

June 13, 2000

**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 5:34 p.m. on Tuesday, June 13, 2000, in City Council Chambers at Torrance City Hall.

ROLL CALL

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

Absent: None.

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

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

16. EXECUTIVE SESSION

At 5:34 p.m., pursuant to Government Code Sections 54957.6, 54956.9 (a), 54956.9 (c) and 54956.8, the Council recessed into a closed session to discuss matters listed on the meeting agenda.

The Council recessed at 6:30 p.m. and reconvened in Council Chambers at 7:10 p.m.

City Attorney Fellows announced that the City Council met in closed session to consider whether to join as an amicus curiae in a friend of the court brief being prepared in the case of County of Sonoma, et al. V. California Dept. of Finance, et al., in the California Court of Appeal, First Appellate District, Division One, Case No. 1 Civ. No. A089524. He explained that the case relates to the Educational Revenue Augmentation Fund (ERAF) shift in the mid-1990s of local agencies' property tax revenues to fund education. The trial court found that this funding shift constituted a reimbursable state mandate. If the County's position is upheld on appeal, local agencies would realize a return of the ERAF-shifted revenues. California cities that objected to the State's imposition of the ERAF shift have been asked to join a brief supporting the County of Sonoma. By a 7-0 vote, the City Council authorized the City Attorney to join the amicus brief, at no cost to the City. This action is being reported to the public pursuant to Government Code Section 54951.1 (a)(2).

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Aaron Maass, Boy Scout Troop #310.

Pastor Alan Hilberg, South Bay Christian Church, 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

Mayor Hardison introduced Los Angeles County Assessor Rick Auerbach, who was recently appointed to replace Assessor Hahn. He noted the services offered by the department and invited the public to stop by the local assessor's office in Lomita.

6. COMMUNITY MATTERS

6a. RECOGNITION OF HIGH SCHOOL ATHLETES

Mayor Hardison presented Certificates of Commendation to North High School students, Jesse Juarez and Luke Santos, and Torrance High School student Maurice Washington for achievements in a national wrestling competition.

6b. PROCLAMATION RE "SPECIAL OLYMPICS WEEK"

Mayor Hardison presented a proclamation declaring the week of June 11-17, 2000, as Special Olympics Week in the City of Torrance to Carolyn Mooney, Special Olympics Coach.

6c. RECOGNITION OF SPECIAL OLYMPICS ATHLETES AND COACHES

Mayor Hardison presented recognition letters to Special Olympians and coaches attending the annual games at CSULB: Mark Bialick, Jennifer Bleidistel, Sheila Bryson, Bob Fick, Jeremy Galindo, Angie Gacia, Jim Geddes, Marleen Geddes, Ron Geyer, Amanda Gonzalez, Fred Guibor, Michael Guibor, Jim Hansen, Len Hashamoto, Christina Hathaway, Chris Hawks, Bob Huetter, Philippe Hyder, John Kalinski, Vanessa Knight, Christen Martinez, David Molher, Stephanie Mooney, Jenica Olgrin, Fred Oliver, Pam Petrou, Tom Schlemer, Debbie Spomer, Stephanie Stolze, Jenny Stone, Arnold Sylvia, Sean Tamer, Robert Waters, Steven Wolfram, Sue Wolfram, Gerry Barr, Scott Buss, Janet Guibor, Greg Gustella, Carolyn Mooney, Dorothy Spomer, Pam Spomer, Jan Sylvia, and Helena Zuvich.

Mayor Hardison presented certificates to Police Chief Herren in recognition of the police department staff who participated in the Olympic Torch run.

6d. RECOGNITION OF TORRANCE UNIFIED SCHOOL DISTRICT VALIDICTORIANS FOR 2000

Mayor Hardison presented certificates to Torrance Unified School District valedictions for 2000: **Bishop Montgomery High:** Jonrobert Lang - Counselor Susan Egan; **North High School:** Mark Ahn, Michelle Choi, Jennifer Hahn, Bryan Hino, Sara Lemieux, Christine Nakata, Lan Nguyen, Kristine Tofukuji, Alexander Ueda, - Principal Sid Morrison, Counselor Susan Campbell **South High School:** Sarah Ball, Jae (Jane) Cho, Benjamin Graham, Rose Hakim, Megan Kelly, Jennifer Kim, Michelle Kim, Debbie Lee, Hanna Lee, Hwan Kyu (Ben) Lee, Steve Louvet, Jessica Lu, Judith Y. Oh, Jamie Schroeder, You-Chen (Cathy) Tao, Louise Wang, and Jana Wennstrom - Principal John O'Brien; **Torrance High School:** Marc Matoba, Alice Wang, Cheuk-Ying (Ada) Yu; - Principal George Cannady and **West High School:** Fahim Bakar, Daniel Han, David Law, Julian Snyder, Timmy (Ming Hsiu) Wang, Jeh Yung. – Principal (Dr.) Alexis Sheehy.

