

July 7, 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 5:30 p.m. on Tuesday, July 7, 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.

Absent: None.

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

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

20. **EXECUTIVE SESSION**

At 5:30 p.m., pursuant to California Government Code Sections 54957.6, 54957, and 54956.8 the Council recessed into a closed session to confer on matters listed on the meeting agenda.

At 7:15 p.m., the Council reconvened in Council Chambers.

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2. **FLAG SALUTE/ INVOCATION**

The Pledge of Allegiance was led by Steve Gefvert.

Reverend Taige Ronan, Calvary Chapel, gave the invocation for the meeting.

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 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 Hardison.

4. **WITHDRAWN/DEFERRED ITEMS**

None.

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

6th Annual Torrance Air Fair

July 11th & 12th, 1998, 10:00 a.m. - 5:00 p.m.
Torrance Municipal Airport - Zamperini Field

City Council Workshop

July 21, 1998, 5:30 p.m.
West Annex Commission Room
Subject: Procedures and Rates at Cultural Arts Center

City Clerk Herbers announced that applications for the Planning Commission vacancy would be accepted until Wednesday, July 22, 1998 at 5:30 p.m., with the City Council to make an appointment on Tuesday, July 28.

City Clerk Herbers invited the public to view the watercolors of artist Dan Desmond of the Torrance Artist Guild on display in the City Clerk's office.

6. **COMMUNITY MATTERS**

6a. **RESOLUTION NO. 98-76 RE FRANK B. ALCANTARA**

RESOLUTION NO. 98-76

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF TORRANCE HONORING FRANK B. ALCANTARA
FOR HIS DEDICATION, PROFESSIONALISM, AND
CONTRIBUTIONS TO THE CITY OF TORRANCE**

MOTION: Councilman Nakano moved for the adoption of Resolution No. 98-76. The motion was seconded by Councilman Walker and passed by unanimous roll call vote.

For adoption only, to be presented at a later date.

6b. **PRESENTATION OF AMERICAN PUBLIC WORKS ASSOCIATION AWARD**

The American Public Works Association (APWA) Southern California Chapter Award for GIS was presented by Rod Harage, APWA President, to the GIS Team of the Engineering Department: Associate Engineer Bruce Bornemann, Assistant Engineer Steve Lavey, Sr. Engineering Aide Larry Jenno, Engineering Draftsman Jimmie Watson, and Division Engineer Dick Perkins.

7. **CONSENT CALENDAR**

7a. **APPROVAL OF MINUTES - JUNE 9, 1998**

7b. **PURCHASE ORDER RE PERVO PAINT COMPANY**

Recommendation

The Acting Street Services Director recommends that City Council authorize a purchase order to be issued to Pervo Paint Company of Los Angeles, California, in the anticipated amount of \$45,000 for the sole source purchase of Pervo brand traffic paint on an “as needed basis.”

7c. **CONTRACT RE CURBSIDE RECYCLING MATERIALS**

Considered separately, see pages 4-5.

7d. **ACCEPTANCE AND APPROPRIATION OF DESIGNS IN MODERN LIVING CONTRIBUTION**

Recommendation

The Chief of Police recommends that City Council accept and appropriate a donation of \$300 from DESIGNS IN MODERN LIVING (DBA Systems for Public Safety) for use in Police Department D.A.R.E. programs.

7e. **ACCEPTANCE AND APPROPRIATION OF INACOMP CONTRIBUTION**

Recommendation

The Chief of Police recommends that City Council accept and appropriate a donation of \$275 from INACOMP for use in Police Department Community Affairs programs.

7f. **JOB TRAINING PARTNERSHIP ACT EMPLOYMENT AND TRAINING AGREEMENT**

Recommendation

The Carson/Lomita/Torrance Private Industry Council (PIC) and the Human Resources Director of the City of Torrance recommend that City Council authorize the addition of \$150,000 to the Right Way Computer Training School Agreement.

