

January 20, 1998

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

1. **CALL TO ORDER**

The Torrance City Council convened in a regular session at 7:10 p.m. on Tuesday, January 20, 1998, in the Council Chambers at Torrance City Hall.

ROLL CALL

Present: Council members Cribbs, Messerlian, Nakano, O'Donnell, Walker, and Mayor Pro-Tem Lee.

Absent: Mayor Hardison.

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 Beach Cities Civil Air Patrol Cadet Squad #107.

Pastor Charley Miller, Hope Chapel Community, gave the invocation for the meeting.

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Mayor Pro-Tem Lee noted the passing of Charles "Chick" DeMarti, Torrance Police Department Volunteer Coordinator, and requested that the meeting be adjourned in his memory.

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3. **AFFIDAVIT OF POSTING/WAIVE FURTHER READING**

MOTION: Councilwoman 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 Councilman Messerlian, and, there being no objection, it was so ordered by Mayor Pro-Tem Lee (absent Mayor Hardison).

MOTION: Councilwoman 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 Council member the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilman Messerlian, and, there being no objection, it was so ordered by Mayor Pro-Tem Lee (absent Mayor Hardison).

4. **WITHDRAWN/DEFERRED ITEMS**

None.

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Sue Sweet
Recording Secretary

City Council
January 20, 1998

Citizen Development and Enrichment Committee

Tuesday, January 20, 1998, 5:30 p.m.

Third Floor Assembly Room

Subject: Hiring of Architect for Madrona Marsh Nature Center

Councilman Nakano announced that the Committee had met and would be bringing a recommendation to the City Council in the near future.

Redevelopment Agency Workshop

Tuesday, January 27, 1998, 5:30 p.m.

City Council Chambers

Subject: Future Vision for Downtown Torrance

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Mayor Pro-Tem Lee noted additional material available at the meeting on Items 7d (Contract for Transit Security Services) and 14a (BreakZone Billiards).

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6. **COMMUNITY MATTERS**

6a. **PROCLAMATION RE “DRAGON CIRCLE CHINESE NEW YEAR CELEBRATION DAY”**

Mayor Pro-Tem Lee presented a proclamation declaring Wednesday, January 21, 1998, as “Dragon Circle Chinese New Year Celebration Day” in the City of Torrance to Mr. Richard Tsao and Ms. Cindy Chu, Co-Chairs of the Dragon Circle event. Mr. Tsao accepted the proclamation with appreciation; introduced other members of the task force; and invited everyone to attend the Dragon Circle Celebration at the Torrance Hilton Hotel on January 21 at 6:00 p.m.

6b. **PROCLAMATION RE “COMMUNITY TELEVISION DAY”**

Mayor Pro-Tem Lee presented a proclamation declaring Friday, January 23, 1998, as “Community Television Day” in the City of Torrance to Mr. Tom Rische, Chair of the Cable Television Advisory Board. Mr. Rische extended an invitation to attend the “Sixth Annual TCTV Video Awards” in the Cultural Arts Center Meeting Room on January 23 at 7:00 p.m.

7. **CONSENT CALENDAR**

7a. **APPROVAL OF MINUTES - DECEMBER 9, 1997 & DECEMBER 16, 1997**

7b. **CITYWIDE SEWER PUMP STATIONS UPGRADE**

Considered separately, see pages 3-4.

7c. **PURCHASE ORDER RE REPLACEMENT PATCH TRUCK Recommendation**

The Fleet Services Director recommends that City Council authorize a purchase order to be issued for an anticipated amount not to exceed \$77,618.50 (includes sales tax) to

Nixon-Egli Equipment Company for the “Special Opportunity Purchase” of a replacement 2.5 ton patch truck.

7d. **CONTRACT FOR TRANSIT SECURITY SERVICES**

Recommendation

The Fleet Services Director recommends that City Council authorize the Mayor to execute and the City Clerk to attest a contract with American Professional Security, Inc., (APS) in the amount of \$103,917 for the provision of security services for the Torrance Transit System from February 1, 1998 through January 31, 1999.

