "maze of bureaucracy" if he is not satisfied with service.

Lynn J. Newman from Inglewood, Torrance, and Rancho Mirage, referred to her comments at the July 30, 1985, Council meeting (of record), and proposed further study would bring out that Inglewood residents are unhappy with a franchise because they have no choice, and the rates go up yearly. After relating negative experiences with that franchisee, Ms. Newman urged Council to "but the study to bed and go on with other business."

Three concerns involved with supporting and maintaining the free enterprise system were set forth by George Twidwell, President of the Torrance, Lomita, Carson Board of Realtors, 22833 Arlington Avenue:

1. What will hold prices and service in line without competition?
2. If the consumers and businesses are not going to pay the franchise fee received by the City, who is? The idea of replacing licensees in the City for profit is alarming to him because what will stop the City from this practice the next time it needs money?

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3. Although he felt there was no corruption or graft in the current franchise consideration, he is afraid it will establish a system wherein these things may appear in the future.

Speaking for the free enterprise system, as a resident and as a party to a small business in Torrance, Dick Rossberg, 410 Via Malaga, agreed with Councilwoman Geissert's motion; and opined that while monopolies have their place, such as with utility companies, tampering with the free enterprise system otherwise is "a dangerous thing."

On behalf of Mr. Bob Abrams, President of Standard Brands Paint Company, Speaker Rossberg paraphrased Mr. Bob Abrams' August 1, 1985, letter to Mayor Armstrong (of official record). This speaker related a concern that if one of the major reasons for a refuse franchise is the fee to the City, one grocery chain, once attorney, or one paint company might also give the City more control and added revenue.

After relating an experience wherein his son, a businessman in the City, was able to resolve a refuse problem with the help of free enterprise, Mr. Rossberg pointed out that 13 of the 14 refuse haulers licensed in the City would be put out of business in Torrance if the franchise goes forward. Other possible problems with a franchise entertained by this speaker included a strike situation, and the probability of lawsuits against the City.

At the podium to speak in support of Councilwoman Geissert's motion, Mr. Tony Chris, 21157 Hawthorne Boulevard (unable to verify this name and address) referred to the history of this country to illustrate that "by creating a monopoly, you take away incentive." Having conducted a personal survey comparing Torrance refuse hauling service and rates with that of two adjacent communities with franchise systems, the result of which indicated that Torrance rates are less for an equal level of service, Mr. Chris questioned, "where is the economy?" Lastly, this speaker proposed that the integrity of the City's government should be considered since a franchise could, in his opinion, create suspicions - "a climate he did not want to see in Torrance."

Pointing out that during the budget process three months ago there were several items recommended by the City Manager for the Fire Department for which there was no funding available, Rick Bongard, Vice President of the Torrance Fire Fighters Association, urged the Council to proceed with the process, gather more information, and not make a decision based on "half the facts and innuendos of what might happen."

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In concurrence with the position of Mr. Bongard, Mr. Jerry Terrill, 3209 Antonio, also an employee of the Torrance Fire Department, rebuffed the "attack" on Council for researching the refuse franchise as "not warranted", and stated his appreciation for what he felt Council was trying to achieve.

Upon request, Councilwoman Geissert restated her motion "to receive and file the report and to instruct staff not to proceed further with the study of the issue at this time."

Former Mayor Albert Isen, 4539 Vista Largo, opined that the fire fighters had not read the "Refuse Franchise Report;" and, noting the previous recommendation of the Study Team (of official record), suggested the Council "bury" the Franchise Report "60 feet deep and never dig it up again."

Mr. Isen questioned why this issue was not brought up at a later meeting time when people could attend after work. He read from newspaper articles and the City's letter to apartment owners, businesses and industry, announcing discussion of the refuse franchise at the September 17, 1985, Council meeting, and opined that the wording was such that the subject matter was unclear - "the ordinary person would not know what it was talking about" - and questioned that the public had been given proper notice.

Everyone present was encouraged by former Mayor Isen to read the "Refuse Franchise Report," which he felt indicated that with a monopoly fees are raised as fast as possible and "residential collection is the next step." In his opinion, the report is very comprehensive, and no further study is needed.

Speaker Isen then read from letters in opposition to a refuse franchise from Robert Abrams, President of Standard Brands Paint Company, and Don Wilson, President of Don Wilson Builders, pages 51 and 49 of the "Refuse Franchise Report," respectively, and elucidated, with the concurrence of City Attorney Remelmeyer, that a refuse franchise could not legally take effect in the City for six years.