7g. **ACCEPTANCE OF 1997 NON-PROFIT SOCIAL SERVICE AGENCY GRANT RECIPIENTS' REPORTS**

Recommendation

The Community Services Commission and the Parks and Recreation Director recommend that City Council accept and file the Narrative and Financial Reports from the Assistance League, Behavioral Health Services, Enrichment Through Employment, Home Ownership for Personal Empowerment, New Life Advocacy, RVL S.C.O.R.E., South Bay Post-Polio Support Group, Wellness Community-South Bay Cities for grants received from the City's 1997 Grant Program for Non-Profit Social Service Agencies.

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

Consent Calendar Item 7c was considered separately at this time.

7c. **CONTRACT RE CURBSIDE RECYCLING MATERIALS**

Recommendation

The City Manager and the Acting Street Services Director recommend that City Council award the contract for the processing, marketing and reporting of the City's curbside recycling materials to Quality Paper Fibers.

Mayor Hardison noted supplemental material available consisting of a letter from Acting Street Service Director Brewer to the Council dated July 7, 1998, responding to a letter from Potential Industries requesting that Council delay action on this item.

Acting Street Services Director Brewer stated that, after careful consideration of all bids, staff was recommending that the contract be awarded to Quality Paper Fibers.

Referring to the supplemental material, Mr. Daniel Domonoske, Vice President of Potential Industries, 922 East E Street, Wilmington, objected to mileage issues not listed in the Request for Proposal (RFP) being used as part of the analysis, questioned the accuracy of the mileage computation, and disputed the contention that Potential Industries is in breach of Safety, Indemnity and Insurance sections of the expiring contract. He requested that Council award the contract to Potential Industries.

Mr. David Hare, General Manager of Quality Paper Fibers, 33812 Castano Drive, Dana Point, stated that safety is of primary importance to his company, noting actions they had taken to design a safe facility, and offered to answer Council's questions.

In response to Mayor Hardison's inquiry, City Attorney Fellows reiterated the staff's position that Potential Industries is in breach of the current contract because both Potential and their insurance company have declined to defend and indemnify the City in a lawsuit arising out of the death of a Potential employee.

Acting Street Services Director Brewer explained how the mileage was computed, and noted that the mileage may vary slightly if different routes are used.

Councilwoman O'Donnell expressed her opinion that the credibility of insurance carriers for agencies wishing to do business with the City needs to be examined in addition to the agencies themselves, and questioned whether the insurance carriers for the bidding companies had been investigated.

City Attorney Fellows stated that the contract sets forth rating standards for the insurance carrier; indicated that Potential Industries believes that language in the expiring contract provides a legal loophole for them to escape their obligation to defend and indemnify; and advised that language in the new contract has been dramatically strengthened, and it's unlikely that there will be a repetition of this denial to defend in the future.

Mr. Hare assured the Council that Quality Paper Fiber's insurance company, Golden Eagle, is highly rated.

Mr. Domonoske submitted a confidential letter from his legal counsel to City Attorney Fellows. He stated that Potential Industries' insurance carrier is also A-rated, that the City and Potential Industries should work together to force the insurance company to live up to its obligations, and that Potential believes they have upheld the intention and letter of their current contract. He maintained that it would be in the best interests of the residents of Torrance for the Council to award the contract to Potential Industries because they would generate the highest revenues for the City.

City Attorney Fellows recommended that the Council defer action on this matter for one week.

MOTION: Councilman Walker moved to defer consideration of this item for one week. The motion was seconded by Councilman Messerlian and passed by unanimous roll call vote.

Mr. Domonoske noted that the present contract is due to expire on July 24, 1998, and expressed his willingness to extend the contract, formally or informally, until a new contract is awarded so that recycling is not interrupted.

Mr. Hare stated that Quality Paper Fibers' method of processing recyclable materials is far superior to the methods used by other companies and could provide additional revenue for the City. He requested that if the current contract expires before the new contract is awarded, that his company be allowed to provide service for the City in the interim.

Mayor Hardison noted that the extension of the contract was not a matter before the Council at this time.