7e. **APPROVAL OF CLASS SPECIFICATION RE COMMUNICATIONS MANAGER**

Recommendation

The Human Resources Director and the Civil Service Commission recommend that City Council approve the Class Specification for Communications Manager.

7f. **TORRANCE ROSE FLOAT ASSOCIATION DONATION**

Recommendation

The Parks and Recreation Director recommends that City Council accept a donation of \$15,000 from the Torrance Rose Float Association and appropriate this amount to Account #620062.

7g. **LEASE AGREEMENT RE WEST TORRANCE BABE RUTH BASEBALL ORG.**

Recommendation

The Parks and Recreation Director recommends that City Council authorize the Mayor and City Clerk to execute an agreement on behalf of the City of Torrance initiating a lease for the use of Entradero Sump Little League Field #4 by West Torrance Babe Ruth Baseball Organization for the period of January 20, 1998 through December 31, 1998.

MOTION: Councilwoman O’Donnell moved for the approval of Consent Calendar Items 7a, 7c, 7d, 7e, 7f and 7g. The motion was seconded by Councilman Walker and passed by unanimous roll call vote (absent Mayor Hardison).

Consent Calendar Item 7b was considered at this time.

7b. **CITYWIDE SEWER PUMP STATIONS UPGRADE**

Recommendation

The Engineering Director recommends that City Council reject all bids for the upgrading of five sewer pump stations in the City.

Mr. Kirk McDonald, counsel for Clark Contracting Corporation, stated that the rejection of all bids (as recommended by City staff) would result in an unnecessary delay with no guarantee of any cost savings for this project; that T.M. Engineering’s bid should be rejected because their bid form was not filled out properly; and that his client should be awarded the contract since Clark Contracting Corporation is the apparent lowest responsible bidder. He

pointed out that his client has a proven track record for completing similar projects in a timely, effective manner.

In response to Councilman Nakano, Engineering Director Burt advised that the rejection of all bids was being recommended for a number of reasons, including the fact that all bids were over the engineer's estimate and staff would like to review the plans to determine the reason for this discrepancy. He detailed the errors in T.M. Engineering's bid, and advised that Council has the discretion to reject the bid if these errors are determined to be significant.

Councilman Walker stated that Clarke Contracting Corporation's bid was not that far out of line with the engineer's estimate, and, in view of their previous satisfactory work for the City, he would be in favor of going forward with the project without further delay.

MOTION: Councilman Walker moved to reject T.M. Engineering's bid as nonresponsive, and award the contract to Clarke Contracting Corporation. The motion was seconded by Councilman Nakano and failed to carry as reflected in the following roll call vote:

AYES: Council members Nakano, O'Donnell and Walker.

NOES: Council members Cribbs, Messerlian and Mayor Pro-Tem Lee.

Discussion continued, and Councilman Messerlian expressed his confidence in staff's judgment and voiced support for their recommendation.

MOTION: Councilman Messerlian moved to concur with the staff recommendation. The motion was seconded by Councilwoman Cribbs and failed to carry as reflected in the following roll call vote:

AYES: Council members Cribbs, Messerlian, and Mayor Pro-Tem Lee.

NOES: Council members Nakano, Walker and O'Donnell.

MOTION: Councilman Nakano moved to continue this item to the Council meeting of February 10, 1998. The motion was seconded by Councilman Messerlian and passed by unanimous roll call vote.

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City Attorney Fellows stated that he had received additional information on Item 14a (BreakZone Billiards) since start of the meeting, and requested time to review it. He suggested that Council recess to Executive Session.

At 7:37 p.m., pursuant to California Government Code Sections 54956.9(a) and 54956.9(b)(1), the Council recessed into a closed session to confer of matters listed on the meeting agenda. At 7:47 p.m., the Council returned to Council Chambers and the meeting reconvened in regular agenda order.

