

November 14, 2000

**MINUTES OF A REGULAR MEETING  
OF THE TORRANCE CITY COUNCIL**

**1. CALL TO ORDER**

The Torrance City Council convened in a regular meeting at 7:10 p.m. on Tuesday, November 14, 2000, in the 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.

**2. FLAG SALUTE/INVOCATION**

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

The invocation was given by Pastor C. Joe Bellamy, (Retired), South Bay Church of God.

**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, hearing no objection, Mayor Hardison so ordered.

**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, hearing no objection, Mayor Hardison so ordered.

**4. WITHDRAWN OR DEFERRED ITEMS**

None.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Councilmember Messerlian noted that the Financial and Governmental Operations Committee had met and would bring an item forward to the City Council.

**6. COMMUNITY RELATED MATTERS**

**6a. PROCLAMATION RE NATIONAL GIS DAY**

Mayor Hardison issued a proclamation declaring November 15, 2000 as National GIS Day in the City of Torrance to Stephen Lavey, Systems Analyst – GIS and Jennifer Gough, GIS Systems Analyst, Communication and Information Technology Department.

Ms. Gough proudly accepted the proclamation and Mr. Lavey invited the Council to look at the maps among the Chambers this week and the displays at the Library and he noted they had many online resources available as well.

Mayor Hardison commented that she was pleased to meet the people behind the scenes and she appreciated the capabilities they provided.

**6b. PROCLAMATION RE PANCREATIC CANCER AWARENESS MONTH**

Mayor Hardison issued a proclamation declaring November as Pancreatic Cancer Awareness Month in the City of Torrance to Julie Fleshman, Executive Director, Pancreatic Cancer Action Network.

Ms. Fleshman was proud to accept the proclamation and noted that they had received support from 50 governors nationwide to declare November as Pancreatic Cancer Awareness Month and she added that their national headquarters is located in Torrance.

**6c. WORKFORCE INVESTMENT NETWORK BOARD APPOINTMENTS**

Recommendation of the Policy Board that City Council appoint and officially swear in Clark Adams to the Carson/Lomita/Torrance Workforce Investment Network (C/L/T WIN) Board.

Councilmember Cribbs commented that she was pleased that Mr. Adams was willing to serve on the Workforce Investment Network Board as he had attended many meetings and would be a valuable member.

**MOTION:** Councilmember Cribbs moved to appoint Clark Adams to serve on the Carson/Lomita/Torrance Workforce Investment Network Board. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

City Clerk Herbers issued the oath of office to Mr. Adams.

**7. CONSENT CALENDAR**

**7a. APPROVAL OF MINUTES –OCTOBER 3, 10, AND 24, 2000**

**7b. APPROVAL OF FINAL PARCEL MAP NO. 25666 – 20704 EARL STREET**

**Recommendation**

Recommendation of the Engineering Director that City Council approve Final Parcel Map No. 25666 located at 20704 Earl Street, which substantially conforms to and has met all conditions of approval of Tentative Map No. 25666 to allow the construction of a self storage facility.

**7c. AMENDMENT TO EXTEND WCM & ASSOCIATES CONTRACT**

**Recommendation**

Recommendation of the General Services Department that City Council approve an amendment at no additional cost, to extend the contract for WCM & Associates of San Bernardino, CA to replace the cooling coils and perform associated work on air handling units serving City Hall (FEAP No. 30 & 31).

**7d. ANNUAL PURCHASE ORDERS RE JANITORIAL PAPER GOODS**

**Recommendation**

Recommendation of the General Services Director that City Council authorize annual purchase orders for the purchase of various janitorial paper goods in the amount of \$175,171.71. The new purchase orders will be for a 19-½ month term, beginning November 17, 2000 and ending June 30, 2002 to coincide with the fiscal year

**7e. PERIOD 13 FINANCIAL REPORTS**

**Recommendation**

Recommendation of the Finance Director that City Council accept and file the Financial Reports for period 13, June 30, 2000.

**MOTION:** Councilmember Walker moved for the approval of the Consent Calendar items 7a through 7e as written. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote. Mayor Hardison noted that though she had not been present for the meeting of October 24, 2000 she had reviewed the minutes and the tape.

**9. PLANNING AND ECONOMIC DEVELOPMENT**

**9a. RESOLUTION 2000-132 RE VACATION OF A PORTION OF SEPULVEDA BLVD. WEST OF WARMSIDE AVE.**

Recommendation of the Engineering Director that City Council approve and adopt a resolution declaring an intention to vacate a portion of Sepulveda Boulevard west of Warmside Avenue.