7. CONSENT CALENDAR

7a. AUTHORIZATION OF FUNDING RE RED GUM LERP PSYLLID PROGRAM

Recommendation

Recommendation of the Street Services Director that City Council authorize funding to the Regents of the University of California for the Red Gum Lerp Psyllid Program, in the amount of \$7,500.

7b. CONSULTING SERVICES AGREEMENT RE TAXILANE REPAIRS AT ZAMPERINI FIELD

Recommendation

Recommendation of the Street Services Director that City Council approve a Consulting Agreement with Charles Abbott Associates (CAA) of Torrance in the amount of \$45,910 for professional engineering services for taxilane pavement repairs at Zamperini Field.

7c. LETTER OF AGREEMENT RE FASHION WAY IMPROVEMENTS

Recommendation

Recommendation of the Planning Director that City Council:

- 1) Approve a Letter of Agreement (LOA) with the Los Angeles County Metropolitan Transportation Authority (LACMTA) for the purpose of streetscape improvements project along Fashion Way between Madrona Avenue and Hawthorne Avenue.
- 2) Authorize staff to issue a Request for Proposals for the design portion of this project.

7d. **AGREEMENT RE PROJECT MANAGEMENT SERVICES FOR MADRONA MARSH NATURE CENTER AND CIVIC CENTER LIBRARY**

Recommendation

Recommendation of the General Services Director that City Council approve agreements with Mathias G. Adriolo, a consultant, in an amount not to exceed \$20,000 to provide project management services for the construction of the Madrona Marsh Nature Center and in an amount not to exceed \$15,000 for the renovation of Katy Geissert Civic Center Library.

MOTION: Councilmember Walker moved for the approval of Consent Calendar Items 7a through 7d. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

8. **COMMUNITY SERVICES**

8a. **APPROVAL OF CITYWIDE CURBSIDE AUTOMATED RECYCLING PROGRAM**

Recommendation

Recommendation of the Street Services Director that City Council approve the Curbside Automated Recycling Program and approve the expenditure of \$1,960,000 from Sanitation Enterprise Funds to fund the following:

- 1) Purchase 31,500 automated containers;
- 2) Purchase 5 automated front loader buckets;
- 3) Retrofit 7 Sanitation vehicles;
- 4) Upgrade a part-time semiskilled position to full time and purchase a dedicated vehicle for maintenance and related tasks associated with this Program.

In a slide presentation, Waste Management Coordinator Sherman outlined the staff recommendation (per written material of record), noting that funding is available at no additional cost to the City or residents for the program. She advised that further research had shown that the bi-weekly collection format proposed for the Green Waste Pilot Program (approved by the Council in June 1999) was not practical and that staff would returned with a revised pilot program after results of an audit to determine the City's progress in compliance with AB 939 have been reviewed.

Mayor Hardison stated that she appreciated the fact that staff had gone back and re-evaluated the Green Waste Pilot Program because she, as well as other Councilmembers, had expressed reservations about the program.

Councilmember Messerlian, echoed by Councilmember Walker, commented that residents might have difficulty finding space to store a third container for green waste.

In response to Mayor Hardison's inquiry regarding scheduling, Sanitation Services Administrator Brewer indicated the he expected the new program to be operational by January 2001. He reported that cities that have implemented similar programs have doubled their recycling. He confirmed that there will be weekly pick-up of recycling containers, however, routes will be made much larger and residents will be asked to put their containers out only when they are full.

Responding to questions from Councilmembers, Mr. Brewer advised that preliminary reports indicate that the City is very close to the 50 percent waste reduction mandated by AB 939; advised that staff was proposing a six-month trial period to see what the demand is for additional or different sized containers before making any recommendations in that area; and confirmed that the City offers assistance to businesses in formulating their own recycling programs. He explained that the City is continually seeking to expand the list of items that may be recycled but noted that it depends on the type of items the recycling facilities will accept.

In response to Councilmember Messerlian's inquiry, Mr. Brewer confirmed that the funds to be used for the program are specifically earmarked for this purpose and cannot be used for anything else.

