

July 1, 1997

**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, July 1, 1997, in the City Council chambers at Torrance City Hall.

**ROLL CALL**

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

Absent: Councilman Lee.

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

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

**20. EXECUTIVE SESSION**

At 5:33 p.m. the Council recessed to a closed session pursuant to California Government Code Sections 54957.6, 54956.9(a), 54956.9(b), 54956.9(c) and 54956.8 to confer with the City Manager and the City Attorney on the agenda matters listed under 20.a.1, "Conference with Labor Negotiator," 20.a.2, "Conference with Legal Counsel - Existing Litigation," 20.a.3, "Conference with Legal Counsel - Anticipated Litigation," and 20.a.4, "Real Property - Conference with Real Property Negotiator.

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At 7:12 p.m. the Council returned to the Council Chambers and the meeting reconvened in regular agenda order.

**2. FLAG SALUTE/INVOCATION**

The Pledge of Allegiance was led by Cub Scout Pact #1064, Janet Stancliff, Den Leader.

Reverend Don Shoji of the Hope Chapel Torrance 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. (Absent Councilman Lee)

**MOTION:** Councilwoman Cribbs moved that, after the City Clerk has read number and title to any resolution or ordinance on the agenda for this meeting, 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. (Absent Councilman Lee)

**4. WITHDRAWN/DEFERRED ITEMS**

None.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

**Ad Hoc Armed Forces Day Committee**

Tuesday, July 15, 1997

5:30 p.m., Third Floor Assembly Room

Subject: Debrief the 1997 Parade

**Finance and Governmental Operations Committee**

Tuesday, July 22, 1997

5:30 p.m., Third Floor Assembly Room

Subject: Visitor's Bureau Request for Additional Funding

**17th Annual 4th of July Celebration**

Games, food, crafts, music and more

Free shuttle buses from the Civic Center and

Del Amo Fashion Center to Wilson Park

Fireworks at 9:00 p.m.

Parks and Recreation Director Barnett invited everyone to attend the 4th of July Celebration at Wilson Park and urged people to use the free shuttle buses since parking is limited. Fire Chief Adams reminded residents that fireworks, even the "safe and sane" variety, are illegal in Torrance.

**6. COMMUNITY MATTERS**

**6a. PROCLAMATION RE "PARKS AND RECREATION MONTH"**

Mayor Hardison presented a proclamation declaring the month of July, 1997 as "Parks and Recreation Month" to Ms. Judy Gibson, incoming chairperson of the Parks and Recreation Commission. Ms. Gibson encouraged people to take advantage of all the great activities offered by the Torrance Parks and Recreation Department.

**7. CONSENT CALENDAR**

**7a. APPROVAL OF MINUTES - MAY 27, 1997 AND JUNE 10, 1997**

**7b. LEGISLATION RE SOLID WASTE DIVERSION REQUIREMENTS**

**Recommendation**

The Street Services Director recommends that the City Council authorize a letter supporting proposed Senate Bill 1066 (Sher) concerning solid waste diversion requirements and market development.

**7c. APPROVAL OF PROFESSIONAL ENGINEERING AGREEMENT WITH CBM CONSULTING, INC.**

**Recommendation**

The Engineering Director recommends that the City Council:

- (1) approve an agreement with CBM Consulting, Inc. for interim management services for the Project Design and Administration Division of the Engineering Department in the amount of \$73,000;
- (2) appropriate \$50,000 from General Fund salary savings;
- (3) authorize the expenditure of \$23,000 of previously appropriated projects for the balance of the agreement; and
- (4) authorize the Mayor to execute and the City Clerk to attest to this Agreement on behalf of the City.

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

Mayor Hardison advised that supplemental material was available on Agenda Items 13a (A-Taxicab Permit) and 14a (FY 1998-2002 Short-Range Transit Plan).