**RESOLUTION NO. 2000-132**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DECLARING ITS INTENTION TO VACATE A PORTION OF SEPULVEDA BOULEVARD WEST OF WARMSIDE AVENUE IN THE CITY OF TORRANCE; FIXING A TIME AND PLACE FOR THE HEARING THEREON AND PROVIDING FOR THE PUBLICATION OF THE RESOLUTION.**

**MOTION:** Councilmember Messerlian moved for the adoption of Resolution No. 2000-132. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

**9b. RESOLUTION NO. 2000-133 RE VACATION OF A PORTION OF THE EAST SIDE OF MADRONA AVE. BETWEEN SONOMA AND ONRADO STREETS**

Recommendation of the Engineering Director that City Council approve and adopt a resolution declaring an intention to vacate a portion of the east side of Madrona Avenue between Sonoma and Onrado Streets and setting December 19, 2000 as the date for the hearing thereon.

Engineering Director Burttt reminded the Council that the item was part of a continuing effort to vacate old right of way issues.

**RESOLUTION NO. 2000-133**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DECLARING ITS INTENTION TO VACATE A PORTION OF THE EAST SIDE OF MADRONA AVENUE BETWEEN SONOMA AND ONRADO STREETS IN THE CITY OF TORRANCE; FIXING A TIME AND PLACE FOR THE HEARING THEREON AND PROVIDING FOR THE PUBLICATION OF THE RESOLUTION.**

**MOTION:** Councilmember Messerlian moved for the adoption of Resolution No. 2000-133. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

**9c. CONSULTING SERVICES AGREEMENT WITH KEA ENVIRONMENTAL, INC.**

Recommendation of the of the Engineering Director that City Council:

- 1) Award a Consulting Services Agreement to KEA Environmental, Inc. in an amount not-to-exceed \$189,923 for the preparation of a Preliminary Environmental Assessment Report and Environmental Document and to perform a Phase II Site Assessment and Soils Investigation for the Del Amo Boulevard Extension (T-30);
- 2) Authorize the Mayor to execute and City Clerk to attest said Agreement; and

- 3) Direct the Engineering Department to submit the Environmental Document to the Planning Commission for review and to the City Council for approval.

Engineering Director Burt reported that the item was the first step in the Del Amo Blvd. extension project and noted that they had worked hard to get \$13 million in funding through the MTA which was significant on a regional basis. He added that the project was the last transportation length that would make a meaningful improvement in the City of Torrance and explained that it would take 16 months to complete the environmental document after which they would take the item back to the Planning Commission for review and a public hearing.

In response to an inquiry from Mayor Hardison, Engineering Director Burt clarified that the MOU with the MTA would have to be amended as the project would not be completed by July 30, 2002 and he noted that the environmental analysis was excluded from MTA funding. He added that they would not be able to use MTA funding until they got into the design phase, but they would appeal for an extension which would most likely be granted as long as they demonstrate they are moving forward and it is a viable project.

In response to concerns raised by Mayor Hardison about accessing the money, Engineering Director Burt assured her that if he became aware of problems the City Council would be alerted immediately. He explained that scoping would occur during phase one of the EIR and prior to going to phase two, community meetings would be held to address concerns about the effects of the project on the community and the meetings would continue during phase two and throughout the process up until the Planning Commission to resolve or identify any issues.

**MOTION:** Councilmember Messerlian moved to concur with the staff recommendation. Councilmember Cribbs seconded the motion and a roll call vote reflected unanimous approval.

**11. ADMINISTRATIVE MATTERS**

**11a. WAIVER FOR NON-PROFIT ROOM RENTAL RATE AT CULTURAL ARTS CENTER FOR TORRANCE AREA CHAMBER OF COMMERCE**

Recommendation of the City Manager that City Council approve a non-profit room rental rate in lieu of the for-profit rate for the Torrance Area Chamber of Commerce Dragon Circle Chinese New Year Celebration to be held January 18, 2001, in the Torrance Cultural Arts Center Meeting Hall, or City Council may consider a request by the Chamber to waive all room rental rates for this event.

Community Relations Officer Ghio provided background on the event noting in previous years it had been held at the Hilton and this year the Chamber planned to hold the event at the Cultural Arts Center Meeting Hall with a request for a waiver of all room rental rates with the understanding that they would pay all labor costs.

Councilmember Witkowsky pointed out that numerous non-profits had complained that the City did not provide enough support and noted that she would have a problem with waiving all fees. She acknowledged that the Chamber of Commerce did

wonderful work and applauded the event but expressed concerns about setting a precedent and indicated that she would vote in favor of the non-profit rental fee but not for waiving all fees.

Mayor Hardison acknowledged the point made by Councilmember Witkowsky but felt that it was important that events with visibility be kept in town and though the Chamber of Commerce attempted to keep their events in the City of Torrance, from time to time they have had to hold their events outside of the City because there are only the two hotels in town.