MOTION: Councilmember Messerlian moved to concur with the staff recommendation. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

9. PLANNING AND ECONOMIC DEVELOPMENT

9a. CONSULTING SERVICES AGREEMENT RE ENGINEERING DESIGN OF 190TH STREET

Recommendation

Recommendation of the Engineering Director that City Council:

- 1) Adopt a Resolution authorizing the Mayor to execute and the City Clerk to attest to Program Supplement No. 003-M to Agency-State Agreement No. 07-5249 for Federal ISTEA funding of engineering design services in conjunction with the 190th Street Rehabilitation project from Prairie Avenue to Van Ness Avenue;
- 2) Approve a Consulting Services Agreement with Engineering Resources of Southern California Inc. in an amount not-to-exceed \$310,570 for engineering design of the 190th Street Rehabilitation project from Prairie Avenue to Van Ness Avenue;
- 3) Authorize the Mayor and City Clerk to execute and attest said Consulting services Agreement.

Engineering Director Burtt presented the staff report (per written material of record).

RESOLUTION NO. 2000-67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE PROGRAM SUPPLEMENTAL NO. 003-M TO ADMINISTERING AGENCY-STATE AGREEMENT NO. 07-5249 BETWEEN THE CITY OF TORRANCE AND THE STATE OF CALIFORNIA FOR THE 190TH STREE REHABILITATION PROJECT FROM PRAIRIE AVENUE TO VAN NESS AVENUE. PROJECT NO. STPL-5249 (004)

MOTION: Councilmember Messerlian moved for the adoption of Resolution No. 2000-67. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote.

MOTION: Councilmember Messerlian moved to approve the Consulting Services Agreement with Engineering Resources of Southern California Inc. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

9b. CITY OF TORRANCE LIGHTING DISTRICT NO. 99-1

Recommendation

Recommendation of the Planning Director that City Council take the following actions:

- 1) Adopt a Resolution initiating proceedings to levy assessments within the City of Torrance Lighting District No. 99-1 for Fiscal Year 2000-2001;
- 2) Adopt a Resolution approving the Engineer's Report for the City of Torrance Lighting District No. 99-1; and,
- 3) Adopt a Resolution of Intention to levy assessments within the City of Torrance Lighting District No. 99-1 for Fiscal Year 2000-2001.

Traffic Engineer Sedadi presented the staff report (per written material of record) and noted supplemental material available at the meeting.

In response to Mayor Hardison's inquiry, Ms. Sedadi confirmed that the rates have slightly decreased in all areas and noted that the public hearing on the levy of the proposed assessments was scheduled for June 27, 2000.

Mr. Rick Marshall, commended the City for the rate reduction. He questioned whether there had been any major changes in the parcels allocated to Zone A or Zone, and whether there was any surplus of funds levied from the previous year, and requested information regarding the annual costs being paid to Southern California Edison for the electricity for safety lights.

A representative of David Taussig & Associates, Inc., project consultant, advised that although there have been modifications to lights within City, with some being removed and some being added, no parcels had been reassigned to a different zone; explained that costs for funding street lighting far exceeds the City's ability to levy assessments for them so there was no surplus from the previous year; and indicated that \$145,000 was being budgeted for electricity for safety lights and traffic signals in FY2000-2001, equivalent to the costs in FY 1999-2000.

RESOLUTION NO. 2000-68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE CITY OF TORRANCE LIGHTING DISTRICT NO. 99-1 FOR FISCAL YEAR 2000-2001 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE STREETS AND HIGHWAYS CODE AND AS PROVIDED BY ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

MOTION: Councilmember Messerlian moved for the adoption of Resolution No. 2000-68. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

RESOLUTION NO. 2000-69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING THE REPORT OF THE ENGINEER IN CONNECTION WITH THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN CITY OF TORRANCE LIGHTING DISTRICT NO. 99-1 FOR FISCAL YEAR 2000-2001 PURSUANT TO THE PROVISION OF PART 2 OF DIVISION 15 OF THE STREETS AND HIGHWAYS CODE AND AS PROVIDED BY ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

MOTION: Councilmember Messerlian moved for the adoption of Resolution No. 2000-69. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

RESOLUTION NO. 2000-70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITY OF TORRANCE LIGHTING DISTRICT NO. 99-1 FOR FISCAL YEAR 2000-2001 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE STREETS AND HIGHWAYS CODE AND AS PROVIDED BY ARTICLE XIID OF THE CALIFORNIA CONSTITUTION, AND APPOINTING A TIME AND PLACE FOR THE PUBLIC HEARING