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14. **HEARINGS**

14a. **BREAKZONE BILLIARDS**

Recommendation

Appeal of a Planning Commission approval allowing full alcoholic beverage and full food service, additional recreational facilities including pool, foosball, air hockey, arcade games, pool clinic and lessons, pro shop and smoke shop and the addition of a patio area with amplified sound for an existing billiards center. The Planning Commission recommends denial of the appeal and approval of the project. The Planning Director recommends approval of the appeal and denial of the project, located in the C-3 and C-4 zones at 2533A Pacific Coast Hwy. (Rolling Hills Shopping Center).

CUP 97-0005: BreakZone Billiards (Diane Boyd, David Chartier)

Mayor Pro-Tem Lee announced that this was the time, date and place for the public hearing on the BreakZone Billiards matter.

City Attorney Fellows stated that after tonight's meeting began, he received a six-page document entitled "Response by BreakZone to Appeal by Councilman Walker, Re: Conditional Use Permit of BreakZone CUP 97-0005." He requested a continuance of this hearing to February 10, 1998, so that he can have an opportunity to review cases cited in the document as legal authority, and provide the Council with appropriate legal guidance.

Mr. Paul Jacobs, representing BreakZone Billiards, stated that he had attempted to alert the City Attorney's Office earlier in the week about his client's concerns, and suggested that Council hear testimony of people present who may not be able to attend the rescheduled hearing.

This option was discussed, but it was the consensus of the Council that it would be more expedient to delay the hearing, including all testimony, until the February 10 Council meeting, when all Council members will be present and an orderly presentation of the facts can take place. Senior Principal Planner Gibson confirmed that notices of the rescheduled hearing will be sent to all parties within 300 feet of the site.

Councilwoman O'Donnell voiced her objection to the partial transcripts of depositions that were submitted by BreakZone, and reiterated her request to have the complete depositions forwarded for review. Mr. Jacobs stated that Councilwoman O'Donnell's request had been received too late in the day to comply, and countered that the City had failed to provide him with supplemental material available at the meeting in a timely fashion.

City Attorney Fellows stated that, contrary to Mr. Jacob's assertion, the information to which he referred was compiled in response to questions generated by Council members' review of agenda material on this item, and an exceptional effort was made to have this material available for everyone at tonight's meeting. Mayor Pro-Tem Lee added that the Martin Luther King holiday had caused delays in the dissemination of material.

MOTION: Councilman Walker moved to continue the public hearing to February 10, 1998, with full re-noticing. The motion was seconded by Councilwoman Cribbs and passed by unanimous roll call vote (absent Mayor Hardison).

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At 8:13 p.m. the Council met concurrently as the Torrance Redevelopment Agency. Regular Council agenda was resumed at 8:14 p.m. in joint session with the Redevelopment Agency.

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18. **ADDENDUM MATTERS**

None.

19. **ORAL COMMUNICATIONS**

19a. Councilman Nakano requested an update on the roadwork being done on the intersection of 190th Street and Crenshaw Boulevard.

19b. Mayor Pro-Tem Lee noted the poor condition of the pavement recently resurfaced by Caltrans on Hawthorne Boulevard, and requested information regarding the status of repairs.

20. **EXECUTIVE SESSION**

At 8:18 p.m., Council recessed to closed session. City Attorney Fellows indicated that when Council recessed to closed session earlier in the meeting (see page 5) the only matter discussed was Ginder v. City of Torrance. Mayor Pro-Tem Lee announced that because his business is within 300 feet of the properties to be discussed during the Redevelopment Agency Executive Session, on the advice of the City Attorney, he would not be participating, and that Councilman Nakano would act as Mayor/Chairman Pro-Tem.

Council members returned to Council Chambers at 8:33 p.m. (Mayor Pro-Tem Lee returned at 8:25 p.m.). No action was taken on any matter considered in closed session.

21. **ADJOURNMENT**

At 8:33 p.m., the City Council and the Redevelopment Agency adjourned to Tuesday, January 27, 1998, 5:30 p.m. for a Redevelopment Agency Workshop in the Council Chambers with the regular meeting commencing at 7:00 p.m.

*Adjourned in Memory of Charles "Chick" DeMarti***