**9. TRANSPORTATION /PUBLIC WORKS**

**9a. RESOLUTION RE ACCESS EASEMENT DORIS WAY RETENTION BASIN**

**Recommendation**

The Engineering Director recommends that the City Council adopt a resolution authorizing the Mayor to execute and the City Clerk to attest to a perpetual easement and right-of-way for ingress and egress to Los Angeles County Sanitation District No. 2 (LACSD) to operate and maintain a sewer pump station and underground sewer system adjacent to the Doris Way Retention Basin.

Engineering Director Burt presented the staff report ( per written material of record) and stated that this is a routine easement for access to a sanitation district sewer pump station.

City Clerk Herbers read aloud the title of Resolution No. 97-78.

**MOTION:** Councilman Nakano moved for the adoption of Resolution No. 97-78. The motion was seconded by Councilman Walker and passed by unanimous roll call vote, absent Councilman Lee.

**RESOLUTION NO. 97-78**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE AND GRANT A PERPETUAL EASEMENT AND RIGHT-OF-WAY FOR INGRESS AND EGRESS TO COUNTY SANITATION DISTRICT NO. 2 OF LOS ANGELES COUNTY TO OPERATE AND MAINTAIN A SEWER PUMP STATION AND UNDERGROUND SEWER SYSTEM

**12. PERSONNEL MATTERS**

**12a. RESOLUTION RE SALARY RANGE FOR ENVIRONMENTAL SERVICES ADMINISTRATOR**

**Recommendation**

The Personnel Director recommends that the City Council approve the Class Specification and adopt a Supplemental Memorandum of Understanding Resolution establishing the salary range for Environmental Services Administrator.

Personnel Analyst Lawrence presented the staff report (per written material of record). Councilman Messerlian questioned whether the duty of the Environmental Services Administrator to serve as a hearing officer would present a conflict of interest on cases investigated by people he or she had supervised. City Attorney Fellows advised that there would be a conflict only on cases personally investigated by the Administrator and added that the nature of the hearings is relatively minor.

**MOTION:** Councilman Nakano moved to approve the Class Specification for Environmental Services Administrator. The motion was seconded by Councilman Walker and passed by a unanimous roll call vote, absent Councilman Lee.

City Clerk Herbers read aloud the title of Resolution No. 97-79.

**MOTION:** Councilman Nakano moved for the adoption of Resolution No. 97-79. The motion was seconded by Councilman Walker and passed by unanimous roll call vote, absent Councilman Lee.

**RESOLUTION NO. 97-79**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH CERTAIN CHANGES REGARDING THE HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE MANAGEMENT EMPLOYEES ORGANIZATION (TMEO)

**12b. RESOLUTION RE LEGAL SECRETARY SUPPLEMENTAL SALARY**

**Recommendation**

The Personnel Director and the Civil Service Commission recommend

that the City Council approve the Class Specification for Legal Secretary. The Personnel Director and the City Attorney recommend that the City Council adopt the Supplemental Salary Resolution.

**MOTION:** Councilman Nakano moved to approve the Class Specification for Legal Secretary. The motion was seconded by Councilman Walker and passed by unanimous roll call vote, absent Councilman Lee.

City Clerk Herbers read aloud the title of Resolution No. 97-80.

**MOTION:** Councilman Nakano moved for the adoption of Resolution 97-80. The motion was seconded by Councilman Walker and passed by a unanimous roll call vote, absent Councilman Lee.

**RESOLUTION NO. 97-80**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 97-09 SETTING FORTH CHANGES REGARDING HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE MUNICIPAL EMPLOYEES - AFSCME, LOCAL 1117

**12c. RESOLUTION RE SALARY FOR WORKERS' COMPENSATION SUPERVISOR**

**Recommendation**

The Personnel Director recommends that the City Council approve the proposed job description and adopt a Salary Resolution for the position of Workers' Compensation Supervisor.

**MOTION:** Councilman Nakano moved to approve the proposed job description for the position of Workers' Compensation Supervisor. The motion was seconded by Councilman Walker and passed by unanimous roll call vote, absent Councilman Lee.

