

**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 6:30 p.m. on Tuesday, May 9, 2006 in City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Guyton, Mauno, McIntyre, Nowatka, Scotto, Witkowsky, and Mayor Walker.

Absent: None.

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

Agenda Item 17 was considered out of order at this time.

17. EXECUTIVE SESSION

The Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 17A) Conference with Legal Counsel – Existing Litigation, pursuant to California Government Code Section 54956.9(a).

The Council reconvened in Council Chambers at 7:00 p.m. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Councilmember Nowatka

Councilmember Witkowsky gave the non-sectarian invocation.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember Scotto 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 Councilmember Nowatka and passed by unanimous roll call vote.

MOTION: Councilmember Scotto 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 Nowatka and passed by unanimous roll call vote.

4. WITHDRAWN OR DEFERRED ITEMS – None.

City Manager Jackson noted that the hearing on the 2005-2007 Operating Budget (Agenda Item 12A) would be opened and continued to the May 16, 2006 meeting.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

City Clerk Herbers announced that there was an error on the Permanent Absent Voter and the regular Absent Voter ballots received prior to May 8. The ballot indicated that voters were to vote for only one candidate for city council when in fact voters are able to vote for three. She noted that the Los Angeles County Registrar immediately sent out a letter to these voters advising them to destroy the first ballot and that a second packet would be sent.

Depending on US Postal Service, those second packets should be received no later than Friday, May 12. If a voter already sent in the incorrect ballot, the voter should look for the second packet and send in the corrected ballot. All returned ballot envelopes will be compared and a voter will not be allowed vote twice.

City Clerk Herbers noted that sample ballot pamphlets containing the correct information were being mailed in batches by voter group and that they may be mailed out as late as May 30. Those wishing to vote by absent voter ballot may use the application on the back of the sample ballot or go to www.LAVote.net to download an application to fax or send electronically. Touch Screen Voting will be available at various locations with the closest being the Carson Community Center and the Redondo Beach Library beginning May 24 through June 2 (including Memorial Day weekend). Voter registration deadline for this election is May 22, with registration forms available at city hall and post offices as well as online.

City Clerk Herbers announced the following candidate forums, all from 7:00 – 9:00 p.m.:

May 10 – Richardson Middle School for mayoral candidates only

May 11 – Bert Lynn Middle School for all candidates

May 25 – North High School Library for all candidates

Councilmember Mauno announced that the 47th Annual Armed Forces Day Parade and Observance would be held May 19 through May 21 with displays set up at Del Amo Mall #11 from 10:00 a.m. to 7:00 p.m., Friday and Saturday, and 10:00 a.m. to 3:00 p.m. on Sunday. Parade will be held Saturday, May 20, at 1:30 p.m.

Fire Chief Bongard announced that Fire Service Day would be held Saturday, May 13, with Open House at all fire stations between 10:00 a.m. – 4:00 p.m. Demonstrations at S.C.R.O.C. will be at 11:00, 1:00, and 3:00 p.m.

Police Chief Herren announced that Peace Officers Memorial Week (Blue Ribbon Week) would be May 14 through May 20 with a Police Memorial Service to be held on Wednesday, May 17, at 10:00 a.m. at the Toyota Meeting Hall of the Cultural Arts Center.

6. COMMUNITY MATTERS

6A. RESOLUTION NO. 2006-36 RE JOHN HALL

RESOLUTION NO. 2006-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING TRANSIT FLEET SERVICES MANAGER JOHN HALL UPON HIS RETIREMENT FROM THE CITY AFTER THIRTY-FIVE YEARS OF SERVICE.

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2006-36. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

Mayor Walker presented the resolution to John Hall, who accepted with appreciation.

