

April 28, 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 5:35 P.M. on Tuesday, April 28, 1998, in the City Council Chambers at Torrance City Hall for a Workshop on Energy Deregulation. (See separate minutes)

ROLL CALL

Present: Councilmembers Cribbs, Lee, Messerlian, Nakano, Walker and Mayor Hardison.

Absent: Councilmember O'Donnell.

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

2. **FLAG SALUTE/INVOCATION**

North High School Army JROTC, led by Master Sgt. Ron Graham, led the Pledge of Allegiance.

City Clerk Herbers gave the invocation for the meeting.

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

MOTION: Councilmember Lee moved to receive and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember Cribbs and, there being no objection, it was so ordered by Mayor Hardison (absent Councilmember O'Donnell).

MOTION: Councilmember 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 Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember Cribbs and, there being no objection, it was so ordered by Mayor Hardison (absent Councilmember O'Donnell).

4. **WITHDRAWN/DEFERRED ITEMS**

None.

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5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

City Hard Open House

Public Works Week, Saturday May 30, 1998
10:00 A.M. to 2:00 P.M., 20500 Madrona Avenue

Fire Department Open House

Saturday, May 9, 1998
10:00 A.M. to 4:00 P.M., Wilson Park and Fire Stations

39th Annual Armed Forces Day Parade and Observance

May 16 and 17, 1998, Parade Step Off at 2:00 P.M.
Crenshaw and Torrance Boulevards
Displays and Events Held at Del Amo Fashion Center and
Zamperini Field

Citizen Development and Enrichment Committee

Wednesday, May 13, 1998, 5:30 P.M.
Third Floor Assembly Room
Re: Exhibit for the Nature Center

6. **COMMUNITY MATTERS**

6a. **RESOLUTION NO. 98-42 RE RETIRING FIRE CHIEF R. SCOTT ADAMS**

City Clerk Herbers read aloud the number and title of Resolution No. 98-42.

MOTION: Councilmember Nakano moved for the adoption of Resolution No. 98-42. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote, absent Councilmember O'Donnell.

RESOLUTION NO. 98-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TORRANCE HONORING R. SCOTT ADAMS FOR HIS
DEDICATION, PROFESSIONALISM AND CONTRIBUTIONS
TO THE CITY OF TORRANCE

The Council presented retiring Fire Chief R. Scott Adams with Resolution No. 98-42 and a retirement plaque in recognition of his dedication, professionalism and contributions to the City of Torrance.

City Manager Jackson highly commended the dedicated service of retiring Fire Chief Adams. Mr. Jackson extended his and the executive staff's best wishes to Chief Adams in his journey along the paths of his new life.

Fire Chief Adams thanked his fellow Fire Department and City employees for their assistance during his service to the City and the Councilmembers for their commitment to public safety.

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Councilmember Nakano voiced his deep appreciation of Fire Chief Adams's service to Torrance, particularly during the Mobil Oil lawsuit and in accomplishing the ISO rating. He wished him the best in his retirement.

6b. **PROCLAMATION RE "SKIP A MEAL FOR THE WORLD'S CHILDREN WEEK"**

The Council presented a proclamation, accepted by Mr. Tony Goorchenko, Torrance Kiwanis Club, declaring the week of April 26 through May 2, 1998 "*Skip a Meal for the World's Children Week*" in the City of Torrance.

6c. **1998 TOURNAMENT OF ROSES TROPHY PHOTO**

On behalf of the Torrance Rose Float Association, Ms. Mary Hoffman presented the official 1998 Tournament of Roses trophy photo to the Council.

The Council thanked all involved for the 1998 Tournament of Roses "Mother Goose" float entry.

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Agenda Item No. 8b was considered out of order at this time.

8b. **1999 TOURNAMENT OF ROSES ENTRY**

Recommendation

The City Council ad hoc Rose Float Committee recommends the design of "Peter Pan 1912 Opening on Broadway" for the City's float entry in the Pasadena Tournament of Roses Parade on January 1, 1998; and recommends an agreement between the City of Torrance and Fiesta Parade Floats for the design, construction, entry, display and operation of the Torrance float in the 1999 Tournament of Roses Parade.