Parks and Recreation Director Barnett reported that fees had been waived in the past and City Manager Jackson clarified that the City usually waived fees when they were a joint participant. Mayor Hardison noted that money had been set aside in the budget and pointed out that fees were waived when the Attorney General visited.

Councilmember Nowatka commented that he had attended previous Dragon Circle Events and there was no charge to attend. Parks and Recreation Director Barnett stated that the capacity for dining was 299 and directed the question of alcoholic beverages to Richard Tsao with the Torrance Chamber of Commerce.

Mr. Tsao thanked the Council for considering the item and noted that they might not serve alcohol since in the past most of the expenses had been carried by the hotel and the less money they spent on the event, the more benefits could go to the citizens of Torrance.

**MOTION:** Councilmember Scotto moved to waive all rental fees. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval with the exception of Councilmember Witkowsky.

**11b. APPOINTMENT OF REPRESENTATIVE TO THE METROPOLITAN WATER DISTRICT BOARD**

Recommendation of the Mayor that the City's current director, Mr. Bill Wright, be reappointed as the City's representative on the Metropolitan Board for a four-year term. The current term of the City's director on the Metropolitan Water District of Southern California's Board of Directors will expire as of December 31, 2000.

Metropolitan Water District Director Wright commented that he had served for six years and he would appreciate their vote of confidence as the MWD Director representing Torrance. He stated that he represented Southern California and Torrance, and in most cases what was good for the economy and environment of Southern California also benefited Torrance. He reported that the recently completed Diamond Valley Lake Reservoir would provide a six-month supply of water in case of earthquake or drought and he noted that MWD had not raised water rates in the past 4 years and did not expect to raise them in the next 3 or 4 years.

MWD Director Wright thanked the Council for their consideration and stated that he enjoyed the work and represents Torrance with a great deal of pride as the City has a reputation for honest, conscientious government.

Councilmember Messerlian attested to MWD Director Wright's enthusiasm having been on a couple of water trips, and asserted that he was the right man for the job. In response to an inquiry from Councilmember Messerlian about an article on Chromium 6, MWD Director Wright explained the situation was unclear at this point.

Councilmember Cribbs thanked MWD Director Wright for his concise, detailed updates at the meetings and appreciated his willingness to serve.

Mayor Hardison noted that it was Mayor Geissert who had the wisdom to recommend the appointment of MWD Director Wright and she had found him to be very available and his reports easy to read.

Councilmember Witkowsky observed that Mrs. Wright deserved to be congratulated as she accompanied Mr. Wright on the water tours and is extremely knowledgeable as well.

Engineering Director Burtt briefly reported on several of Mr. Wright's accomplishments, noting that in six years he had become the senior tenured member on the MWD Board which is a very important position, especially since it has changed from 51 members to 37 members. He added that staff is very impressed with Mr. Wright who keeps abreast of all water developments and he commented that water is not only an important local issue, but it is important as a state and federal issue as well.

#### **RESOLUTION NO. 2000-134**

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE REAPPOINTING BILL WRIGHT TO THE POST AS THE CITY OF TORRANCE'S REPRESENTATIVE ON THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA.**

**MOTION:** Councilmember Messerlian moved to adopt Resolution No. 2000-134. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

#### **11c. GREAT AMERICAN CONSENT TO SUBLEASE**

Recommendation of the Land Management Team that City Council consent to the following:

- 1) A sub-lease by and between Great American Aircraft, 3401 Airport Drive, and Benbow Aviation Services, Inc.; and
- 2) A sub-sub-lease by and between Benbow Aviation Services, Inc., and Pacific Coast Helicopters, Inc.

Assistant City Manager Sunshine reported that in accordance with lease requirements they can approve sub and sub subleases and both uses are within the parameters of the master lease. He noted that they had requested additional language to include an acknowledgment of rules and regulations of the airport and requirements of the master lease.

In response to an inquiry by Mayor Hardison, Assistant City Manager Sunshine explained that the helicopter letter of agreement had not been signed yet, but was attached as an exhibit.

**MOTION:** Councilmember Cribbs moved to concur with the Land Management Team recommendation. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

**11d. RESOLUTION NO. 2000-135 RE MODIFICATION TO TORRANCE FIRE FIGHTERS ASSOCIATION MOU**

Recommendation of the City Manager that City Council adopt a resolution modifying wages, hours and working conditions for Torrance Fire Fighters Association (TFFA) for a three-year period beginning October 22, 2000.

Otto Stiefel, Second Vice President of the Torrance Fire Fighters Association thanked the Council for their diligence and noted that there was a new Board which was willing to work hard and they look forward to working together in the future. Mayor Hardison thanked him for his comments and the fire fighters for their patience.