6B. PROCLAMATION RE “LETTER CARRIER FOOD DRIVE DAY”

Mayor Walker presented a proclamation to Mimi Ritz -Food Drive Coordinator, Steve Kelley - Branch 2207 President, Tom Jono – Postmaster, and Dave Johnson - Manager of Customer Service, declaring Saturday, May 13, 2006 as ***Letter Carrier Food Drive Day*** in the City of Torrance, and encouraging all citizens to participate by leaving unopened, non-perishable food items near their mailboxes for pick up by their letter carrier to help those less fortunate in our community.

6C. PROCLAMATION RE “OLDER AMERICANS MONTH”

Mayor Walker presented a proclamation to Art Callen, Commission on Aging Chair, declaring the month of May 2006 as ***Older Americans Month*** in the City of Torrance and urging all residents to acknowledge the men and women who have given so generously of their time and talents to improve the quality of life for all.

6D. RECOGNITION OF OWEN GRIFFITH AS RECIPIENT OF COUNTY OF LOS ANGELES 41ST ANNUAL OLDER AMERICAN RECOGNITION AWARD

Mayor Walker presented a plaque to Owen Griffith in honor of his selection as recipient of County of Los Angeles 41st Annual Older American Recognition Award. He noted that Dr. Griffith has a long and distinguished record of volunteer service in Torrance and currently serves on the boards of the Torrance Symphony, Torrance Cultural Arts Foundation, South Bay Conservatory, Torrance Performing Arts Consortium, Arts Council of Torrance, South Bay Ballet, Southern California Regional Occupational Center Foundation and the L.A. County Committee for School District Organization. In addition, Dr. Griffith assists with the annual Armed Forces Day celebration; serves as Personnel Commissioner for the Torrance Board of Education; participates in the Chamber of Commerce Mentor Program; and helps direct the Symphony Young Musician Concerto Competition and the Arts Council’s Graduating Student Arts Competition.

6E. RECOGNITION OF ARTHUR CALLEN AS RECIPIENT OF COUNTY OF LOS ANGELES 41ST ANNUAL OLDER AMERICANS RECOGNITION AWARD

Mayor Walker presented a plaque to Arthur Callen in honor of his selection as recipient of County of Los Angeles 41st Annual Older American Recognition Award. He noted that Mr. Callen has served the City of Torrance since 1990 as writer, producer and host of programming on CitiCABLE, producing more than 300 programs, including Senior Scene, an award winning series designed to educate and inform senior citizens on a wide range of topics. In addition, Mr. Callen has served on the Commission on Aging and has been active in the Kiwanis Club since 1970.

7, CONSENT CALENDAR

7. APPROVAL OF MINUTES – MARCH 21, 2006

7B. REIMBURSEMENT OF SEISMIC COSTS ASSOCIATED WITH CONSTRUCTION OF THE TREE HOUSE AT WILSON PARK

Considered separately, see page 5.

7C. APPROVAL OF FINAL TRACT MAP NO 54266-01

Recommendation

Recommendation of the **Community Development Director** that City Council:

- 1) Approve Final Tract Map No. 54266-01 creating 2 lots with 174 condominiums on Lot 1 and 59 senior condominiums on Lot 2, subdivided by Standard Pacific Homes, and located at 1780-1922 Oak Street and 2367 Jefferson Street, which substantially conforms to and meets all conditions of approval of the Tentative Map;
- 2) Accept a five (5) foot wide public sidewalk easement on Oak Street;
- 3) Accept a three (3) foot wide public street and highway easement along the north side of Jefferson Street for the width of the property frontage; and
- 4) Accept a 20-foot wide public easement for water line purposes over the on-site public water main.

7D. APPROVAL OF FINAL TRACT MAP NO. 60050

Recommendation

Recommendation of the **Community Development Director** that City Council:

- 1) Approve Final Tract Map No. 60050, creating 21 condominium units on one lot, subdivided by Washington Street Development, LLC, and located at 2080 Washington Avenue, which substantially conforms to and meets all conditions of approval of the Tentative Map;
- 2) Accept a six (6) inch wide public street easement for the length of the east side of the project along the west side of the alley;
- 3) Accept a twelve (12) foot wide public sewer easement; and
- 4) Abandon a triangular portion of alley at the northwest corner of the property.