MOTION: Councilmember Messerlian moved for the adoption of Resolution No. 2000-70. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

11. ADMINISTRATIVE MATTERS

11a. APPROPRIATION OF JOB TRAINING PARTNERSHIP ACT FUNDING

Recommendation

Recommendation of the Carson/Lomita/Torrance Private Industry Council (PIC) and the Human Resources Director of the City of Torrance that City Council accept and appropriate the following new funds to the Employment and Training Division budget for FY 1999-2000 for items 1 and 3, and FY 2000-2001 for item 2.

- 1) The Special Governor's WIA Transitional funding of \$109,804 from the State;
- 2) An additional \$78 in State funding for Summer Youth programs (correction of a prior approved Council Item, dated May 2, 2000);
- 3) An additional \$7,500 in Title IV-A State WtW SALT grant funding.

Human Resources Director Winer presented the staff report (per written material of record).

MOTION: Councilmember Cribbs moved to concur with the staff recommendation. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

**11b. AUTHORIZATION OF PAYMENT FROM SELF-INSURANCE FUND
RE ROBERT SHAFER**

Recommendation

Recommendation of the City Manager and Finance Director to authorize \$334,806.91 from the self-insurance fund to pay the judgment in Robert Shafer v. City of Torrance, et al., Los Angeles Superior Court Case No. NC 025294.

City Attorney Fellows reported that that this judgement was awarded as a result of an accident where a bus driver ran over a pedestrian.

MOTION: Councilmember Cribbs moved to authorize the payment of the judgement. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

11c. LEASE WITH CHAGAL COMMUNICATIONS

Recommendation

Recommendation of the Land Management Team for the City Council to authorize the Mayor to execute and the City Clerk to attest to a lease by and between Chagal Communications, Inc. (Lessee), and the City of Torrance for a portion of City owned property located on Calle de Arboles at Paseo de Pablo (APN #7532-024-900), which includes the following:

- an initial term commencing on July 1, 2000 and expiring on June 30, 2001;
- extension options as follows – July 1, 2001 through December 31, 2009; and
- additional options to renew the lease for four five-year periods commencing January 1 in each of the following years 2010, 2015, 2020 and 2025.

The options to extend may be exercised only if specific conditions outlining performance to use best efforts to resolve problems resulting from interference cause by the Lessee's broadcast operation are met.

Councilmember Scotto announced that he was abstaining from consideration of Item 11c as he owns property 2500 ft. from subject property. Councilmember Messerlian announced that he was absent during prior consideration and would abstain from further consideration of Item 11c. Both members left Council Chambers.

Mayor Hardison noted that this was a continuation of a hearing that began at last week's Council meeting and asked people who wished to speak not to be repetitive of earlier comments. She advised that correspondence received too late to be included in the supplemental material had been provided to Councilmembers and would be made part of the official record.

Land Management Team Chairman Sunshine presented the staff report and outlined the contents of the three supplemental items available at the meeting (per written material of record).

In response to Mayor Hardison's request for clarification regarding the legal ramifications of action taken by the Council in December of 1999 concerning this lease, City Attorney Fellows advised that it was the City's position that the Council had not finally approved any lease and that the Council had the legal ability to deny the lease at this time if they chose to do so. He noted, however, that Chagal Communications had taken a counter position and should it prevail, the City's liability exposure could be in the range of \$60 to \$160 million.

Councilmember Walker asked for clarification of the statement "Lessee will use its best efforts," as used in the lease. Referring to the redline version of the latest modifications to the lease (Supplemental #3), City Attorney Fellows pointed out that the phrase "use its best efforts" had been stricken and the lease now reads, "Lessee will comply."

Councilmember Witkowsky commented that she felt comfortable with the way the proposed lease was written in terms of having signposts along the way to measure performance and allowing the applicant a one-year trial period to see if problems can be mitigated. She stated that she thought it could be a win-win situation for everybody concerned.

Councilmember Cribbs voiced concerns about the enforceability of certain provisions of the lease and questioned whether the City could cancel the lease in the event of non-compliance. City Attorney Fellows advised that it would depend on the nature of the non-compliance but expressed confidence that the lease appropriately addresses the interference problems. He pointed out that the applicant was proposing to dramatically extend the obligations that radio stations have under FCC regulations by agreeing to comply with blanketing interference requirements and taking proactive measures to eliminate it for the life of the lease. Referring to a letter from Jonathon Kramer, FIAE (Supplemental #2), he noted that the consultant hired by the City had concurred with KFOX's consultant's opinion that raising the antenna should nearly or completely eliminate the blanketing interference.

