

February 10, 1998

**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 5:32 p.m. on Tuesday, February 10, 1998, in the City Council Chambers at Torrance City Hall.

**ROLL CALL**

Present: Council members Cribbs\*, Lee\*, Messerlian\*, Nakano, O'Donnell, Walker, and Mayor Hardison.

\*Arrived at 5:33 p.m.

Absent: None.

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

\*

At this time Agenda Item No. 20 was considered out of order.

20. **EXECUTIVE SESSION**

At 5:35 p.m., pursuant to California Government Code Sections 54957.6, 54956.9(a), 54956.9(b)(1) and 54956.8 the Council recessed into a closed session to confer on matters listed on the meeting agenda.

At 7:04 p.m., the Council returned to Council Chambers. No formal action was taken on any matter heard in closed session, and the meeting reconvened in regular agenda order.

\*

2. **FLAG SALUTE/ INVOCATION**

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

City Clerk Herbers gave the invocation for the meeting.

\*

Mayor Hardison noted the passing of Mary Gordon, a Finance Department employee for almost 20 years, and Mary Pagac, a longtime Torrance resident and owner of Mary's Color Bar, and requested that the meeting be adjourned in their memory.

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

**MOTION:** Councilman Lee 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 Councilwoman Cribbs, and, there being no objection, it was so ordered by Mayor Hardison.

**MOTION:** Councilman Lee 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 Councilwoman Cribbs, and, there being no objection, it was so ordered by Mayor Hardison.

4. **WITHDRAWN/DEFERRED ITEMS**

None.

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

**Personnel Hearing**

Tuesday, February 24, 1998

6:00 p.m.

City Council Chambers

**Finance and Governmental Operations Committee**

Tuesday, March 24, 1998, 5:30 p.m.

Third Floor Assembly Room

Subject: Mid-Year Budget Review

City Clerk Herbers announced that a Candidates Forum would be held on Wednesday, February 11, 1998 at 7:00 p.m. in the meeting room at the Katy Geissert Library, 3301 Torrance Boulevard.

City Clerk Herbers reported that Sample Ballots for the March 3, 1998 General Municipal Election had been mailed to registered voters and that applications for Absent Voter Ballots were currently being accepted and must be received by the City Clerk's Office by February 24.

7. **CONSENT CALENDAR**

7a. **APPROVAL OF MINUTES - JANUARY 20, 1998**

7b. **APPROVAL OF ADDITIONAL FUNDING FOR POLICE PERSONNEL MATTER**

**Recommendation**

The City Attorney recommends that City Council approve an additional encumbrance of \$6,590 from the City Attorney's General Support Legal Services account, to complete funding of an existing contract with the law firm of Liebert, Cassidy & Frierson for representation of the City in a police employment matter.

7c. **REJECTION OF BIDS FOR CITYWIDE SEWER PUMP STATION UPGRADE**

Considered separately, see below.

7d. **CONTRACT RE REGIONAL TRANSPORTATION PLAN**

**Recommendation**

The Planning Department recommends that City Council authorize the execution of a contract with John Zinner, consultant, to continue overseeing the update of the Regional Transportation Plan on behalf of the South Bay Cities Council of Governments. The contract amount shall not exceed \$18,000.

**MOTION:** Councilwoman O'Donnell moved for the approval of Consent Calendar Item Nos. 7a, 7b and 7d. The motion was seconded by Councilman Walker and passed by unanimous roll call vote.

Consent Calendar Item 7c was considered at this time.

7c. **REJECTION OF BIDS FOR CITYWIDE SEWER PUMP STATIONS UPGRADE**

**Recommendation**

The Engineering Director recommends that City Council reject all bids and authorize the Engineering Department to readvertise for bids on the construction of the Citywide Sewer Pump Stations Upgrade, Phase II.

Mr. John Clarke, Clarke Contracting Corporation, requested that Council, rather than reject all bids, reject only the low bid (T.M. Engineering's) as non-responsive and award the contract to his firm, the second lowest bidder, citing his company's successful completion of the first phase of this project.

City Attorney Fellows confirmed that his staff had consulted with the Engineering Department regarding irregularities in the bids and was recommending the rejection of all bids.

**MOTION:** Councilwoman O'Donnell moved to concur with the staff recommendation. The motion was seconded by Councilman Walker and passed by unanimous roll call vote.

13. **ADMINISTRATIVE MATTERS**

13a. **CITY COUNCIL DARK NIGHTS**

**Recommendation**

The City Manager recommends that City Council consider March 3 and March 31, 1998 as City Council dark nights.

Mayor Hardison explained that a General Municipal Election will be held on March 3, and March 31 is the fifth Tuesday of the month.