7E. INVESTMENT REPORT FOR MARCH 2006

Recommendation

Recommendation of the **City Treasurer** that City Council accept and file the monthly investment report for the month of March 2006.

7F. CONTRACT SERVICES AGREEMENT RE CONSTRUCTION INSPECTION SERVICES FOR SEWER REHABILITATION I-61

Recommendation

Recommendation of the **Public Works Director** that City Council:

- 1) Award a contract services agreement in the amount of \$39,360 to Bureau Veritas/ Berryman & Henigar, Inc. to perform construction inspection services for the I-61 Sewer Rehabilitation – 230th Place and Kent Avenue Sewer Realignment and Sewer Point Repairs; and
- 2) Authorize the Mayor to execute and the City Clerk to attest to said agreement.

7G. EXECUTION OF SUBLEASE FOR HARBOR WORKSOURCE CENTER

Recommendation

Recommendation of the **Human Resources Director** that City Council authorize the Mayor to execute and the City Clerk to attest to a sublease between the City of Torrance and the State of California, Employment Development Department from May 1, 2006 to December 31, 2007.

7H. ALLOCATION OF INTEREST FROM 2004 CITIZEN'S OPTIONS FOR PUBLIC SAFETY GRANT FUNDING FOR CADET PROGRAM

Recommendation

Recommendation of the **Chief of Police** that City Council appropriate and allocate interest in the amount of \$6,753.01, and any future interest earned from the 2004 COPS grant to fund continued operations of the 2004 COPS Cadet Program approved for this grant.

7I. EXECUTIVE AND MANAGEMENT EMPLOYEES MERIT PAY PLAN

Recommendation

Recommendation of the **City Manager** that City Council approve the merit pool for Executive and Management employees pursuant to the Merit Plan provisions.

MOTION: Councilmember Mauno moved for the approval of Consent Calendar Items 7A and 7C through 7I. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

Consent Calendar Item 7B was considered out of order at this time.

7B. REIMBURSEMENT OF SEISMIC COSTS ASSOCIATED WITH CONSTRUCTION OF THE TREE HOUSE AT WILSON PARK

Recommendation

Recommendation of the **City Manager** that City Council appropriate \$10,000 from the Parks and Recreation Facilities Fund and authorize the issuance of a check in the amount of \$10,000 to Forever Young Treehouses, Inc., to offset increased costs of construction associated with California state seismic requirements associated with the universally accessible tree house constructed at Wilson Park.

Newton Young, Hickory Avenue, expressed concerns about this \$10,000 expenditure for the tree house, relating his understanding that the structure was to be built at no cost to the City.

Assistant to the City Manager Sunshine reported that California's stringent seismic requirements had caused the project to exceed the donation from the Annenberg Foundation used to fund the project by \$11,150.

Councilmember Witkowsky suggested the possibility of requesting an additional grant from the Annenberg Foundation to offset the cost overrun.

Mayor Walker reported that the Annenberg Foundation has already contributed approximately \$300,000 for the tree house, as well as providing a sizeable amount for cost overruns, and voiced his opinion that it was not unreasonable for the City to contribute this small portion of the cost of the project.

Councilmember Nowatka recalled that the tree house was originally projected to cost approximately \$150,000 when it was to be constructed at Paradise Park and the Annenberg Foundation subsequently agreed to increase the funding to \$300,000 when the site was moved to Wilson Park.

MOTION: Councilmember Witkowsky moved to direct the City Manager to research the possibility of an additional grant from the Annenberg Foundation to offset the cost overrun. The motion was seconded by Councilmember Scotto and passed by a 4-3 roll call vote, with Councilmembers McIntyre and Nowatka and Mayor Walker dissenting.

10. PUBLIC SAFETY

10A. AMENDMENT TO AGREEMENT WITH GERBER AMBULANCE SERVICE, INC.