**RESOLUTION NO. 97-81**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH CERTAIN CHANGES REGARDING THE HOURS, WAGES, AND WORKING CONDITIONS FOR UNREPRESENTED EMPLOYEES

**MOTION:** Councilman Nakano moved for the adoption of Resolution No. 97-81. The motion was seconded by Councilman Walker and passed by unanimous roll call vote, absent Councilman Lee.

**13. ADMINISTRATIVE MATTERS**

**13a. APPROVAL OF A-TAXICAB PERMIT AND FARE STRUCTURE**

**Recommendation**

The Finance Director recommends that the City Council concur with the License Review Board to approve "A-White and Yellow Taxicab, Inc." dba A-Taxicab's application for permit to operate a taxicab in the city of Torrance and to approve the fare structure.

Assistant Finance Director Flewellyn presented the staff report (per written material of record) and stated that the License Review Board, after reviewing unaudited financial statements, evaluating prior business performance, and determining insurance coverage requirements were met, voted unanimously to approve the license of A-Taxicab.

Councilwoman Cribbs expressed strong reservations about approving the license of A-Taxicab because of the company's financial condition and recommended that Council not concur with the License Review Board and turn down A-Taxicab's permit to do business in Torrance based on financial liability. Councilman Nakano, while noting that competition is healthy, agreed with Mrs. Cribbs, citing the questionable historical background of the company. Stating his decision was based on information provided by City staff and the Police Department, Councilman Walker concurred with his colleagues, as did Councilwoman O'Donnell.

Providing clarification for Councilman Messerlian, City Attorney Fellows advised that if the Council does not find sufficient, satisfactory evidence of financial responsibility, the application cannot be approved and listed the actions Council could take.

Mr. Rick Schorling, general manager of A-Taxicab, highlighted the company's operations in Orange County (including an exclusive contract with John Wayne Airport) as evidence of the company's ability to run a successful and profitable business and requested an opportunity to provide more information to alleviate the Council's concerns.

Mr. David Fraser, an attorney representing A-Taxicab, commented on the company's financial strength; suggested that competitors are threatened by newer, cleaner cabs and superior service; and offered to provide further documentation. In answer to the Police Department's concerns, he noted that Detective Lynch ultimately joined in the License Review Board's unanimous vote for approval. He provided the Council with copies of letters of recommendation and the results of customer surveys and read a portion of a letter from the Director of John Wayne Airport commending the company.

Mr. Anthony Palmeri, South Bay Yellow Cab Co-op, pointed out that the corporation name on some of A-Taxicab's financial documents does not correspond to the name used on A-Taxicab's application; expressed his opinion that both the financial

and insurance documentation contain misleading information; and submitted for the record a packet containing copies of a prior lawsuit against the company and a John Wayne Airport Newsletter referencing continuing complaints about airport taxi drivers.

Mr. Steven Kirby, an attorney representing South Bay Yellow Cab Co-op, calling attention to insurance documents in the Supplementary Material (page 7), provided an explanation of insurance limits and self-insured retention and stated his opinion that A-Taxicab does not meet the financial responsibility criteria necessary for approval of a license.

Mr. Dennis Rouse, South Bay Yellow Cab Co-op, referring to a copy of the local yellow pages, indicated that there are numerous unlicensed taxicab companies operating in the City of Torrance and suggested that these companies should be required to obtain licenses and pay taxes to the City. Mayor Hardison advised that this was not the issue at hand and should be taken up at another time.

Mr. Marc Piery, A-Taxicab, stated that it was his understanding that A-AAA Taxicab was changed to A-Taxicab in order to avoid being confused with AAA Automobile Club and that either name was acceptable in the County of Los Angeles.

In response to Mayor Hardison, Mr. Flewellyn explained that the issue of the different corporation names on documents had not come up at the License Review Board proceedings and noted that many of the documents referred to had been received within the last few days, well after the License Review Board met.