**RESOLUTION NO. 2000-135**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH WAGES, HOURS AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE FIRE FIGHTERS ASSOCIATION FOR THE PERIOD FROM OCTOBER 22, 2000 THROUGH JUNE 30, 2003.**

**MOTION:** Councilmember Messerlian moved to adopt Resolution No. 2000-135 as corrected. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

**11e. SUPPLEMENTAL MOUS AND RESOLUTIONS FOR CERTAIN MANAGEMENT AND SAFETY MANAGEMENT**

Recommendation of the City Manager that the Mayor and City Council adopt supplemental pay resolutions for Certain Management and Safety Management making certain changes in wages, hours, working conditions or format the resolution.

Assistant City Manager Keane noted that the pay resolutions were related to the Torrance Fire Fighters Association.

**RESOLUTION NO. 2000-136**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2000-108 SETTING FORTH CHANGES REGARDING WAGES, HOURS AND WORKING CONDITIONS FOR CERTAIN MANAGEMENT EMPLOYEES.**



**MOTION:** Councilmember Messerlian moved to adopt Resolution No.2000-136 as corrected. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

### **RESOLUTION NO. 2000-137**

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2000-107 GOVERNING COMPENSATION PROVISIONS FOR SAFETY MANAGEMENT EMPLOYEES.**

**MOTION:** Councilmember Messerlian moved to adopt Resolution 2000-137 as corrected. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

## **12. HEARINGS**

### **12a. RESOLUTION NO. 2000-138 RE VACATION OF ALLEY EAST OF ANZA AVE. FROM TORRANCE BLVD. SOUTH SERVICE ROAD TO SCOTT STREET**

Recommendation of the Engineering Director that City Council approve a Public Hearing and adopt a resolution ordering the vacation of the alley east of Anza Avenue from Torrance Boulevard south service road to Scott Street, subject to conditions.

Mayor Hardison opened the public hearing at 8:02 p.m.

Senior Division Engineer Perkins provided a brief overview of the vacation item, which was initiated by residents abutting the alley who filed complaints with the Torrance Police Department regarding loitering, littering and speeding. The alley connects a Torrance service road to Scott Street and he reported that City staff had met with several neighbors and two meetings were held in the neighborhood.

Anything less than full closure of the alley would not address the issues, but concerns with access were raised by neighbors and the preschool operator; another neighbor enjoyed walking in the alley; and one resident had a large service vehicle which would be difficult to maneuver if access were restricted. Other residents were in favor of or neutral if an alternate access could be provided so they would not have to turn around.

It was suggested that a second median opening would be acceptable as a second point of access and Senior Division Engineer Perkins reported that the Police and Fire Departments had no objections to that scenario. The alley would be closed between the two driveways and be made to look more like a residential driveway which would be maintained by the property owners and an access easement would be reserved for the use of the preschool property owner for maintenance.

Staff recommended that the alley be vacated subject to the conditions; no public funds would be expended and all costs would be borne by the property owners.

In response to an inquiry from Mayor Hardison, Senior Division Engineer Perkins explained that if the preschool needed to access the back of their building they would be able to use part of the driveway belonging to one of the residents. He clarified that the existing access point would remain and they would add a new opening in the median closer to the gas station which would enable people to turn around without having to make a U-turn within the tight service road.

Councilmember Witkowsky expressed concerns regarding infringement of right of way rights and wanted to ensure that the preschool facility would not use the access for other things besides maintenance.

Senior Division Engineer Perkins stated that the wording of the resolution specified that the easement was for maintenance purposes only and Councilmember Witkowsky questioned the length of time maintenance vehicles could be parked in the alley. Senior Division Engineer Perkins responded that was a courtesy issue between the property owners and noted that the preschool owner wanted access to his roof as protection, not for use on an ongoing basis. He acknowledged that it would be difficult to predict future actions but when the physical work was completed the resolution would record and would go with the title of the land.

Richard Roller, 4505 Scott Street, one of the two residents requesting the vacation, expressed concerns about a letter in the attachment from Mr. Hassoldt which provided access to future property owners.

Senior Division Engineer Perkins stated that they were not proposing what was stated in the letter and Mr. Roller asserted he was willing to provide access though he believed that Mr. Hassoldt did not need the access for maintenance purposes.

Mayor Hardison clarified that the owner of the preschool wanted the easement attached to his deed, but that staff was proposing that the access provision be part of the deed for the two houses, not the preschool property.