Recommendation

Recommendation of the **Fire Chief** and the **Chief of Police** that City Council approve an amendment to the agreement for ambulance services with Gerber Ambulance Service, Inc. (C2001-132) to add additional equipment requirements and extend the term of the agreement through July 15, 2007, with an option for the City for one additional two-year extension.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

11. ADMINISTRATIVE MATTERS

11A. SCHEDULING OF HEARING DATE FOR APPEAL OF MICHAEL O'BRIEN

Recommendation

Recommendation of the **City Manager** that City Council set a hearing date for Tuesday, June 13, 2006 to conduct the hearing on the appeal of the Civil Service Commission decision sustaining the suspension of Michael O'Brien.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

11B. AUTHORIZATION OF AGREEMENTS/ALLOCATION OF FUNDS FOR RADIO ADVERTISING FOR ARMED FORCES DAY PARADE

Recommendation

Recommendation of the **City Manager** that City Council approve the appropriation of \$20,000 from donation funds for the Armed Forces Day Parade for contractual services and authorization of agreements for radio advertising for up to \$20,000.

Voicing support for the proposal, Councilmember Witkowsky stated that she believed the radio ads would help draw people to the parade from other communities in order to provide a rousing welcome for the military men and women who will be participating.

Councilmember Mauno stressed the importance of promoting the parade as the Department of Defense has dedicated a lot of resources to it.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

12. HEARINGS

12A. 2005-2007 OPERATING BUDGET

Recommendation

Recommendation of the **Finance Director** that City Council open and continue the first public hearing on the City of Torrance proposed budget revisions for the 2nd year of the City's two-year 2005-2007 Operating Budget to Tuesday, May 16, and hold the 2nd public hearing on May 23. (Companion to Redevelopment Agency item 4B)

Mayor Walker announced that this was the time and place for a public hearing on this matter. City Clerk Herbers confirmed that the hearing was properly advertised.

As no speakers from the public came forward, the hearing was continued to May 16.

MOTION: Councilmember Scotto moved to continue the hearing to Tuesday, May 16, 2006, no earlier than 7:00 p.m. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

12B. MIS06-00021: MARGARET MILLER – 5364 DORIS WAY

Recommendation

Recommendation of the **Planning Commission** and **Community Development Director** that City Council deny the appeal and adopt a Resolution approving a Minor Hillside Exemption to allow the construction of a four (4) foot fence along the western property line in the front yard on property located in the Hillside Overlay District in the R-1 Zone at 5364 Doris Way.

Mayor Walker announced that this was the time and place for a public hearing on this matter. City Clerk Herbers confirmed that the hearing was properly advertised.

With the aid of slides, Sr. Planning Associate Lodan briefly described the proposed fence, noting that the Planning Commission voted unanimously to approve it.

Marge Miller, 5364 Doris Way, applicant, reported that she has made many improvements to the front of her property, including the installation of a new sidewalk, driveway and entry, and the proposed fence would complete the project.

Michael Short, 5359 Bindewald Road, voiced support for the fence, explaining that it is needed for safety reasons due to the difference in elevation between Ms. Miller's and the neighboring property.

James Williams, 5372 Doris Way, appellant, stated that the proposed fence would violate Torrance Municipal Code Section 91.41.6 because it would have an adverse impact on his view, light and air. Referring to exhibits previously submitted for the record, he contended that the fence would block 80% of his view, restrict natural airflow, and deprive his plants of sunlight. He noted that while the fence would be only four feet high on Ms. Miller's side, it would be seven feet high on his side. He maintained that the fence would cause pollutants to be spread during high winds creating unhealthy living conditions for his wife, who has severe asthma. He reported that Ms. Miller's existing fence has mold on it facing his property and that she has ignored his request to have it power washed. He voiced his opinion that there was no logical reason for the proposed fence because existing vegetation already provides privacy and disputed the idea that it was necessary for safety as similar conditions exist throughout the neighborhood. He discussed the effect solid fences have on wind turbulence and the spread of pollutants. As a compromise, he proposed reducing the length of the fence to 17 feet and altering the design so that wind will pass through it. He commented on past disputes with this neighbor.