**MOTION:** Councilman Messerlian moved to concur with the staff recommendation. The motion was seconded by Councilwoman Cribbs and passed by unanimous roll call vote.

13b. **TRANSFER OF AIRPORT DIVISION**

**Recommendation**

The City Manager recommends that the Airport Division be transferred from the City Manager Department to the General Services Department.

**MOTION:** Councilman Lee moved to concur with the staff recommendation. The motion was seconded by Councilwoman Cribbs and passed by unanimous roll call vote.

14. **HEARINGS**

14a. **BREAKZONE BILLIARDS**

**Recommendation**

City Council consideration of a continued Public Hearing of an 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 & C-4 zones at 2533A Pacific Coast Highway (Rolling Hills Plaza Shopping Center).

CUP97-0005: BREAKZONE BILLIARDS (DIANE BOYD, DAVID CHARTIER)

Mayor Hardison announced that this was the time, date and place for the public hearing on this matter, continued from January 20, 1998.

Responding to counsel for Breakzone Billiards' previously raised concerns about possible conflicts of interest and other issues they believe present impediments to their clients receiving a fair hearing, City Attorney Fellows advised that the California Fair Political Practices Commission has determined that receipt of campaign contributions does not constitute grounds for disqualification; and he provided background and clarification concerning the basis for the appeal, the scope of the hearing, and who bears the burden of proof.

Council members Walker, Lee, Nakano and O'Donnell made statements acknowledging the receipt of past political contributions from Norman La Caze and entities he controls (Breakzone Billiards' landlord), and affirmed their ability to conduct a fair and impartial hearing, basing their decisions on the facts and the law.

Councilwoman O'Donnell emphasized that her disagreement with Breakzone's counsel over the submittal of partial depositions in this matter, a practice that she determined is highly unusual, would not prejudice her decision.

Mayor Hardison stated that she had received a small contribution four years ago from Mr. La Caze, and offered her assurance that she would be fair and impartial in the consideration of this request.

Councilman Walker advised that he had filed this appeal because of significant community concern about this matter; that he believed all aspects of the Conditional Use Permit,

CUP97-0005, should be examined during this hearing; and noted that he spoke to Mr. Paul Jacobs, counsel for Breakzone, to discuss these issues.

Senior Principal Planner Gibson presented the staff report (per written material of record), and provided clarification for Council members on the type of liquor license being requested and its restrictions.

Responding to a letter dated February 2, 1998 from Ms. Hillary Booth, counsel for Breakzone, disputing the accuracy of police reports submitted in conjunction with this hearing, Lieutenant Dennis Addington, Commander of the Vice and Narcotics Division, reviewed calls for service/incidents to Breakzone Billiards since it opened in 1992, as documented by Torrance Police Department. City Attorney Fellows noted that he had received additional correspondence at the start of the meeting objecting to these reports, but he believed it was appropriate for the information to be presented for Council's evaluation and to allow Breakzone representatives an opportunity to respond.

On behalf of the applicant, Mr. Paul Jacobs, 4640 Admiralty Way, Marina del Rey, asserted that according to his interpretation of City statutes the scope of this hearing should be limited to information available at the Planning Commission hearing, and to do otherwise places his clients at a disadvantage, having to refute information without a chance to fully investigate. He challenged Councilwoman O'Donnell's contention that the excerpting of depositions was unusual. He agreed that the acceptance of political contributions is not alone a reason to disqualify Council members, but suggested that the appearance of fairness is important, and a concern to his clients. He requested that Council reconsider the conditions imposed by the Planning Commission reducing hours of operation and eliminating the outdoor patio, and asked that his clients be given an opportunity to prove that the addition of food and beverage service will not detract from the family atmosphere they provide.

Ms. Diane Boyd, co-owner of Breakzone Billiards, 2501 Grant Avenue, Redondo Beach, explained that employees had been diligent in reporting potential problems to the police, and she hoped they would not be penalized for that; described the proposed changes that she believes are necessary to transform the business into an upscale establishment; and called attention to their youth card program.

Mr. David Chartier, co-owner of Breakzone Billiards, 3514 Centralia, Lakewood, outlined precautions he had taken to ensure the safety of his customers, including security guards, dress codes, and surveillance cameras; and voiced his intention to provide safe entertainment for everyone, and to be an asset to the community.

The Council recessed from 8:50 p.m. to 9:02 p.m.

Mayor Hardison invited public input.

Mr. Toshitsugu Fujimura, owner and operator of Wanpaku Juku tutoring school near the subject property, stated that the disorderly and irresponsible behavior of Breakzone's patrons was threatening to ruin his business; enumerated incidents of vandalism and occasions when access to his school had been blocked; and submitted photographs to document his concerns.