In response to concerns raised by Mr. Roller about the possibility of Mr. Hassoldt parking his truck in the alley overnight, Senior Division Engineer Perkins explained that at that point it would become a civil issue and he would let the City Attorney address it. He indicated that Council could strike that part of it, but Mayor Hardison noted that while they were trying to meet everyone's needs, the City could not vacate it and she would not be in favor of striking that section.

Engineering Director Burtt proposed including an exhibit to the resolution defining the area on a map to further describe it.

City Attorney Fellows cited concerns raised by Councilmember Witkowsky and felt they could benefit from taking a look at the language of the resolution. He noted that it was clear that the easement was solely for that one property, but pointed out that a maintenance easement for a preschool was quite different from maintenance for a 15-story building. He suggested striking the words "private access and" from section 7.

In response to an inquiry from Councilmember Walker, City Attorney Fellows noted that in the future if there were a different development on the site there would be a subsequent development application and a request that the easement be vacated.

Planning Director Gibson stated that any reuse of the property would require public review and at that time the easement issue could be resolved through the CUP process as the easement might be necessary for a future development.

City Attorney Fellows recommended continuance of the item as it would be difficult for him to draft a revision on the spot.

Mayor Hardison noted that if the Council only felt they needed to strike "private access and" they would not need to hold the item, but expressed reluctance to act on the item without Mr. Hassoldt present. City Attorney Fellows observed that it would be easier to leave the resolution in more general terms and if the owners have a disagreement in the future on what those terms meant it would be up to the owners to work it out in court.

Councilmember Nowatka pointed out that if the alley had never been there the preschool owners would have found another way to do maintenance on the property and he preferred that the easement be left off.

**MOTION:** At 8:32 p.m. Councilmember Walker moved to close the public hearing. Councilmember Cribbs seconded the motion and a voice vote reflected unanimous approval.

Councilmember Walker commented that the easement would be addressed in future years when there was further development and he did not find the access to be unreasonable.

**MOTION:** Councilmember Walker moved to concur with the staff recommendation as modified by deleting the words "private access and" from Section 7. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

## RESOLUTION 2000-138

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ORDERING THE VACATION OF THE ALLEY EAST OF ANZA AVENUE FROM THE TORRANCE BOULEVARD SOUTH SREVICE ROAD TO SCOTT STREET IN THE CITY OF TORRANCE.

**MOTION:** Councilmember Messerlian moved to adopt Resolution No. 2000-138 as amended. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

#### 13. APPEALS

##### 13a. AMERICAN TAXI

Recommendation of the License Review Board that City Council hear the appeal continued from September 19, 2000 and later October 17, 2000 of the Board's approval of a taxicab service operator's permit for American Taxi, and affirm the decision of the Board.

At 8:35 p.m. Mayor Hardison opened the public hearing and explained that it was an evidentiary hearing.

City Clerk Herbers reported that a memo from City Manager Jackson and a supplemental were available at the back of the room.

Councilmember Witkowsky stated that she was open to input and had not made up her mind though she had asked questions and received clarification on some items that were included as part of the supplemental.

Councilmember Messerlian noted that though he was absent at the first meeting, he had read all the background material and the minutes and had viewed the videotape.

Chris Montoya, 2301 Newport Blvd., Costa Mesa, asked the City Council to support the License Review Board recommendation to provide fair competition in the City and added that they intended to use CNG vehicles.

Councilmember Walker expressed concerns that they were requesting the City take an active and probably costly role in attempting to develop and secure grants for their company's benefit as well as commit to fueling City vehicles at the Pinnacle station. He pointed out that they didn't know how much money it would cost and how much staff time would be needed to go forward on their behalf and he was reluctant to spend taxpayer money for grants and programs when CNG vehicles would be required in a number of years anyway.

Mark Waronek, representing American Taxi, noted that they were asking for the blessing of the License Review Board recommendation. He stated that Transportation Consultant Fuentes had been enthusiastic about having CNG vehicles used because it would add to the City's efforts and he added that they want to provide service to the City

of Torrance via taxicabs, but at the present time there were not funds available for CNG vehicles so they are currently just asking to be able to operate.

Councilmember Walker received clarification that what Mr. Waronek was proposing was diametrically opposed to what had been presented at the previous Council meeting and Mr. Waronek stated that they were willing to work with the City.

In response to an inquiry from Councilmember Messerlian, Mr. Waronek stated that they expected grants to be available in the near future and would work with Honda and Gladstein & Associates to obtain them and would not require any staff time. Councilmember Messerlian clarified that they were looking for a permit to operate without grants or the funding in place and observed that it was analogous to approving a CUP for a restaurant without the site.

In response to an inquiry from Mayor Hardison, Transportation Consultant Fuentes reported that there were grants available that the City could apply for to match funds for the purchase of clean fuel vehicles and buying infrastructure. She added that there was an MTA project and cities had succeeded in the past with different kinds of start up services, but there was not a category available at this time for purchasing taxicabs.