Monica Weidemann, 5356 Doris Way, voiced support for the fence.

June Lee, 5245 Vanderhill Road, urged approval of the project. She reported that she built a fence similar to the one proposed for safety reasons because her neighbor has a stair-stepped block wall like Mr. William's wall, which children were using as a balance beam. She noted that mold is common throughout the area due to ocean breezes.

Pam Barthold, 5264 Zakon Road, voiced support for the project, citing safety reasons. She noted that a neighbor was required to install a similar fence on a block wall as a guardrail.

Dianne Williams, 5372 Doris Way, appellant, expressed concerns about the loss of the view through her screen door, which she has enjoyed for 34 years, and asked that the fence be moved back four feet so as not to block this view. She disputed the idea that the fence was needed for safety reasons, noting that children would still be able to jump off the block wall onto the driveway.

Karen Miller, 5364 Doris Way, daughter of the applicant, pointed out that the only view impacted is through the Williams' front door, noting that windows in their home are oriented to take advantage of city and ocean views to the west and the north. She related her understanding that a guardrail is required on any wall 30 inches in height or more and reported that the majority of the Williams' wall is 36 inches. With regard to the mold issue, she stated that no proof has been presented to support the claim that there is mold on the Williams' side of the fence.

Alfred Strawn, 5131 Carol Drive, stated that he has never observed children playing on the wall and does not believe there is any safety issue. He maintained that the fence would create a boxed-in feeling for the Williams and that it would not be aesthetically pleasing.

Karen Williams, 5372 Doris Way, daughter of the appellants, provided information regarding the legal definition of "view," noting that the law does not distinguish between city/ocean views and a view of the street. She contended that the proposed fence would obstruct her parents' view and block the flow of air and sunlight, creating a very unhealthy living condition for her mother who has respiratory problems. She maintained that the fence was unnecessary as she has never observed children walking on the wall. She reported that her parents do not have air conditioning and must open doors and windows to cool their home and expressed concerns that they would not be able to do so should the fence be installed due to the spread of airborne pollutants. She voiced her opinion that the fence would not be aesthetically pleasing and that it would detract from the open, family-oriented feel of the community. She reported that her father sent a letter to Ms. Miller's attorney detailing concerns about mold on the fence and that she subsequently learned that she is allergic to mold.

Brenda Short, 5359 Bindewald Road, voiced support for the fence, noting that the Williams usually have vehicles parked in the driveway that obstruct the view in question.

Returning to the podium, Marge Miller emphasized safety concerns due to the large number of children who come to the neighborhood on Halloween and during the Christmas season to view holiday lights.

MOTION: Councilmember Witkowski moved to close the public hearing. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

In response to Councilmember Witkowski's inquiry, Sr. Planning Associate Lodan clarified that the fence would be built on Ms. Miller's property and it would not be attached to the Williams' wall. He confirmed that the side yard setback between the two homes, at approximately 17-21 feet, is much greater than required.

Indicating that she would support the fence, Councilmember Witkowski stated that considering how the houses are situated, she could see no real detriment to the fence.

Councilmember Mauno noted that the bottom of the proposed fence has an open design, which should help mitigate Mr. Williams' concern about its potential for creating wind turbulence, and doubted that the fence would add pollutants to the environment that are not already there.

Voicing support for the fence, Mayor Walker stated that he believed the Planning Commission had made the correct decision when they voted unanimously to approve the project. For the benefit of the audience, he noted that he and the rest of the Council had had an opportunity to visit the site.

MOTION: Councilmember Witkowsky voted to deny the appeal and approve the fence. The motion was seconded by Councilmember Mauno and passed by unanimous roll call vote.