Councilmember Messerlian related the ad hoc Rose Float Committee's recommendation in favor of the proposed 1999 float design, "Peter Pan 1912 Opening on Broadway."

Representing Fiesta Parade Floats, Mr. Tim Estes and Mr. Raul Rodriguez, presented the proposed 1999 float design, "Peter Pan 1912 Opening on Broadway." They thanked the Council for allowing them to represent Torrance through their design of Torrance's float for the 1999 Tournament of Roses Parade.

MOTION: Councilmember Walker moved to concur with the ad hoc Rose Float Committee's recommendation in favor of the proposed design and to approve the agreement between the City of Torrance and Fiesta Parade Floats for the design, construction, entry, display and operation of the Torrance float in the 1999 Tournament of Roses Parade.

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Discussion returned to regular agenda order.

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7. **CONSENT CALENDAR**

Mayor Hardison noted supplemental written material of record distributed at the meeting pertaining to Agenda Item No. 7d (Job Training Partnership Act [JTPA] Two-Year Job Training Plan) (memorandum dated April 27, 1998, addressed to the Council from Employment and Training Coordinator Fisher, transmitting excerpts from the minutes of the April 23, 1998 Private Industry Council [PIC] meeting).

7a. **APPROVAL OF MINUTES - APRIL 7, 1998**

7b. **237TH STREET EXTENSION**

Recommendation

The Engineering Director recommends that the City Council approve a reduction of the subdivision bonds and certificates of deposit for Parcel Map 24166 located at the 237th Street extension west of Crenshaw Boulevard.

7c. **PIC REGIONAL TECHNOLOGY GRANT PROPOSAL**

Recommendation

It is recommended by the Private Industry Council (PIC) and the Human Resources Director that the Council approve the request to participate in the regional technology grant proposal and authorize the mayor to sign the application on behalf of the consortium.

7d. **JOB TRAINING PARTNERSHIP ACT (JTPA) JOB TRAINING PLAN**

Recommendation

It is the recommendation of the Carson/Lomita/Torrance PIC and the Consortium Policy Board that the Council approve the JTPA Two-Year JTPA Job Training Plan for Fiscal Years 1998-2000.

7e. **TORRANCE ROSE FLOAT ASSOCIATION ANNUAL REPORT FOR 1997-1998**

Recommendation

It is the recommendation of the Parks and Recreation Director that the Council accept and file the Torrance Rose Float Association's Annual Report for 1997-1998 (1998 Float).

7f. **FINAL COSTS FOR LOMITA/TORRANCE JOINT PROJECT ON CRENSHAW**

Recommendation

It is the recommendation of the Engineering Director that the City Council

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appropriate and authorize the expenditure of \$29,671.93 from Proposition C Funds to cover the balance of the costs of the joint improvement project with the City of Lomita on Crenshaw Boulevard from Lomita Boulevard to south of Skypark Drive.

7g. **AMENDMENT TO AGREEMENT 96303 WITH CITY OF LOS ANGELES**

Recommendation

It is the joint recommendation of the Carson/Lomita/Torrance Private Industry Council (PIC) and the Human Resources Director of the City of Torrance that the Council authorize the execution of Amendment One to Agreement 96303 with the City of Los Angeles.

7h. **AMENDMENTS TO THE LOS ANGELES CITY COMPUTER CONSULTANT CONTRACT**

It is the recommendation of the Carson/Lomita/Torrance Private Industry Council (PIC) and the Human Resources Director of the City of Torrance that the Council authorize the execution of amendments to the 1996-1997 and 1997-1998 agreements for the Los Angeles City computer consultants.