Mr. Michael Olecki, 450 N. Roxbury Drive, Beverly Hills, attorney representing Chagal Communications, requested that the word "blanketing" be inserted in front of the phrase "interference problems" in Section 8(B) of the lease. City Attorney Fellows agreed to the revision, confirming that blanketing is the term used in FCC regulations.

Ms. Kay Roberts, 5002 Paseo de Pablo, indicated that she has had problems with her TV, VCR, telephones, garage door opener, and other electrical appliances, all caused by the KFOX radio antenna, and urged the Council to do something to stop the problems. She commented that it did not seem fair to inconvenience so many residents to accommodate a radio station that serves so few people.

Mr. Jeffrey Bradpiece, 5201 Calle de Arboles, stated that he did not believe this lease would be very profitable for the City, given the staff required to administer and monitor it. He conceded that KFOX had sent station engineer Lyle Henry out to attempt to remedy residents' problems with interference but related his understanding that this

action took place in conjunction with the pending sale of the radio station. He stated that he did not want to have to schedule a service call or attend to a meeting just to be able to use his radio, pointing out that the inconvenience to residents is compounded by each new appliance.

Noting that he has lived at this address since 1956, Mr. Nick Sawers, 4814 Via El Sereno, commented on long-standing problems with TVs and radios and expressed the hope that the situation could be remedied, maintaining that he should not have to live this way.

Mr. Dave Eloë, 5010 Calle de Arboles, stated that he would like the antenna removed because it detracts from the view from his home and reported that he has experienced minor interference on his radio, TV and telephone.

Mr. Kurt Koepcke, 1851 Lomita Boulevard, representing his parents, who live at 3636 Navajo Place, Palos Verdes Estates, stated that his parents have not been able to get good TV reception since the antenna was installed. He requested, and was provided, clarification of language in the lease.

Mr. Scott Gobble, 5209 Calle de Arboles, reported that KFOX made an extra effort to correct problems at his home, having recently installed an FM antenna in his attic.

Mr. David Barnes, 3640 Navajo Place, voiced his objections to the antenna, stating that the KFOX property is unsightly and the antenna interferes with his TV and FM radio reception. He noted that he has had to subscribe to cable TV and make modifications to his phone lines to cope with the problems and commented that the costs to residents far outweigh the \$1,000 per month the City would receive from this lease.

Mr. Ray Saukkola, 5331 Via del Valle, related problems with his telephones and radios due to interference from the radio antenna and suggested a shorter term for the contract so the City will not be locked into a lease for 30 years.

Mr. Gary La Tourette, 5202 Calle de Arboles, stated that he did not understand why the City would even consider approving this lease for the relatively minor sum of \$12,000 a year and expressed concerns that the City was responding to legal threats rather than acting in the best interests of residents.

Dr. Lee Heflinger, 5001 Paseo de Pablo, maintained that the lease was written to protect the radio station rather than residents, relating his understanding that it limits the radio station's obligation to resolve residents' interference problems to those having to do with radios and televisions and specifically excludes other common electronic devices such as telephones, tape recorders, security systems, and fax machines. He requested an expanded notification area, suggesting that residents within 3000 feet of the site should be notified when action is being considered regarding this antenna.

Mr. Sunshine advised that the lease calls for a mandatory notification of residents within 300 feet of the property, with the ability to add the names of other residents who have indicated that they wish to be notified.

Confirming that there were some exclusions with regard to the station's obligation of correct blanketing interference problems, City Attorney Fellows advised that, while the

lease may be broader than just radios and televisions, it would exclude non-radio frequency devices. He explained that the language used conforms to federal government standards imposed on FM radio stations by the Federal Communication Commission (FCC), providing an objective standard by which the station's compliance can be measured.

Mr. Timothy Deardon, 5110 Calle de Arboles, voiced concerns about the ground level power density's impact on the long-term health of his family. City Attorney Fellows pointed out that the applicant was proposing to increase the height of the antenna and decrease the wattage, which both the City's and KFOX's consultant agree should dramatically reduce ground level power density.

The Council briefly recessed from 9:43 p.m. to 10:00 p.m.

Mr. Frank Mauro questioned why the Council would even consider approving this lease for only \$12,000 a year.