RESOLUTION NO. 2006-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A MINOR HILLSIDE EXEMPTION AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW A 4-FOOT FENCE ALONG THE WESTERN PROPERTY LINE IN THE FRONT YARD ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 5364 DORIS WAY

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2006-37. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

The Council recessed from 8:35 p.m. to 8:51 p.m.

12C. AMENDMENT TO TORRANCE MUNICIPAL CODE PROHIBITING TOBACCO PRODUCTS ON TORRANCE BEACH

Recommendation

Recommendation of the **Community Development Director** that City Council adopt an Ordinance amending Section 44.3.15 of the Torrance Municipal Code to prohibit tobacco products on Torrance Beach and approve an Ordinance summary for publication.

Mayor Walker announced that this was the time and place for a public hearing on this matter. City Clerk Herbers confirmed that the hearing was properly advertised.

City Attorney Fellows stated that staff was recommending that references to alcoholic beverages be removed from the proposed ordinance because some of the provisions are inconsistent with State law. He advised that a separate ordinance addressing alcoholic beverages would be brought back at a later date.

Mayor Walker proposed that, along with removing references to alcoholic beverages, the ordinance be amended to eliminate language stating that a person may not possess, transport, purchase, sell or give away any tobacco products, retaining only the prohibition against using and consuming tobacco products on the beach.

Councilmember Mauno noted that he requested that this item be brought forward at the urging of Joan Waddell and he became more convinced that it was the right thing to do as he researched it.

Joan Waddell, Post Avenue, chairman of South Bay Coalition for Smoke Free Beaches, noted the widespread support for the prohibition of tobacco products on local beaches; submitted a petition signed by 358 residents in favor of the ban; and displayed bags of cigarette butts and other remnants of tobacco products gathered during beach clean-ups.

Dr. William Averill, 3400 Lomita Boulevard, cardiologist, urged support of the proposed ordinance. He reported that smoking is the single most preventable cause of death in the United States and that prohibiting smoking on the beach would prevent exposure to the toxins in second-hand smoke and tobacco litter. He commented on the health risks associated with second-hand smoke, noting that it is responsible for almost 38,000 deaths annually among non-smokers. He pointed out that prohibiting tobacco products would also contribute to a cleaner coastline and stem the flow of tobacco litter into the ocean. He called for Torrance to join other cities in Los Angeles County that have banned smoking on the beach to avoid becoming the “ashtray” of the South Bay.

Lynda Farley, Dorset Place, Harbor City, voiced her opposition to the ban on tobacco products at Torrance Beach. She contended that many of the anti-smoking groups are being funded by pharmaceutical companies seeking to promote products like Nicoderm and that they were lying about the risks of second-hand smoke to extort taxpayers’ money. She displayed a bag of miscellaneous litter gathered from around City Hall and suggested that litter laws be enforced rather than taking away one’s freedom.

Isabel Ramos, Hermosa Beach, and Jessica Woodie, Hermosa Beach, both eighth graders, stated that smoking and children do not mix; provided statistics regarding children injured by ingesting cigarette butts; and urged approval of the ordinance.

Michael Griffiths read a letter on behalf of the Torrance Environmental Quality and Energy Conservation Commission in support of an ordinance prohibiting the use of tobacco products on Torrance Beach, but not the possession.

Newt Young, Hickory Avenue, voiced his opinion that it was silly to impose a rigid prohibition of tobacco products at Torrance Beach, maintaining that it was a non-issue and a solution looking for a problem. He doubted that second-hand smoke could be an issue at the beach given the strong winds and related his understanding that most of the debris and cigarette butts found on the beach wash there from inland storm drains. He expressed concerns that the ordinance would be difficult to enforce and take police away from crime-fighting efforts.

Karen Carr, director of South Bay Coalition for Substance Abuse Prevention and a member of the Smoke Free Beach Coalition, reported that enforcement has not been a problem in other cities with smoke free beaches and disputed the claim that pharmaceutical companies were providing funding for anti-smoking groups.