9. **TRANSPORTATION/PUBLIC WORKS**

9a. **HEARING DATE RE VACATION OF PORTION OF MADRONA AVENUE**

Recommendation

The Engineering Director recommends that City Council approve and adopt a resolution declaring the intention to vacate a portion of the east side of Madrona Avenue between Sonoma and Antonio Streets and setting August 4, 1998, as the date of the hearing thereon.

RESOLUTION NO. 98-81

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 ANTONIO STREETS IN THE CITY OF TORRANCE; FIXING A TIME AND PLACE FOR THE HEARING THEREON AND PROVIDING FOR THE PUBLICATION OF THIS RESOLUTION

MOTION: Councilman Nakano moved for the adoption of Resolution No. 98-81. The motion was seconded by Councilman Walker and passed by unanimous roll call vote.

13. **ADMINISTRATIVE MATTERS**

13a. **REDEVELOPMENT AGENCY ANNUAL REPORT FOR FY 1996-97**

Considered concurrently with Redevelopment Agency Agenda Item 4B,
see page 9.

13b. **APPROVAL OF FY 1998-99 APPROPRIATIONS LIMIT**

Recommendation

The Finance Director recommends that City Council adopt a resolution approving the City's appropriations limit for fiscal year 1998-99 in the amount of \$469,093,852; and selection of the California per capita personal income as the cost-of-living factor together with the increase in the City's population as the annual adjustment factors for same fiscal year.

Finance Director Tsao presented the staff report (per written material of record).

RESOLUTION NO. 98-82

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TORRANCE APPROVING THE 1998-99 APPROPRIATIONS
LIMIT AND SELECTION OF THE ANNUAL ADJUSTMENT
FACTORS FOR THE SAME FISCAL YEAR**

MOTION: Councilman Nakano moved for the adoption of Resolution No. 98-82. The motion was seconded by Councilman Walker and passed by unanimous roll call vote.

13c. **MEMORANDUM OF INTENT RE TMEO**

Recommendation

The City Manager recommends that City Council approve a Memorandum of Intent with Torrance Management Employees Organization (TMEO).

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

13d. **RESOLUTIONS RE TRREO AND TPPREO**

Recommendation

The City Manager recommends that City Council adopt an MOU for the period June 21, 1998, to June 30, 1999, setting forth hours, wages and working conditions for employees represented by the Torrance Recurrent Recreation Employees Organization (TRREO); and that City Council adopt an MOU for the period July 5, 1998, to June 30, 1999, setting forth the hours, wages and working conditions for employees represented by the Torrance Professional Parks and Recreation Employees Organization (TPPREO).

RESOLUTION NO. 98-83

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH WAGES, HOURS AND WORKING CONDITIONS FOR TORRANCE RECURRENT RECREATION EMPLOYEES ORGANIZATION (TRREO) AND REPEALING RESOLUTION NO. 97-117

MOTION: Councilman Nakano moved for the adoption of Resolution No. 98-83. The motion was seconded by Councilman Walker and passed by unanimous roll call vote.

No action was taken on the MOU for TPPREO.

13e. **RESOLUTIONS RE NON-REPRESENTED EMPLOYEES AND ELECTED OFFICIALS**

Recommendation

The City Manager recommends that City Council adopt resolutions setting forth wages, hours and working conditions for elected officials and for non-represented employees.

RESOLUTION NO. 98-80

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH WAGES, HOURS, AND WORKING CONDITIONS FOR ELECTED OFFICIALS AND REPEALING RESOLUTION NO. 97-104

MOTION: Councilman Nakano moved for the adoption of Resolution No. 98-80. The motion was seconded by Councilman Walker and passed by unanimous roll call vote.

RESOLUTION NO. 98-84

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH WAGES, HOURS AND WORKING CONDITIONS FOR NON-REPRESENTED EMPLOYEES AND REPEALING RESOLUTION NO. 98-19

MOTION: Councilman Nakano moved for the adoption of Resolution No. 98-84. The motion was seconded by Councilman Walker and passed by unanimous roll call vote.