Referring to the meeting agenda, Ms. Maureen Dearden, 5110 Calle de Arboles, commented that the bulk of the Council's actions this evening were for the betterment of the community and that she could not think of a single reason why they should approve this lease as it would provide no benefit to the City.

Ms. Stella Bullock, 5005 Paseo de Pablo, expressed her outrage that the City has control over whether or not she can simply plug in her appliances and expect them to them work properly, stating that she did not want KFOX technicians in her home because she feared what they might do.

Mr. Neil Pollack, 5006 Calle de Arboles, commended the Council and the radio station for attempting to mitigate the problems and offered the following suggestions for revisions to the lease: (1) increasing the notification area to homes within 2000 feet of the antenna; (2) strengthening the language to provide better protection for residents so they are not deprived of the right to use common consumer electronics; and (3) including a clause to remedy deadlock situations, i.e. when problems cannot be resolved to the homeowner's satisfaction. He voiced concerns about the antenna's impact on the health of his family, stating that he never would have purchased the home had he known about the antenna. He expressed skepticism that increasing the height of the antenna as proposed would significantly improve the situation and maintained that making it more visible would further erode the value of his property.

Mr. Phil Nyman, 4922 Calle de Arboles, indicated that although he has lived 510 feet from the radio station antenna for the last 27 years, he was shocked when he recently learned it was there. Noting his professional experience as an electrical engineer, he maintained that there was no practical way to correct the interference problems and that it was a blunder to have the antenna in a residential area.

Mr. Donald Heflinger, 5618 Ruby Street, questioned whether the site of the antenna is located in the Hillside Overlay District, and if it is, why no public hearing was held when the structure was changed. Referring to Exhibit D of the lease, he asked for clarification of how the blanketed area was calculated and suggested using the same boundaries for notification purposes.

Mr. Jack Siegal, President of Chagal Communications, Inc., 501 Santa Monica Boulevard, Santa Monica, stated that the station has made every effort to correct problems whenever they have been informed about them as evidenced by the efforts of station engineer, Lyle Henry. Addressing the issue of health risks, he explained that the ground level power density around the tower, currently approximately 37 microwatts per square centimeter, is far below the very conservative figure set by the FCC of 200 microwatts and that the proposed modifications would reduce it even further. He expressed confidence that increasing the tower height and reducing the broadcast wattage would take care of 99 percent of the problems, promising that the station would work diligently to take care of the other 1 percent.

Responding to Mr. Pollack's comments, Mr. Lyle Henry, KFOX engineer, offered his assurance that raising the antenna would drastically reduce interference problems and the ground level power density even at the relatively modest increase proposed. He stated that during the 22 years he has worked at the station, he has always been available to solve neighbors' interference problems and that it is not something he does just at renewal time.

Mayor Hardison assured the audience that the City was not doing this for the money, noting that the previous lease was only \$1,800 per year. She stated that residents had asked some good questions and she regretted not being more forthcoming about her own concern regarding the question of liability. She requested that City Attorney Fellows assess what the City's liability exposure would be if the lease was not approved.

City Attorney Fellows indicated that he would need at least one week to provide a definitive answer, explaining that the issue was whether or not the Council had already approved the lease with enough specificity last December so that the City was legally bound to approve the form of the lease now. He advised that the City could potentially be looking at a very serious liability.

Mayor Hardison stated that she thought it was important to have some sense of the City's exposure to liability before making a decision. Commenting on the Council's prior action in December 1999, she pointed out that the Council was not aware of residents' problems as no one had come forward at the meeting to discuss these concerns. She noted that during her 14 years on the Council, she had heard of only one resident who had had problems with interference from the radio antenna.

Councilmember Walker stated that he agreed that residents should not have to live this way but also could appreciate the Mayor's concerns with regard to the City's exposure to liability. He indicated that he was inclined to simply deny the renewal because of the long-term problems experienced by residents and the potential for future problems given the rapidly changing world, however, he suggested allowing the applicant a short window of 1-2 years to find another location as a possible alternative.

Councilmember Witkowsky indicated that she had reconsidered her earlier remarks in light of the public testimony and stated that she did not want to give the impression she had made up her mind. She assured the audience that she had listened carefully to their concerns, but noted that she must also take into consideration the advice of the City's legal counsel. She explained that her decision would be based on what is best for the entire community.