7i. **COMPUTER EQUIPMENT FOR TRANSIT LOCAL AREA NETWORK**

Recommendation

The Transit General Manager and the Director of Information Systems recommend that the City Council authorize the purchase of computer hardware and software to set up a Local Area Network (LAN) to run the Transit Operations Automation Program for an anticipated cost of \$51,407 and an annual operating cost of \$20,359.

MOTION: Councilmember Lee moved for the approval of the Consent Calendar as written. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote, absent Councilmember O'Donnell.

8. **LIBRARY/PARKS AND RECREATION**

8a. **COMMUNITY SERVICES RECOMMENDATION-GRANT REIMBURSEMENTS**

The Community Services Commission recommends that the City Council allocate \$2,415.34 returned to the City of Torrance from grant funds authorized in 1996 and 1997; and that the funds be added to the 1999 Grant Program to allow a total allocation of \$25,415.34.

Parks and Recreation Director Barnett pointed out that the proposal to increase the allocation would be for only one time and that the original amount would be reverted to in subsequent years.

MOTION: Councilmember Cribbs moved to concur with the Community Service Commission's recommendation. The motion was seconded by Councilmember Lee and passed by unanimous roll call vote, absent Councilmember O'Donnell.

8b. **1999 TOURNAMENT OF ROSES ENTRY**

Considered earlier in the meeting (see page 3).

12. **PERSONNEL MATTERS**

12a. **WELFARE-TO-WORK PROGRAM**

Recommendation

It is the joint recommendation of the Carson/Lomita/Torrance Private Industry Council (PIC) and the Consortium Policy Board on behalf of the Service Delivery Area (SDA) that the Council:

- 1) Accept the Welfare-to-Work (WtW) funding of \$525,315;
- 2) Appropriate monies to the Employment and Training Division Budget;
- 3) Approve the Los Angeles County Regional PIC/SDA Collaborative Welfare-to-Work Local Plan and authorize the mayor to sign it on behalf of the Consortium; and
- 4) Reaffirm the use of existing consortium documents to administer Welfare-to-Work funds.

Supplemental written material of record included an April 27, 1998 memorandum addressed to the Council from Human Resources Director Winer transmitting an excerpt from the Carson/Lomita/Torrance Private Industry Council (PIC) Board meeting of April 23, 1998.

Ms. Ramune Vitke, Supervisor, Torrance One-Stop Career Center, provided information about State and Federal funding for the Welfare-to-Work Program. She summarized the Los Angeles County Regional Private Industry Council/Service Delivery Area (SDA) Collaborative Welfare-to-Work Local Plan. In answer to questions from the Council, Ms. Vitke supplied input on the welfare caseload in the Carson/Lomita/Torrance PIC area and verified that the Council will be kept apprised as the Program goes forward.

MOTION: Councilmember Cribbs moved to approve the joint recommendation of the Carson/Lomita/Torrance Private Industry Council (PIC) and the Consortium Policy Board on behalf of the Service Delivery Area (SDA). The motion was seconded by Councilmember Lee and passed by unanimous roll call vote, absent Councilmember Cribbs.

13. **ADMINISTRATIVE MATTERS**

13a. **PROPOSED LEGISLATION (SB 1971) RE RESIDENTIAL CARE FACILITIES**

Recommendation

It is the recommendation of the City Manager that the City Council concur with staff's recommendation to support Senate Bill 1971 and direct staff to forward a letter of support to the State legislators.

Management Assistant Lopez verified that Senate Bill 1971 would establish a State wide data base for licensed and unlicensed residential care facilities.

Mayor Hardison added that Senate Bill 1971 is one of the first recommendations from the State wide task force on residential care facilities to which she was appointed.

MOTION: Councilmember Messerlian moved to concur with the staff recommendation. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote, absent Councilmember O'Donnell.

13b. **RECOMMENDED POSITIONS ON JUNE 1998 BALLOT MEASURES AND 1998-1999 LEGISLATIVE POLICIES AND GOALS**

Recommendation

The Ad Hoc Legislative Committee recommends that the Council concur with the Committee's recommended positions on the June 1998 ballot initiatives and adopt the 1998-1999 legislative policies and goals.