**MOTION:** Councilwoman Cribbs moved to deny A-Taxicab Company a permit to operate in the City of Torrance due to financial information that the company appears to be very thinly capitalized. The motion was seconded by Councilman Walker and passed by unanimous roll call vote, absent Councilman Lee.

#### **14. HEARINGS**

##### **14a. APPROVAL OF FY 1998-2002 TORRANCE SHORT-RANGE TRANSIT PLAN**

###### **Recommendation**

The Fleet Services Director recommends that the City Council approve the FY 1998-2002 Torrance Short-Range Transit Plan for submittal to the L.A. County Metropolitan Transportation Authority.

Torrance Transit General Manager Whittle presented the staff report (per written material of record). In response to Mayor Hardison, Mr. Whittle stated that funding for video cameras has been received from the MTA, and that different systems are being evaluated currently with installation scheduled to proceed during the next fiscal year.

Councilwoman Cribbs thanked Mr. Whittle for the additional information he provided regarding financial projections supporting the prediction of no fare increases over the next five years.

**MOTION:** Councilman Messerlian moved to approve the FY 1998-2002 Torrance Short-Range Transit Plan for submittal to the L.A. County Metropolitan Transit Authority. The motion was seconded by Councilwoman Cribbs and passed by unanimous roll call vote, absent Councilman Lee.

**14b. DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) RE PRICE-COSTCO**

**Recommendation**

The Planning Director recommends that the City Council review the Draft Environmental Impact Report (DEIR), as well as the comments and responses, and take any public testimony regarding the adequacy and accuracy of the EIR. It is further recommended that the public hearing be closed and that this matter be continued to the July 15, 1997 City Council meeting. (The DEIR has been prepared for a proposed Price-Costco bulk grocery and retail facility at 2750 Lomita Blvd. The Environmental Review Board has reviewed and forwarded their comments to the City Council on May 28, 1997).

Senior Principal Planner Gibson presented the staff report (per written material of record).

Mayor Hardison opened the public hearing.

Ms. Michele Vadon, City Attorney for the City of Lomita, submitted for the record the City of Lomita's comments in response to comments which were submitted on June 18 and reiterated her belief that EIR is inadequate. Ms. Vadon asked whether Lomita would be receiving any response from the City of Lomita latest set of comments. City Attorney Fellows replied that there is no legal requirement that the City respond, but if responses are prepared and presented for the Council they will be available at the same time to the general public. Mayor Hardison wondered what further responses they were seeking in view of the lengthy responses already provided. Ms. Vadon deferred to Mr. Lewandowski to provide clarification.

Mr. Peter Lewandowski, Ultra Systems Environmental Incorporated, 26461 Crown Valley Parkway, Mission Viejo, explained that his company was hired by the City of Lomita to review the DEIR and stated that although Lomita has submitted comments throughout the California Environmental Quality Act (CEQA) process Lomita believes that its comments have not fully been considered, environmental issues raised have not been adequately addressed, and a full range of mitigation measures has not been examined. He requested the public hearing be continued to a future date to allow the Council and City staff time to review the submitted material and provide additional written responses where appropriate; advised that Lomita has not received certain documents (i.e. Attachment A) which are critical to the evaluation of the pending project; and noted that a minimum of 10 days would be needed following the receipt of these documents.

Mr. Lewandowski related the City of Lomita's objection to the DEIR's definition of the project, asserting that by not including the two residual sites the project's impact on air quality, land use, traffic and drainage was significantly underestimated and, therefore, mitigation measures available to reduce or avoid those environmental consequences were not presented or examined in the report. In addition, he stated Lomita's belief that the report erroneously assumes that the Lead Agency is precluded from identifying



mitigation measures that are the primary obligation of other agencies, it fails to sufficiently address the cumulative traffic impact on Lomita Boulevard and the impact on storm drains that originate in Torrance but discharge in Lomita. Outlining short-range and mid-range mitigation measures, he advised that it is Lomita's opinion that these measures are required to be incorporated into the DEIR and adopted as conditions of project approval.