Ms. Vicky Fisher, 990 W. 190th Street, daughter/niece of the owners of Breakzone Billiards and former general manager, indicated that she had met with police to determine the

best way to deal with potential problems and was encouraged to call them at any sign of a disturbance, a policy to which Breakzone adhered; and observed that the owners had strived to maintain a family environment, inviting youth groups and sponsoring teams in the community.

Ms. Linda Lopez, 2400 Apple Way, manager of Breakzone Billiards, stated that she had called police to the location on February 6, 1998 and offered clarification of the incident, emphasizing that patrons of Breakzone were not involved.

Ms. Barbara Steffey, 2800 Plaza del Amo, commented on the safe, immaculate environment at Breakzone Billiards; spoke of their practice of escorting customers to their cars; and voiced support for their request to sell liquor.

Mr. John Loving, White Wolf Security, head of security for Breakzone Billiards, indicated that there had been no problems since his company took over in November of '97; described Breakzone's stringent admission policy designed to keep troublemakers out; and promised increased diligence if the liquor license is granted.

Mr. Lonnell McBroom, Sr., co-founder of Pockets Pool Club, attested to Breakzone's clean and pleasant atmosphere, and strict enforcement of their dress code; and expressed his opinion that the service of alcoholic beverages will only enhance their operation.

As a longtime business and personal acquaintance, Mr. Robert Leese, 5836 Parapet Street, Long Beach, vouched for Mr. Chartier's honesty and integrity.

Ms. Maxine Dillard, co-founder of Pockets Pool Club, praised Breakzone Billiards for providing a safe place for women to play billiards and voiced support for their request.

Ms. Pam Sonju, 2501 Grant, Redondo Beach, reported that she plays pool at Breakzone periodically and has never experienced any problems; and remarked that she would go there more often if she could enjoy an adult beverage while playing.

Mr. Steve Flowers, 2217 Border Avenue, related his experience with Ms. Boyd and Mr. Chartier as responsible business owners.

Highlighting positive experiences at Breakzone Billiards, Mr. Roger Blatchford, 3922 Emerald Street, noted Mr. Chartier's devotion to the sport and attributed the recent demise of two pool halls in the South Bay area to their inability to serve alcoholic beverages.

Mr. Walt Maki, 2714 Ridgeland Road, expressed his opinion that Breakzone Billiards is a well-run business and should be granted a liquor license.

Ms. Sharon Faltin, 2501 Grant Avenue, Redondo Beach, related concerns regarding the importance of Council members maintaining the appearance of independence, and the erroneous attribution of police calls to Breakzone Billiards.

Ms. Karen Miller, 2473 W. 255th Street, Lomita, noted past problems with late-night noise emanating from Breakzone Billiards, and stated that serving alcohol will only exacerbate the problem, particularly if an outdoor patio with amplified sound is allowed.

Mr. Charles Takeda, 100 Wilshire Boulevard, Los Angeles, a parent of children attending Wanpaku Juku tutoring school, confirmed Mr. Fujimura's account of disturbances caused by Breakzone's patrons and expressed fears for the safety of children and others should the license be granted.

Ms. Evalyn Larson, 2470 W. 256th Street, Lomita, commented on the deterioration of the quality of life in her neighborhood due to loud and unruly patrons of Rolling Hills Shopping Center and requested the Council deny Breakzone's request.

Noting the many establishments granted permits to serve beer and wine in Rolling Hills Plaza, Ms. Cynthia Ap-Marquez, 22017 Ladeene, stated that it was fundamentally unfair to deny responsible business owners like Mr. Chartier and Ms. Boyd an opportunity to enhance their business.

In a slide presentation, Ms. Hillary Booth, counsel for Breakzone Billiards, offered her interpretation of the police reports Lieutenant Addington reviewed earlier, concluding that 99.9% of the calls were incidents that occurred in the parking lot shared by Breakzone and improperly attributed to them. She pointed out there were several instances where Breakzone customers were the victims of the reported crimes, and argued that the system for logging calls was never intended to evaluate whether businesses are good or bad and should not be used as such. She advised that there was no evidence that the area surrounding Breakzone Billiards was any more crime ridden than any other area in the City, and emphasized that there had never been a crime committed within the billiards hall. She added that the service of alcoholic beverages is crucial for Breakzone's financial survival.

A discussion ensued concerning Ms. Booth's remarks, and City Attorney Fellows pointed out that during a routine business check, two men had been arrested inside the location and convicted for possessing concealed daggers; and he advised that from the number of calls for suspicious activities, at times when other businesses in the area are closed, the Council could reasonably infer an association with Breakzone Billiards. Lieutenant Addington reported that the Police Department's gang detail would confirm that the location is a hangout for Asian gang members and an area of concern for the department.