Mayor Hardison advised that the Ad Hoc Legislative Committee, composed of herself and Councilmembers Cribbs and Messerlian, examined whether the June 1998 ballot measures would affect local control, have a fiscal impact on the City and impact public safety. She recommended that those ballot measures on which her fellow Councilmembers' opinions differ from the recommendations of the Committee be discussed at this time.

Councilmember Nakano asked that Proposition 226 (Political Contributions by Employees, Union Members, Foreign Entities) be considered separately. Councilmember Nakano explained that, while he opposes Propositions 223 (Schools - Spending Limits on Administration) and 227 (English Language in Public Schools) on a personal basis, as a Councilmember he would support the Committee's recommendation of "Neutral" based on the established guidelines.

Mayor Hardison indicated that she has personal concerns on some of the issues dealing with education. However, due to the criteria established she could not justify recommendations to oppose them.

MOTION: Councilmember Messerlian moved to concur with the recommendations of the Ad Hoc Legislative Committee, with the exception of Proposition 226. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote, absent Councilmember O'Donnell.

Additional discussion on this item focused on Proposition 226.

Management Assistant Lopez provided a summary of Proposition 226. She explained that this proposition requires that, in order for an employer to deduct money from an employee's wages, information the employer knows or has reason to know will be used for political campaign activities and that these requirements apply to both private and government employees. Ms. Lopez advised that the City's position is "neutral" in that City employees currently sign for deductions.

Mayor Hardison noted a letter from Torrance Municipal Employees (TME) Local 1117 asking the City to oppose Proposition 226. Acknowledging her understanding of TME's position, Mayor Hardison related her opinion that, contrary to TME's opinion, a neutral position is not the same as a "yes" vote.

Councilmember Nakano stated his opposition to Proposition 226. He commented on the funding behind it and he expressed his strong reservations as to what it attempts to do. Councilmember Nakano explained that, while he opposes foreign contributions, he feels that there is something in Proposition 226 which detracts from the intent in this area.

Voicing his respect for Councilmember Nakano's opinions, Councilmember Lee stated his viewpoint that issues important to the City Council should be those which affect the City.

Councilmember Walker related his agreement with the viewpoint of Councilmember Lee. He indicated that, based on the guidelines established, he would support the Ad Hoc Committee's recommendation of "Neutral" on Proposition 226 and on others on which he might vote differently on a personal basis.

MOTION: Councilmember Cribbs moved to concur with the Ad Hoc Legislative Committee's recommendation of "Neutral" on Proposition 226. The motion was seconded by Councilmember Messerlian and passed by a 5-1 majority roll call vote, with Councilmember Nakano dissenting and Councilmember O'Donnell absent.

14. **HEARINGS**

14a. **"VALUE BASIC" CABLE TELEVISION RATE REGULATION**

Recommendation

It is recommended by the Cable Television Advisory Board and the City Manager that the City Council adopt the resolution disapproving Time Warner's "Value Basic" rate (Tier 1) and order a refund to subscribers for rates and charges for related equipment, installation and services that became effective January 1, 1998.

Supplemental written material of record distributed at the meeting included an April 28, 1998 memorandum addressed to the City Council from Cable Television Administrator Smith advising that the recommended action will affect all subscribers and providing input on Time Warner's current rates.

Cable Television Administrator Smith provided the staff report. He clarified the matters before the Council at this time. He verified that, as of April 8, 1998, the City received approximately 33 complaints about Time Warner's rates as of January 1, 1998 and approximately 47 complaints when the rate increase notice was distributed in December 1997. He confirmed the following: that it was Time Warner's decision to bill as they did on Tier 2; that they have consistently set their rates below what they believe to be the maximum permitted rate; and that the City has filed a request for the FCC to review the standard tier of the basic rate.