Indicating that she did not object to a continuance, Councilmember Cribbs commented that she thought the Mayor was very specific in December when she said that approval was subject to any concerns of the neighborhood. She expressed concerns about exclusions in the lease and stated that she favored allowing the radio station one year to find a place to relocate the antenna, noting that she would have to reconsider her position if it was determined that the City would be exposed to significant liability.

Voicing support for a continuance, Councilmember Nowatka stated that he had hoped this matter could be resolved at this meeting but believed some important issues and questions had been raised that need to be answered.

MOTION: Councilmember Cribbs moved to continue this item for one week. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote, with Councilmembers Messerlian and Scotto abstaining.

Councilman Walker requested that staff provide information regarding the option of allowing a one-year extension of the lease after which time the antenna would have to be removed.

Councilmembers Messerlian and Scotto returned to Council Chambers at 10:45 p.m.

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The Redevelopment Agency convened at 10:45 p.m. for consideration of approval of the Administrative Budget.

12. **HEARINGS**

12a. **ADOPTION OF PROPOSED REVISIONS TO THE 2ND YEAR OF THE 1999-2001 OPERATING BUDGET AND 2000-2005 CAPITAL BUDGET**

Recommendation

Recommendation of the City Manager that City Council adopt revisions to the 2nd year of the City's two-year Operating Budget and adopt revisions to the 2000-2005 Capital Budget.

Mayor Hardison announced that this was the time and place for the second public hearing on the City Manager's proposed revisions to the second year of the 1999-2001 Operation Budget.

City Manager Jackson outlined the proposed revisions, noting that the budget had to be modified to offset a substantial increase in public safety employees' retirement costs due to a Public Employees Retirement System (PERS) rate increase.

Mayor Hardison invited public comment.

Mr. Alfred Hansen, 2550 Pacific Coast Highway, representing the Skyline Mobile Home Park, requested that consideration be given to funding a paramedic unit to service the southern end of the City, noting that this area has a large elderly population who are more likely to require emergency medical care.

City Manager Jackson advised that the cost to fund a paramedic unit would be close to a million dollars and that it would be difficult to make a significant change in the budget at this stage as it would require offsetting cuts in other areas. He suggested delaying consideration of this item until the next two-year budget cycle.

Councilmember Cribbs asked about the Fire Department's response time to the Skyline Mobile Home Park. Referring to a chart of response times for 1999, Fire Chief Bongard reported that 69 – 79 percent of calls are responded to within 5 minutes.

Mr. Mike Hansen offered clarification that the chart refers to the response time for the first unit on the scene, explaining that the response time for a paramedic rescue unit would be greater.

Councilmember Scotto questioned whether a chart could be generated showing the response time of paramedic rescue units, stating that he suspected there were similar issues about delayed response times at the west end of the City. Chief Bongard advised that the department's computer system does not have that capability at this time, however, he hoped to be able to do so by the end of the year. He confirmed that response times are slower at the northeastern, northwestern and southeastern edges of the City.

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

MOTION: Councilmember Cribbs moved to concur with the City Manager's recommendation on revisions to the Operating Budget. The motion was seconded by Councilmember Messerlian and passed by unanimous roll call vote.

City Manager Jackson introduced the 2000-2005 Capital Budget, explaining that, in the future, the Capital Budget will be on a two-year cycle and will be presented at the same time the second year of the Operating Budget is submitted.

In a slide presentation, Finance Director Eric Tsao provided an overview of the Capital Budget. He noted that the budget book had been revised to make it easier to read and briefly went over the format of the document.

Addressing issues that were brought up at the last hearing, Assistant to the City Manager Sunshine reported on scheduled capital improvement projects, unfunded deferred maintenance costs, and the Railroad Right-of-Way Beautification Project (CIP A-025). Continuing the presentation, Assistant City Manager Giordano discussed the purchase of a Police Command Vehicle; the temporary reallocation of library Sunday service hours; and the purchase of portable GIS Collection Terminals (FEAP- 186). She outlined recommended additions for the Fire Department, including the purchase of a mobile trailer, the installation of garages at Stations 3 and 5, and the addition of a radio frequency.

Mr. Sunshine highlighted upcoming projects, discussed the delay of a portion of the Madison/Newton Street project, and briefly reviewed a list of accomplishments since the inception of the Capital Budget.

Councilmember Witkowsky voiced concerns about the condition of Cravens Avenue at the intersections of El Prado and Post, explaining that there are low spots that allow water to pool and make it difficult for the many seniors in the area to cross the street. She requested that something be done about it as soon as possible, noting that she had discussed this matter with Engineering Director Burt and Street Services Director Bell in the past.