In response to an inquiry from Councilmember Witkowsky, Transportation Consultant Fuentes stated that purchase priorities would be directed by the City and Councilmember Witkowsky noted that in order to meet the mandate the City would focus on purchasing for City vehicles not taxicabs.

Councilmember Walker expressed concerns that the License Review Board had based their decision on a different proposal and noted that at the previous meeting the applicant had stated that they would not be competing with other taxi companies because they were using CNG vehicles.

In response to an inquiry from City Attorney Fellows regarding the nature of the LRB discussion, Kristi Hansen noted that they were considering a permit application that would be used as a basis to work with the City on a pilot program to obtain funding for a clean air program.

Councilmember Walker pointed out that two people had based their approval on senior ride programs which pertain to a type of grant which appears to be unavailable.

Ms. Hansen surmised that they were approving the American Taxi application with respect to potential programs, though they were not identified.

Mayor Hardison reported that in an early meeting with American Taxi and Transportation Consultant Fuentes, she specifically stated that they could not even look into the senior ride and clean air programs unless they were licensed by the City of Torrance and she felt it was appropriate that the item was before them now because licensing is the first step.

In response to an inquiry from Mayor Hardison, Deputy Finance Director Flewellyn read the following into the record:

"All Yellow Taxi Inc. has 18 taxicabs with 13 licensed drivers and was approved on October 6, 1999.

United Independent has 50 taxicabs with 12 licensed drivers and was approved on October 13, 1999.

South Bay Cooperative dba United Checker Cab has 70 taxicabs with 20 licensed drivers and was approved on November 23, 1999.

Yellow Cab of South Bay dba South Bay Yellow Cab has 93 taxicabs with 45 licensed drivers and was approved on November 23, 1999.

There was only one appeal since the new ordinance was put in place. The appeal related to All Yellow Taxi and their rights to obtain a license under the temporary permit that was issued to those companies who had applied for a license but were put on hold until the City had completed the ordinance. All Yellow received a citation for working in Torrance without a license. All Yellow had an approval by the License Review Board however an appeal was made during the revision of the ordinance. Council held off hearing the appeal until after the ordinance was revised. At the completion of the ordinance All Yellow qualified for a temporary permit and within the time frame qualified for a normal permit. Since the ordinance was put into place there has been no other appeal."

Mayor Hardison clarified that they had gotten their license under the new ordinance prior to any of the others and asked that Deputy Finance Director Flewellyn ensure that the information be provided to the appropriate people so that it could be included in the record.

Councilmember Messerlian read from the License Review Board meeting minutes of July 25, 2000 which stated "the company has no intention of taking any business from any existing companies in the city" and he pointed out that the need and necessity section stated that they were targeting seniors. He observed that when the LRB considered the item they were considering the need and necessity finding which was based on the ride for seniors and emergency ride home programs.

City Attorney Fellows noted that the approval action by the LRB was for a general taxicab service operators permit though there was a lot of discussion of emergency ride and senior ride programs as well as clean air vehicles.

Deputy Finance Director Flewellyn noted that the initial application was for a full-blown service not focused on senior rides and during the hearing questions arose about what they could provide for the City. He acknowledged that they could not know what went through the minds of the members of the LRB, but he did recall that two of the members looked at the senior program as a benefit which could have influenced their decision.

In response to an inquiry from City Attorney Fellows, Deputy Finance Director Flewellyn reported that need and necessity was included in the original proposal, and copies of the summary and those of the existing companies that are operating were available at the LRB.

Councilmember Scotto clarified that there was no limitation to the number of cabs in the City of Torrance and commented that to add 11 cabs to the existing 231 was an increase of less than 5% and Deputy Finance Director Flewellyn stated that they were not sure what the saturation point was. Councilmember Scotto observed that there were

only 100 drivers licensed and if the taxi companies wanted to do more business they would have more licensed drivers.

City Attorney Fellows clarified that what was approved by the License Review Board and has been appealed to the Council was a regular permit. He explained that the Council could affirm the LRB decision and approve an unrestricted taxicab permit for 11 taxis, or approve a limited permit with senior ride and emergency ride programs or deny the permit altogether.

Councilmember Walker received clarification that Council had the option of sending the item back to the LRB to reconsider with the full information available.

Councilmember Witkowsky stated that she would like the matter to be returned to the LRB to be heard as a general application and noted that she took LRB decisions very seriously and was uncomfortable speculating about whether they based their decision on the special programs proposed by the applicant.