In response to Councilman Walker's inquiry, City Attorney Fellows confirmed that Lomita City Councilman Pedigo at a recent Lomita council meeting had mentioned that the true mitigation measure Lomita was seeking from the Price-Costco project was simply sales tax revenues.

Councilman Messerlian requested clarification as to whether there was any CEQA statutory requirement to respond to Lomita's comments or if they could be received and filed.

Mayor Hardison commented on the thoroughness of Lomita's review of the project and remarked that she was pleased that there seemed to be a somewhat narrowing of the issues defined this evening. Referring to the Response to Comments document (page 87), she questioned the exorbitant number of students projected to result from the Price-Costco project. In response Mr. Keeton Kreitzer, David Evans and Associates, Inc., hired as a consultant for the City of Torrance, explained that Torrance and Lomita's method for computation of this figure differed, with Lomita's higher number of students reflecting the cumulative impacts of this project. As a point of clarification, Mayor Hardison advised that TUSD has withdrawn from the Education Code policy of issuing interdistrict transfer permits.

Councilman Messerlian stated that it was never the intent of the California Environmental Quality Act (CEQA) to promote endless comments and responses to the point of derailing a project and expressed his opinion that it was time to move forward with this project.

**MOTION:** Councilman Walker moved to close the Public Hearing and continue the matter to the July 15, 1997 City Council meeting. The motion was seconded by Councilwoman Cribbs and passed by unanimous roll call vote, absent Councilman Lee.

## **18. ADDENDUM MATTERS**

### **18a. MEMORANDUM OF INTENT**

City Attorney Fellows advised the Council that the agreement of the Memorandum of Intent (MOI) by the parties arose after Thursday's posting of the agenda for this Council Meeting and that in order for compensation to begin with the commencement of the coming pay period, July 6, 1997, the City Council must take action on this item at tonight's Council meeting. He requested that this item be added to the agenda pursuant to Government Code Section 54954.2(b)(2).

**MOTION:** Councilman Walker moved to add consideration of the Memorandum of Intent to the agenda pursuant to Government Code Section 54954.2(b) (2). The motion was seconded by Councilman Nakano and passed by unanimous roll call vote, absent Councilman Lee.

**Recommendation:**

The City Manager recommends that the City Council concur in concept with a Memorandum of Intent.

Assistant to the City Manager Keane presented the staff report (per written material of record) and outlined some of the more salient features of the Memorandum, including a long-term disability program and additional benefits to clerical and library employees.

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

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At 8:50 p.m. the City Council met as the Redevelopment Agency of the City of Torrance. The Redevelopment Agency meeting was adjourned at 8:51 p.m. and regular Council agenda was resumed.

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**19. ORAL COMMUNICATIONS**

**19a.** City Manager Jackson thanked General Services and Building Maintenance for their assistance in placing the American flag in new brackets in the Council Chambers.

**19b.** Councilwoman O'Donnell wished everyone a Happy 4th of July.

**19c.** Mayor Hardison, noting recent litigation, requested that City Manager Jackson bring back to the Council for consideration a mandatory policy on the use of tape recorders by the Police Department, and suggested that further consideration be given to the use of video cameras.

**20. EXECUTIVE SESSION**

At 8:55 p.m. the Council recessed into a closed session to continue consideration of matters listed on the agenda pursuant to California Government Code Sections 54957.6, 54956.9(a), 54956.9(b), 54956.9(c) and 54956.8.

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

**21. ADJOURNMENT**

At 10:10 p.m. this meeting was formally adjourned to Tuesday, July 8, 1997, at 5:30 p.m., to conduct an Executive Session; with the regular meeting commencing at 7:00 p.m. in the Council Chambers.