City Manager Jackson advised that this street was not included in the current five-year plan as it was not identified as a priority and that other projects would have to be shifted if the Council wished to move ahead with it. He noted that there was a possibility that funding could be obtained from an outside source.

Indicating that she had also inquired about this street, Mayor Hardison stated that she preferred that the Council not become involved in prioritizing projects and related her understanding that the Street Department has some flexibility beyond the five-year plan. Street Services Director Bell advised that his department could do some remedial work to repair the street until a major rehabilitation can be funded.

Relating his personal involvement in creating a mobile command unit, Councilmember Scotto expressed reservations about the fifth-wheel configuration of the proposed Mobile Emergency Operations Center/Command Post because of its instability on uneven terrain. Police Chief Herren explained that, based on the department's research, he believed that a fifth-wheel trailer would serve the City's needs.

Councilmember Scotto recommended that the City purchase a towing vehicle along with the fifth-wheel trailer so that it would be available in an emergency situation without having to wait for a rented vehicle to move it. He indicated that he was still not convinced that a fifth-wheel trailer was the best solution and that he preferred to explore other options.

City Manager Jackson suggested that the Council set aside the funds for the mobile command post at this time, directing staff to return with a report on different options for the Council's approval prior to the expenditure of the funds.

Councilmember Messerlian noted that the City of Glendale was obtaining funding for a mobile command unit from the State and requested that staff explore that possibility.

Councilmember Cribbs stated that she agreed that it did not make sense to purchase the trailer without a truck to tow it and indicated that she favored taking a look at other options, including a self-contained unit and sharing a mobile command unit with neighboring cities. She noted that a lengthy petition had been received from Bluff Street residents who are concerned that simply slurry sealing the street will not be adequate, suggesting that some adjustment might be needed in that area.

Responding to Councilmember Cribb's inquiry, City Manager Jackson advised that the construction of the wall on Acacia Street near the railroad right-of-way had been moved up in priority, however, it would not go as far as the residents wanted.

In response to Councilmember Scotto's inquiry, Engineering Director Burt confirmed that the Engineering Department was prepared to implement the portable GIS collection terminals.

Councilmember Messerlian expressed his disappointment that the implementation of Sunday library hours was being delayed, commenting that he thought this was a service the City should be providing. City Librarian Buckley discussed the practical difficulties of instituting Sunday hours while the library is undergoing construction and staffing problems that had arisen, explaining that delaying implementation by one year would allow sufficient time to explore other staffing options.

Councilman Messerlian requested that staff look into the possibility of combining the median landscaping project for Hawthorne Boulevard from Pacific Coast Highway to the southern boundary of the City with the Sepulveda Boulevard to Pacific Coast Highway project, noting that many favorable comments have been received about the median improvements that have been done so far.

In response to Councilman Messerlian's inquiry, Planning Director Gibson confirmed that the side-on parkway on the east side of Hawthorne Boulevard from Sepulveda Boulevard to 229th Street was included in the Hawthorne Boulevard beautification project.

Mayor Hardison requested that staff notify residents in the area of the delay in the Madison Street improvements.

Mayor Hardison commended Mr. Tsao and Mr. Sunshine for providing a budget document that was very easy to read and understand.

Mayor Hardison invited public comment.

Mr. Alan Wojtalewicz, 911 Acacia Avenue, representing area residents, thanked the Council for acknowledging the need for a block wall at the end of Acacia Avenue and submitted mechanical drawings and a bid from a contractor.

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

MOTION: Councilmember Cribbs moved to concur with the City Manager's recommendation on the revisions to the Capital Budget. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

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The Redevelopment Agency meeting was adjourned at 11:08 p.m.

15. ORAL COMMUNICATIONS

City Manager Jackson announced the birth of his grandson LeRoy Ernesto Jackson de Los Angeles.

City Manager Jackson extended thanks to all involved in the budget preparations. He noted the accomplishment of the Capital Budget in a timely fashion.

Fire Chief Bongard noted that Mobil had experienced a malfunction of the sulfur-dioxide incinerator unit and resulting actions taken.

16. EXECUTIVE SESSION

At 12:14 a.m., the City Council recessed to closed session to consider matters listed on the meeting agenda. The Council reconvened in open session at 12:45 a.m.

17. ADJOURNMENT

At 12:45 a.m. on Wednesday, June 14, 2000, the meeting was adjourned to Tuesday, June 20, 2000, at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m.