Clark Cooper, Fleet Director for Wondries Automotive Group, reported that he had sold American Taxi 97% of their automobiles and was a director and stockholder of American Taxi. He observed that one could not obtain a CUP unless they owned a piece of property and he explained that they needed 11 use permits for the City of Torrance before they could apply for grants for the special programs and he assured the Council that funds were available. He acknowledged concerns regarding spending staff time on a private company but he noted that the prospective senior ride and ride home programs would be developed for the City in conjunction with Gladstein & Associates and American Honda who were behind the operation so everything would be funded by outside sources.

Reza Nasrollahj, with United Taxi cited the minutes of the LRB meeting and stated that one member voted for the permit because of the proposed senior ride program and the application was approved as a result of proposed programs which have now been abandoned. He reported that on October 20, 2000 the Air Quality Management District ruled that all Southern California cabs would be required to be CNG by June, 2001 and stated that his company would be replacing their vehicles with CNG and will be providing the same service that the applicant proposed.

Mr. Nasrollahj noted that they were given an opportunity to compete when they received their permit a year ago, but asked for another year to see if two new companies would be able to survive before another company was introduced. He explained that it was difficult for drivers to make a living solely in the City of Torrance which is why they had multiple licenses.

Anthony Palmeri, with ASC, noted that the LRB approved the application based on statements by Rick Schorling that he was not trying to compete with other taxi companies but was coming into the City to provide a service to senior citizens and enable the City to save on their funding as Federal funding would be utilized for senior citizens and ride home programs. Mr. Palmeri stated that he had done extensive research and had found no funds to be available from the Federal Government for those types of programs.

Mr. Palmeri observed that the City of Torrance had four taxi companies while most cities had two and noted that while 11 additional cabs would not make that much difference, it would allow American Taxi to get their foot in the door and then expand. He felt that it was a general application with no commitment to seniors and suggested that the Council send it back to the LRB so that they could decide with the issues clearly defined.

William Rouse, an attorney for South Bay Yellow Cab and United Cab explained that though their most recent approval date was November 23, 1999, his grandfather had obtained a certificate of necessity and convenience in 1959 and their company has been around for awhile. He stated that the record from the LRB hearing was clear and there were a couple of key representations made which turned out to be inaccurate. Federal funding is not available for senior ride and emergency ride home programs and he has confirmed that with two national experts in the field. In addition, the LRB was influenced to vote in favor of the application based on a statement made about a pilot program in Mission Viejo which proved to be inaccurate as there is no such pilot program. Mr. Rouse respectfully asked that the Council support the appeal by declining the application on the grounds that the granting of the original permit was based upon inaccurate statements.

Chris Montoya, with American Taxi stated that they were not doing a bait and switch but rather, were following procedures for the City of Torrance and were requesting approval for 11 cabs and 11 permitted drivers. He noted that they would accept whatever action the City proposed and would like to concentrate on Torrance and try to get any funding they can with the support of their backer, American Honda.

**MOTION:** At 9:42 p.m. Councilmember Cribbs moved to close the public hearing. Councilmember Messerlian seconded the motion and a roll call vote reflected unanimous approval.

Mayor Hardison indicated that it was an evidentiary hearing and that Council would deliberate.

Councilmember Walker asserted that prior to the meeting, it had been his intent to vote to approve the application without the use of Torrance staff time or taxpayer money and without a minimum commitment of fuel sales for the natural gas, but he was surprised when the words of the president of the company were basically revised and the commitments and quotes were thrown out. He felt it had a bearing on the LRB decision and explained that he would reject it based in part on the reasons of the Chairperson of the LRB on page 7 of the July 25, 2000 LRB meeting minutes. In fairness to the applicant, Councilmember Walker indicated that he would like to see the matter return to the LRB so they could have a full opportunity to see what is in front of them and compare the language of the company president from a few months ago with statements made by their representative this evening.

Mayor Hardison stated that she would not support Councilmember Walker's action as she had met with the representative from Pinnacle and they were interested in a natural gas operation in the City of Torrance whether the application was approved or not. She noted that Pinnacle did not expect a purchase of natural gas and no matter who operated taxicabs and other vehicles, down the line they were all going to have to



go to alternative fuel. She stated that the fueling station issue was separate and though it is mentioned she would prefer they not involve it in making the decision.

Mayor Hardison commented that the previous Council had deliberated long and hard on opening up the City to more taxi companies and though there had never been any complaint, the City only had one cab company since the original two had merged and they felt a need to open things up to competition. She stated that no matter what action was taken tonight she would like to go back and examine the ordinance again as she felt the need and necessity portion tended to favor the older companies over the new ones.

In response to an inquiry from Councilmember Messerlian, Transportation Consultant Fuentes explained that they did not need to have a taxicab company such as American to go after grants and if they searched for grants and found them it would be possible to go to the existing operators and see who responded.