RESOLUTION NO. 98-85

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH WAGES, HOURS AND WORKING CONDITIONS FOR HOURLY NON-REPRESENTED EMPLOYEES AND REPEALING RESOLUTION NO. 98-20 (AND 98-45)

MOTION: Councilman Nakano moved for the adoption of Resolution No. 98-85. The motion was seconded by Councilman Walker and passed by unanimous roll call vote.

14. **HEARINGS**

14a. **PROPERTY LINE FENCE AT 21814 SCANNEL AVENUE**

Recommendation

The Planning Commission recommends that City Council deny an appeal of a Planning Commission decision denying the construction of a new property line fence on property located in the Hillside Overlay District in the R-1 zone at 21814 Scannel Avenue. The Planning Director recommends approval of the appeal and approval of the project.
MIS98-0054: Thomas Villano

Councilman Walker expressed his opinion that it is inappropriate for the Council to make a decision on this matter while the location of the property line is in dispute.

City Attorney Fellows offered clarification of the Hillside Overlay Ordinance requirements related to view blockage and commented on the difficulty of making a determination as to whether the proposed fence impinges on neighbors' views without knowing precisely where the fence would be located. He recommended that the applicant be given an opportunity to address the issue.

Councilwoman O'Donnell concurred with Councilman Walker's comments and expressed her preference that the Council take no action on this matter until the legal issues regarding the location of the property line are resolved.

Councilman Lee noted that having a property surveyed is relatively inexpensive and suggested that the applicant have a survey done before proceeding.

Mr. Thomas Villano, 21814 Scannel Avenue, applicant, stated that he believes there is no ambiguity about the location of his property line; that he had had a survey done two years ago and provided the Planning Department with notarized copies of it; and that the type of fence he is proposing (wrought iron) would not impact anyone's views, air, light or privacy.

City Attorney Fellows noted that the property line survey only reflects the state of record title with the County Recorder, and related his understanding that there are claims that neighboring properties have improvements that encroach across surveyed lines, granting them unrecorded but recognizable property rights through prescriptive easement or adverse possession that would have the effect of altering the location of the property line. He listed the options available to the Council with regard to this matter.

MOTION: Councilman Walker moved to continue the hearing to a date uncertain. The motion was seconded by Councilwoman O'Donnell and passed by unanimous roll call vote.

18. **ADDENDUM MATTERS**

None.

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At 8:13 p.m., the Council met as the Torrance Redevelopment Agency.

Agenda Item No. 13a was considered concurrently with Redevelopment Agency Agenda Item 4B at this time.

13a. **REDEVELOPMENT AGENCY ANNUAL REPORT FOR FY 1996-97**

Recommendation

The Redevelopment Agency staff recommends that City Council accept and file the Redevelopment Agency Annual Report for Fiscal Year 1996-97 including the Independent Auditors' Report on Financial Statements and Compliance and file said report without further action.

Senior Principal Planner Bihn stated that the Annual Report, submitted for the Agency's review, outlines the achievements and accomplishments of the Redevelopment Agency for the Fiscal Year 1996-97.

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

At 8:17 p.m., the Redevelopment Agency meeting adjourned, and the Council meeting resumed in regular agenda order.

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19. **ORAL COMMUNICATIONS**

19a. City Manager Jackson thanked all departments for their coordinated efforts for the 4th of July celebration.

19b. Councilman Lee commented on the 4th of July events and questioned the duration of the fireworks display.

19c. Ms. Pam Evans, Knolls Lodge Mobile Home Park, spoke on recent rent increases at the park.

19d. Mr. Steve Gefvert, Knolls Lodge Mobile Home Park, spoke on conditions in the park.

20. **EXECUTIVE SESSION**

At 8:31 p.m., pursuant to California Government Code Sections 54957.6, 54957, and 54956.8 the Council recessed into a closed session to confer on matters listed on the meeting agenda.

Councilman Messerlian left City Hall at 8:40 p.m.

At 10:15 p.m., the Council reconvened in Council Chambers. No formal action was taken on any matter heard in closed session.

21. **ADJOURNMENT**

At 10:15 p.m., the meeting was formally adjourned to Tuesday, July 14, 1998, at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.