Mr. Michael Friedman, Vice President, Telecommunications Management Corporation presented detailed background information substantiating the recommendation to disapprove Time Warner's "Value Basic" rate and order a refund to subscribers. In answer to questions from the Council he offered clarification on Time Warner's position that over charges on Tier 1 are offset by under charges on Tier 2. Mr. Friedman shared input on the FCC's determination in another state that there are no offsets between tiers.

Councilmember Cribbs related her disagreement with the rationale that the rate on one tier should offset another.

Mayor Hardison opened the public hearing.

On behalf of Time Warner Communications, Ms. Christy Hennessey maintained that the rates were prepared in good faith. She said that, after numerous meetings, Time Warner and the City have reached a point to agree to disagree on this matter and that at this point Time Warner intends deal with the FCC and fully to comply with any ruling they make.

Mr. John Wong, 23310 Evalyn Avenue, Cable Television Advisory Board, related the Board's understanding as to public concern over the continuing cable television rate increases. He urged the Council to approve the recommendation of the City Manager and the Cable Television Advisory Board.

Mr. Tom Rische, 22920 Carlow Road, Chairman, Cable Televising Advisory Board, explained the Board's concern that Time Warner's rate increases have far exceeded increases in the cost of living. Stating the Board's desire that this issue be handled in a fair manner, Mr. Rische noted the difficulty of Time Warner not providing a clear explanation on the rate increase.

Mr. Louis Selleck, 23032 Samuel Street, came forward to register a complaint over his cable television rate since January 1998. He expressed his concern that, in order to receive basic cable, he must also get channels in which he is not interested.

Mayor Hardison mentioned that, because of Federal legislation, the City has very little control over cable television rates.

Mr. Chuck Boughton, 4039 W. 175th Place, stated his support of the City Manager's and Cable Television Board's recommendations.

MOTION: Councilmember Messerlian moved to close the public hearing. The motion was seconded by Councilmember Lee and passed by unanimous roll call vote, absent Councilmember O'Donnell.

City Clerk Herbers read aloud the title and number of Resolution No. 98-51.

MOTION: Councilmember Nakano moved for the adoption of Resolution No. 98-51. The motion was seconded by Councilmember Lee and passed by unanimous roll call vote, absent Councilmember O'Donnell.

RESOLUTION NO. 98-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE PURSUANT TO THE RULES AND REGULATIONS OF THE FEDERAL COMMUNICATIONS COMMISSION FINDING THE EXISTING RATE FOR THE BASIC SERVICE TIER TO BE UNREASONABLE, PRESCRIBING A REASONABLE RATE FOR THE BASIC SERVICE TIER OF PARAGON CABLE COMPANY (D.B.A. TIME WARNER COMMUNICATIONS) AND ORDERING RATE REDUCTIONS AND REFUNDS

18. **ADDENDUM MATTERS**

None.

19. **ORAL COMMUNICATIONS**

19a. Councilmember Lee announced a Finance and Governmental Operations Committee meeting to discuss the third quarter budget is scheduled for Tuesday, June 2, 1998, 5:30.

19b. Following a request from Councilmember Messerlian, City Manager Jackson affirmed that staff will provide information on the implementation of Civil Code 1102.6c (Requirement that real estate agents give notification of hazardous areas) in the City of Torrance.

19c. Referring to discussions at a recent Federal Aviation Administration (FAA) meeting, Mr. Chuck Boughton, 4039 W. 175th Place, voiced his concerns over low-flying aircraft and revised takeoff/landing patterns at Los Angeles International Airport.

Mayor Hardison indicated that she will relate Mr. Boughton's concerns to the FAA Flight Director.

20. **EXECUTIVE SESSION**

Pursuant to Government Code Sections 54957.6 and 54956.8, at 8:40 P.M. the Council recessed into a closed session to discuss the items listed on the meeting

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agenda. At 10:22 P.M., the Council returned to open session. No formal action was taken on any matter heard in closed session.

21. **ADJOURNMENT**

At 10:23 P.M., the meeting was adjourned to Tuesday, May 5, 1998, 5:30 P.M., for an executive session, to be followed by the regular meeting at 7:00 P.M.