Returning to the podium, Ms. Boyd disputed police claims of crime problems and stated that officers never told her or Mr. Chartier of their concerns. Mr. Chartier noted that if they are allowed to serve alcohol, the age range of their clientele would be considerably older and that they had agreed to provide a security guard for the back parking lot.

Mr. Jacobs submitted a letter dated February 8, 1998, for the record, from Ms. Darlene Stinson, 3487 San Rafael Circle, Costa Mesa, in support of the request. Noting the inexact science of assigning police calls to a particular location, he requested that Breakzone be granted an opportunity to prove themselves. Ms. Booth observed that other businesses in the mall are open late at night, including a market that sells liquor. Councilman Nakano reported that he frequents the market Ms. Booth referred to and believes it closes at 8:00 p.m.

Councilman Walker recognized that Ms. Boyd and Mr. Chartier run a well-maintained, attractive establishment, but stated that he could not in good conscience approve the service of alcohol in a place that finds it necessary, by their own security guard's admission, to make weapons checks and scrutinize customers for gang attire.

Mayor Hardison expressed her opinion that alcohol sales would conflict with Breakzone's stated desire to get more young people involved in billiards and with the mall's evolution as a family entertainment center.

Councilman Lee stated that Breakzone Billiards currently provides a clean, safe environment for youths, and it is not in the community's best interest to add another source of potential problems to an area that's experienced a number of serious incidents.

Councilwoman O'Donnell concurred with her colleagues on the Council, and contended that approving the request would be like adding fuel to a fire, a complete disaster.

Coming forward again, Mr. Chartier stated that, although he was committed to providing an outlet for young people, their support was inadequate, and financial revenues from food and alcoholic beverage service were critical, especially due to the detrimental effect the recently-enacted smoking ban had had on business. He explained that Mr. Loving, an eager and relatively new Breakzone security guard, had overstated past security problems.

City Attorney Fellows and Building and Safety Director Isomoto offered information regarding the City's enforcement of the statewide smoking ban. Mr. Chartier indicated that he didn't mean to imply that the City was employing selective enforcement, and only wanted to emphasize the importance of offering smoking and alcohol sales as a means of remaining competitive with other businesses.

Commenting on the bad example cigarette smoking and the consumption of alcohol sets for young people, Councilwoman O'Donnell asserted that these activities are inappropriate for a facility catering to youths.

In response to Mayor Hardison's inquiry, Mr. Jacobs thanked the Council for allowing a complete and thorough examination of the issues; confirmed that no continuance was needed to address any matters raised by the Council or the public; and related his clients' desire for a decision at tonight's meeting.

Noting the extensive planning involved, the expense incurred during this process, and her willingness to do anything necessary to ensure success, Ms. Boyd expressed frustration that this permit might be denied. Mr. Chartier made a final plea to the Council for approval of the request.

**MOTION:** Councilman Lee moved to close the public hearing. The motion was seconded by Councilwoman Cribbs and passed by unanimous roll call vote.

**MOTION:** Councilman Walker moved for approval of the appeal and denial of the project. The motion was seconded by Councilwoman O'Donnell and passed by unanimous roll call vote.

\*

The Council met as the Torrance Redevelopment Agency at 11:26 p.m. The Redevelopment meeting was adjourned at 11:29 p.m., and the Council meeting resumed in regular agenda order.

\*



18. **ADDENDUM MATTERS**

None.

19. **ORAL COMMUNICATIONS**

19a. Councilwoman Cribbs thanked Sister City Association President Hazel Taniguchi and her committee for all their work during the recent visit of the Kashiwa delegation celebrating the 25th anniversary of the Sister City program.

19b. Councilman Lee echoed sentiments expressed by Councilwoman Cribbs.

19c. Councilman Nakano also offered his thanks to Mrs. Taniguchi.

19d. Councilman Nakano commented on drop off parking problems at the Bartlett Senior Center.

19e. Councilwoman O'Donnell also congratulated Mrs. Taniguchi.

19f. Councilwoman O'Donnell thanked City workers for their efforts during recent rainstorms.

19g. Mayor Hardison requested information concerning loading zones at Bartlett Senior Center, and Planning Director Ferren reported on corrective measures being implemented.

19h. Mayor Hardison concurred that the visit of the Kashiwa delegates was enjoyable and successful due to Mrs. Taniguchi's organizational skills and thanked Suzy Wand of Parks and Recreation staff for all her efforts as well. She noted that the City had received many lovely gifts from the delegation that she hoped to display at the next Council meeting.

20. **EXECUTIVE SESSION**

Considered earlier, see page 1.

21. **ADJOURNMENT**

At 11:35 p.m., the City Council adjourned to Tuesday, February 17, 1998 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

*Adjourned in Memory of Mary Gordon and Mary Pagac*