Councilmember Cribbs felt it unnecessary to send the matter back to the LRB as they had heard sufficient information and the issue was whether they wanted to approve a license for 11 more cabs. She noted that with competition there was an opportunity to check out clean air programs, but before the company could do that they had to be in compliance, and approving the application would be a start.

**MOTION:** Councilmember Cribbs moved to deny the appeal and approve the application to operate 11 CNG taxicabs and drivers in the City of Torrance. Councilmember Scotto seconded and discussion continued.

Councilmember Walker indicated that the conflicting statements made by the president of the company and their representative did not invoke confidence and he did not feel that there was a need for additional taxicabs in the City so he planned to vote against the approval.

Mayor Hardison called for the vote on the motion, and the motion was approved by a 7-5 majority roll call vote with Councilmembers Walker and Witkowsky dissenting.

Mayor Hardison called a recess from 9:55 p.m. to 10:07 p.m.

Councilmember Walker left City Hall at 10:03 p.m.

\*

The Torrance Redevelopment Agency met in a joint session with the City Council from 10:08 p.m. to 11:53 p.m.

\*

## **15. ORAL COMMUNICATIONS**

**15a.** City Clerk Herbers invited the Public to view watercolors by Torrance Artist Guild member Margarita Rey on display in the City Clerk's office for the month of November as part of a continuing Art on View project.

**15b.** Councilmember Cribbs commented on the new Torrance Police Department Bicycle Patrol.

**15c.** Councilmember Scotto invited everyone to attend the Torrance Council PTA First Walk for Health at Torrance Beach, Saturday, November 18 at 9 a.m.

**15d.** Councilmember Witkowsky commended the free Apron Strings exhibit at the Joslyn Gallery.

**15e.** Mayor Hardison asked and received Council consensus to have the Transportation Committee review the Taxicab Ordinance. Committee Chair Scotto agreed to work with the others to set a date.

**15f.** Dennis Sebenick, business owner at Executive Suites located at 23505 Crenshaw commented on traffic restrictions to be imposed near his place of business as they would eliminate access to the alley south of 235<sup>th</sup> Street which is the most direct access to his business, that he had not received notice of the changes, asserted that he was not properly informed of the neighborhood and Commission meetings which were held to discuss implementation and asked that the Traffic Commission re-consider the item so that he could give his input.

Mayor Hardison received confirmation from Planning Director Gibson that the owner of the building had been notified. City Attorney Fellows reported that it was legally adequate for them to notify the owners and that legal notification in connection with a land use matter was a different situation.

Mayor Hardison explained that no decisions could be made since the item was not on the agenda.

City Manager Jackson suggested that implementation be delayed and the item be brought back to Council on Tuesday, November 21, 2000.

At 10:31 p.m. the City Council recessed to closed session.

## **16. EXECUTIVE SESSION**

The Council recessed to closed session to confer with the City Manager and the City Attorney on the agenda matters listed under items 16.a) Conference with Labor Negotiator; 16.b) Conference with Legal Counsel - Existing Litigation; 16.c) Conference with Legal Counsel – Anticipated Litigation; 16.d) Public Employee Performance Evaluation – City Attorney; 16.e) Real Property – Conference with Real Property Negotiator; and Redevelopment Agency Item 10.a) Real Property – Conference with Real Property Negotiator, which was inadvertently omitted from the City Council agenda's list of Redevelopment Agency Executive Session items pursuant to California Government Code Sections 54957.6, 54956.9(c), 54957 and 54956.8.

No formal action was taken on any matter considered in closed session.

Mayor Hardison asked City Manager Jackson to place an adjournment item on the following agenda to note November 28 as a dark night for City Council.

City Attorney Fellows announced that California's open meeting law, Government Code Section 54957.1(a)(2), required the reporting of closed session action under any circumstance in which the City Council authorizes the City Attorney to join in a Friend of the Court or *amicus curiae* brief. The City received such a request to join in a brief in support of the City of Long Beach in Lim v. City of Long Beach, 217 F.3d 1050 (9th Circ. 2000). The case is on petition to the United States Supreme Court for writ of certiorari to reverse the Ninth Circuit's opinion dealing with how many reasonable alternatives, and what the nature of those reasonable alternatives would be, as alternative sites to proposed and existing adult businesses. By a 6-0 vote, absent Councilmember Walker, the City Council authorized the City Attorney to join in this brief.

Councilmember Messerlian left City Hall at 11:52 p.m.

**17. ADJOURNMENT**

At 11:53 p.m., the meeting was adjourned to Tuesday, November 21, 2000 at 5:30 p.m., for an executive session in the Council Chamber, with the regular meeting commencing at 7:00 p.m. in Council Chambers.