Despite Mayor Armstrong's efforts to adhere to the matter at hand, Mr. Isen referred to allegations in several newspaper articles and suggested that Councilmember Walker withdraw his vote from the refuse franchise matter and abstain because he has admitted receiving money from one of the refuse hauling companies; and he challenged Mr. Walker to clear his record in this regard.

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The process of studying the possibility of a refuse franchise in the City of Torrance began when one of the refuse companies (not the one he is noted as having received campaign funds from) held discussions with City staff regarding the franchising of commercial residential waste, which led to his asking for a report, Mr. Walker explained. "At no time was there any consideration as to any linkage whatever regarding contributions in any action ever taken at the City Council," Mr. Walker clarified, reminding Mr. Isen that campaign contributions and meeting dates are matters of public record.

Further explaining how he received the subject contribution, Councilman Walker said the refuse company that donated money to his campaign was among contributors at his campaign dinners; that he received approximately \$6,000 from this source over a period of several years; that this amount represents about 3 percent of what he has received in political contributions -- "not an amount to twist anybody's arm;" and, that in order to eliminate any stigma that could be perceived in the community over the amount of campaign funds received from this source, he donated \$2,500 to \$3,000 to child abuse related charities.

Mayor Armstrong responded to Mr. Isen's question relative to the meeting time set for this matter, explaining the schedule of Council meetings, and that matters cannot always be set at later times.

Returning to discussion of the issue at hand, Councilman Walker referred to his past history and said he did not believe he was doing the City a disservice by bringing forth an issue and asking for a study - he felt he was doing what he was elected to office to do, "spend the money of the City in the wisest and most prudent way possible." Mr. Walker proposed that the idea of gaining adequate information and making a judgmental decision at the appropriate time is, to his thinking, the best way to look at this particular problem. The refuse industry "isn't going to talk to us about basic things of interest or rates" until we take this process one step farther, he maintained, stating his desire to carry this process through so the Council can make a rational decision.

Directing attention to Page 5 of the "Refuse Franchise Report, regarding the "economy of scale," Councilmember Walker proposed that "the point is, was, and will always be, that if in fact the City had a franchise, the price to the business community would remain the same or be less, and the City's taxpayers - the people who cry out for service - would, in the end, be served."

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Councilman Wirth was next to speak, and referred to the letter from Standard Brands Paint Company (of official record) which was read aloud earlier and quoted, "this situation smells of political corruption." Mr. Wirth opined that the attitude inferred, which others also expressed, was offensive and did not belong in the discussion. If believed to be true, such matters should be legally pursued, he proposed, or an apology offered.

The public should be aware, Councilwoman Geissert elucidated, that the Council was not looking at new sources of revenue when the budget was adopted, and the refuse franchise was not brought up as a revenue making option at that time. As to the statements made earlier by Fire Department employees Bongard and Terrill regarding budget items for which there was no funding, Mrs. Geissert commented that she did not believe there is a budget in the history of the City adopted with all departmental requests fully honored - "they work their way up eventually."

Her opposition to this issue, Mrs. Geissert explained, is based on her strong feeling that with this type of service we all benefit from having a free choice by obtaining a higher level of service -- perhaps for less money.

Expressing his dismay at Messrs. Bongard and Terrill's discontent with the budget results, Councilman Applegate observed that Council did appropriate the necessary funds for the fourth parametic unit in the City, contrary to the recommendation of the City Manager, noting that Councilmembers "do look above and beyond" some of the recommendations.

After commenting to some of Mr. Walker's earlier remarks regarding Mr. Walker's political history in the City, Councilmember Applegate returned to the subject of a possible refuse franchise, opining that it would, he supposed, be less expensive at the onset - "there would not be a refuse company in the world that would come in and propose to charge more than people are now paying." However, Mr. Applegate said he felt the City should look at the "long run," and historic data indicates that once a franchise is in, the rates go up, he said. The City may be able to generate a franchise fee as a side affect, Mr. Applegate maintained, but the bottom line is that "it's the people that pay, and it's the people that we are here to represent."

Prior to calling for a vote on the motion on the floor, Mayor Armstrong addressed a couple of themes which, in his judgment, did not have a place in this discussion. He advised those present that the City has a balanced budget, and is not "grasping for money" as some of the comments would indicate.

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Referring to comments directed at the project to enhance the Civic Center, Mayor Armstrong clarified that, if the Civic Center project proceeds, it would be built through a bond issue in the same manner that other public buildings have been erected; the bonds would be retired over a long period of time; and normal growth can be expected to accommodate that cost.

On the issue of franchise, Mr. Armstrong opined that the franchising power is a valuable resource of any City; and he felt that consideration of it should "stand alone."