Sonya Vasquez, chair of the Coalition for a Tobacco Free Los Angeles County, reported that the majority of cigarette butts found at beaches are near walking paths and places where people congregate, which means that they are more likely to have come from smokers than from storm drain runoff. She related her experience that most smokers are responsible citizens, who will not smoke in outdoor venues when there is signage prohibiting it.

Debbie Hays, Post Avenue, voiced support for the proposed ordinance. She commented on her family’s enjoyment of the beach and suggested that their experience would be enhanced with the elimination of second-hand smoke and cigarette butts.

Jackie Balestra, Camino de las Colinas, voiced objections to the government’s intrusion on a matter of personal choice, noting that smoking is a legal activity. She related her understanding that Councilmember Mauno’s main reason for supporting the ban was due to concerns that Torrance would become the “smokers beach” as

neighboring beaches adopt smoke-free policies, but she doubted that this would happen because Torrance has only a small stretch of beach with limited parking and a reputation for being family-oriented. She maintained that continuing efforts to educate the public on the risks of smoking would eventually take care of the problem and that there was no need to create another law. She contended that cigarette butts are only a small fraction of beach litter, much of which is far more dangerous to the environment, and called for the enforcement of existing litter laws rather than penalizing smokers, who are no more prone to pollute than any other beach goers. She conceded that there is a problem with cigarette butts along the Esplanade and in the parking lot and suggested the possibility of installing trashcans with ashtrays built into the top. She voiced her opinion that there are much more important issues the City needs to address, including poorly performing schools, crime, traffic, inadequate infrastructure and the lack of affordable housing.

Janet Payne, Engracia Avenue, stated that she supports smoke-free beaches, not only for environmental and health reasons, but also because it would send a strong message to the children and teens who frequent the beach that smoking is not the thing to do. With regard to the argument that smoking is legal, she noted that drinking alcohol is also legal but it is prohibited at the beach and City parks.

MOTION: Councilmember Witkowsky moved to close the public hearing. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

Mayor Walker noted that society has recognized that smoking is not healthy and steps have been taken to limit the public's exposure to second-hand smoke, first creating no-smoking sections in restaurants and airplanes and later prohibiting smoking entirely at these locations. He voiced his opinion that prohibiting smoking at beaches was another step in the right direction.

Voicing support for the proposed ordinance, Councilmember Mauno pointed out that local beaches are one of the few places in this mainly urban setting where people can commune with nature and stressed the importance of protecting and maintaining this natural asset. He contended that cigarette butts are a problem at beaches as evidenced by the large bag of them he was able to pick up in an hour's time around lifeguard stations, rest room facilities and the bike path and explained that cigarette butts are particularly problematic because they fall through the tractor-pulled screens used to clean the beach due to their small size. He reported that enforcement has not been an issue at other beaches with smoke-free policies as most people are law-abiding.

Councilmember Witkowsky voiced support for the ban on smoking at Torrance Beach and expressed the hope that eventually the entire southern coastline of L.A. County would be smoke free. She noted that she has participated in beach clean-up days and collected bags of cigarette butts; commented on the damage being done to the environment by inconsiderate smokers; and related her belief that people have a right to enjoy the beach without being subjected to second-hand smoke. She stated that she was initially concerned the loss of freedom, however, information in the staff report indicates that there is no constitutional right to smoke.

Commissioner Guyton stated that he found this to be a difficult decision due to the question of whether cigarette butts are coming from smokers or storm drain run-off and because of concerns about government intrusion, but he ultimately decided to support the ban because of Torrance Beach's family-oriented atmosphere, which is unique among South Bay beaches, and to protect those who are sensitive to second-hand smoke.

A brief discussion ensued, and it was the consensus of the Council to amend the ordinance to prohibit only the use and consumption of tobacco products as proposed by Mayor Walker. City Attorney Fellows reviewed the necessary changes to the ordinance.

MOTION: Councilmember Mauno moved to concur with the staff recommendation. The motion was seconded by Councilmember Guyton and passed by unanimous roll call vote.

ORDINANCE NO. 3682

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE
AMENDING ~~ADDING~~ SECTION 44.3.15 44.3.26 OF THE TORRANCE
MUNICIPAL CODE RELATING TO THE USE OF ALCOHOLIC
~~BEVERAGES AND TOBACCO PRODUCTS ON THE BEACH~~

MOTION: Councilmember Mauno moved for the adoption of Ordinance No. 3682 as amended. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

12D. 2005 CITIZENS OPTIONS FOR PUBLIC SAFETY (COPS) GRANT FUNDING

Recommendation

Recommendation of the **Chief of Police** that City Council convene a public hearing concerning Assembly Bill 3229, the 2005 Citizens Options for Public Safety (COPS) grant funding; receive input from staff on programs of interest to the Chief of Police and Council as well as the public on the use of the grant funds; and at the close of the hearing, appropriate and allocate \$212,688 and any accrued interest to the recommended projects.

Mayor Walker announced that this was the time and place for a public hearing on this matter. City Clerk Herbers confirmed that the hearing was properly advertised.

Research and Training Division Business Manager Anderson reviewed the recommendation that \$212,688 in 2005 Citizens Options for Pubic Safety (COPS) grant funding be allocated as follows: Victim Assistance Program - \$50,000; Dispute Resolution - \$12,000; Animal Control Staff Assistant - \$80,000; and Cadet Program - \$70,688.

As no one came forward to speak, the public hearing was closed.

MOTION: Councilmember Scotto moved to close the public hearing. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

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The Council met as the Redevelopment Agency from 9:40 p.m. to 9:43 p.m.

16. ORAL COMMUNICATIONS

16A. Councilmember Guyton reported that Power Ford has offered to donate \$50 for every car sold in Torrance to a Torrance school; noted that he would be meeting with Superintendent George Mannon later this week to discuss the matter; and encouraged other local businesses to consider joining in a program to benefit Torrance schools.

16B. Councilmember Guyton commended Torrance police officers for their excellent work during a recent incident involving a murder suspect and a pursuit. Noting that the officers were at risk due to antiquated and unsafe equipment, he asked that staff explore the possibility of purchasing a newer armored vehicle.

16C. Councilmember Mauno reported that, as a member of the Independent Cities Association, he participated in a conference call with the governor's office last week concerning the bond measure to rebuild California's infrastructure, which will be on the November ballot, and indicated that he would welcome public input on this issue.

16D. Mayor Walker read a statement on Councilmember McIntyre's behalf due to the loss of her voice, in which she stated that she had no intention of withdrawing from the city council race; that she's on track for a full recovery; and that she is looking forward to this campaign and the next four years as a city councilwoman.

16E. Councilmember Witkowsky reviewed recycling facts that she would be sharing with first graders at Carr Elementary School and announced a Household/ Electronics Hazardous Waste Round-Up to be held at American Honda on June 10 between 9:00 a.m. and 3:00 p.m.

16F. Mayor Walker commented on an interesting day he had last week, which included the welcoming address at the Marriott for the National Day of Prayer, a noontime candidate forum, a visit to Anza Elementary School, the swearing in of Torrance Craftsman Guild officers, and another candidate forum at the Nakano Arts Center.

16G. John Kitos, AFSCME Local 1902, asked the City Council to instruct its representative to the Metropolitan Water District on a current labor matter before the District.

16H. Newton Young, resident, requested clarification regarding the Smoke Free Beach ordinance approved earlier in the meeting.

17. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

18. ADJOURNMENT

At 9:58 p.m., the meeting was adjourned to Tuesday, May 16, 2006, at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

Attest:

/s/ Dan Walker

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers, CMC
City Clerk of the City of Torrance

Approved on June 20, 2006