In closing, Mayor Armstrong stated his belief that Torrance has a good, open government, and invited any objective observer to "examine the books and prove otherwise." "I hope we will never be afraid in this City to consider new ideas," he said. Mr. Armstrong opined that before long the magnitude of refuse disposal in Los Angeles County and throughout the State may motivate the State to act in terms of developing a sense of public utility. However, he noted that there is not movement in this direction in the City of Torrance now; therefore, he was in support of Mrs. Geissert's motion.

COUNCILWOMAN GEISSERT'S MOTION (to receive and file the "Refuse Franchise Report," and instruct staff not to proceed further with the study on the issue, see Page 9) NOW CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES: Councilmembers Applegate, Geissert, Nakano, and Mayor Armstrong.

NOES: Councilmembers Mock, Walker, and Wirth (for reasons stated).

17d. EXECUTIVE SESSION:

Considered later; see Pages 18 and 19.

20. CONSENT CALENDAR:

Considered earlier; see Page 7.

21. ADDENDUM MATTERS:

Considered earlier; see Pages 7 and 8.

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22. ORAL COMMUNICATIONS:

22a. Councilman Applegate, echoed by his fellow Councilmembers in turn, extended a warm "welcome back" to Planning Director Dave Ferren.

(Oral Communications were continued after Executive Session, see Page 19.)

The Council now returned to consideration of...

17d. EXECUTIVE SESSION:

Mayor Armstrong read the following statement into the record:

The City Council will now recess to closed session for the purpose of conferring with the City Attorney regarding the following:

1. Pending litigation entitled: City of Torrance vs. Torrance Unified School District, Case No. C561662, Los Angeles Superior Court. This closed session is being held pursuant to Government Code Section 54956.9(a).
2. Pending litigation entitled: John Maley vs. City of Torrance, California Workers' Compensation Appeals Board Case No. 85 LB 144109. This closed session is being held pursuant to Government Code Section 54956.9(a).
3. Possible litigation concerning certain amendments to the City Cable TV Franchise with Group W. This closed session is being held pursuant to the provisions of Government Code Section 54956.9(b) (1).
4. A proposal by Park del Amo for space on a short term lease basis with the City of Lot 6, Tract 43326. This closed session is held pursuant to Government Code Section 54956.8.

This City Council will also recess to closed session to confer with the City Manager regarding salaries, salary schedules, and compensation of certain employee groups. This closed session is being held pursuant to the authority of Government Code Section 54957.6.

Councilman Applegate announced that he would abstain during discussion of the Park del Amo matter and would absent himself from the room at that time.

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At 8:08 p.m. the City Council recessed, Mayor Armstrong having announced that the closed Executive Session would convene at 8:20 p.m.

The Council reconvened at 9:15 p.m., and Mayor Armstrong noted, for the record, that Mr. Applegate had absented himself during consideration of the Park del Amo matter. The following Council action was then taken:

At Mayor Armstrong's request, City Clerk Babb read title to:

RESOLUTION NO. 85-276

A UNILATERAL RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF TORRANCE CONTINUING IN FULL
FORCE CURRENT WAGES, HOURS AND WORKING
CONDITIONS FOR EMPLOYEES REPRESENTED BY THE
TORRANCE CITY ATTORNEY'S ASSOCIATION PENDING
RESOLUTION OF SALARY NEGOTIATIONS

MOTION: Councilwoman Geissert moved for the adoption of Resolution No. 85-276. Her motion was seconded by Councilman Mock, and unanimously approved by roll call vote.

Councilman Applegate made the following statement:

It is the understanding that parties involved in the Maley Workers' Compensation case have negotiated a resolution and that they are in agreement. This resolution has not yet been reduced to writing. The parties have agreed not to disclose the nature of this resolution.

MOTION: Mr. Applegate moved to concur in that agreement, and was seconded by Councilman Mock. The motion was unanimously approved by roll call vote.

The Council now returned to...

22. ORAL COMMUNICATIONS: (Continued from Page 18.)

22b. Noting that the League of California Cities meeting in San Francisco during the first part of October may conflict with the October 8, 1985, City Council meeting, Mayor Armstrong entertained discussion of a dark Council on this date. Discussion on this matter was deferred to September 24.

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23. ADJOURNMENT:

The City Council/Redevelopment Agency (the Agency having remained in joint session, with no further Agency business conducted) duly adjourned at 9:15 p.m. to Tuesday, September 24, 1985, at 7:00 p.m.

City Council adjournment was dedicated to the memories of Mr. James Craig and Mrs. Vickie Sullivan.

* * *

Katy Sessler
Mayor of the City of Torrance

Ronald E. Huber
Clerk of the City of Torrance

Marlene Lewis
Minutes Secretary

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