

**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 6:34 p.m. on Tuesday, April 22, 2008 in the City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Barnett, Brewer, Nowatka, Sutherland, Witkowsky, and Mayor Scotto.

Absent: Councilmember Drevno.

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

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Agenda Item 18 was considered out of order at this time

18. EXECUTIVE SESSION

The City Council immediately recessed to closed session to confer with the City Manager and City Attorney on agenda matters listed under 18A) Conference with Labor Negotiator, pursuant to California Government Code § 54957.6.

The City Council reconvened at 7:07 p.m. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/INVOCATION

The flag salute was led by Councilmember Nowatka.

Councilmember Witkowsky gave the non-sectarian invocation.

3. REPORT OF CITY CLERK ON POSTING OF THE AGENDA / MOTION TO WAIVE FURTHER READING

City Clerk Herbers reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Friday, May 16, 2008.

MOTION: Councilmember Brewer 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 Witkowsky and passed by unanimous roll call vote. (Absent Councilmember Drevno)

4. WITHDRAWN OR DEFERRED ITEMS – None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Sutherland announced that the Ad Hoc Public Facility Naming Committee would meet Thursday, May 29, at 4:00 p.m. in the 3rd Floor Assembly Room.

City Clerk Herbers announced that the Old Torrance Neighborhood Association would be holding a forum on Measure T on Wednesday, May 21, at 7:30 p.m. in the Bartlett Center.

City Clerk Herbers reminded everyone of the upcoming Municipal Election on Tuesday, June 3, noting that the polls will be open from 7:00 a.m. and 8:00 p.m. She also noted that poll workers are needed, with information available by contacting the City Clerk's office.

Mayor Scotto asked that the meeting be adjourned in memory of former City employee John B. Hoffman, who passed away May 14.

6. COMMUNITY MATTERS

6A. RESOLUTION NO. 2008-66 RE MARK APPLGATE

RESOLUTION NO. 2008-66

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING **MARK APPLGATE** FOR HIS SERVICE AS CHAIRMAN OF THE BOARD OF THE TORRANCE AREA CHAMBER OF COMMERCE

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-66. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote (absent Councilmember Drevno).

To be presented at a later date.

6B. RESOLUTION NO. 2008-67 RE RHODA LOVETT FLOURNOY

RESOLUTION NO. 2008-67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING **RHODA LOVETT FLOURNOY** UPON HER RETIREMENT FROM THE CITY AFTER TWENTY-FOUR YEARS OF SERVICE

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-67. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote (absent Councilmember Drevno).

To be presented at a later date.

6C. PROCLAMATION RE "NATIONAL PRESERVATION MONTH"

Mayor Scotto presented a proclamation declaring the month of May 2008 as "**National Preservation Month**" in the City of Torrance to Torrance Historical Society President Debbie Hays and Museum Coordinator Janet Payne.

7. ORAL COMMUNICATIONS #1

7A. Hillary Theyer, Leadership Torrance, announced a fundraiser for Readership Torrance to be held at Border's bookstore on June 9 and 10, with 10% of total purchases to be donated to Readership Torrance.

7B. Melody Lawrence, Human Resources Department, thanked the City Council for their on-going support of Leadership Torrance and encouraged everyone to contribute the Readership Torrance project.

7C. Debbie Hays noted that the Old Torrance Neighborhood Association was donating \$100 to Readership Torrance and encouraged other homeowners associations to support this project.

7D. Debbie Hays, Torrance Historical Society, announced a free walking tour of downtown Torrance on Sunday, May 25, from 1:30-3:00 p.m. beginning at the Torrance Historical Museum, 1345 Post Avenue.

7E. Joan Davidson and Claudia McCullough, Sierra Club Open Space Taskforce, expressed concerns about the source of run-off at Country Hills, which is bubbling up in yards and driveways, and called for the City to investigate possible contaminants.

7F. Tom Rische, California Retired Teachers, commented on the valuable work performed by teachers.

7G. K. K. Fitch, resident, commended everyone involved in the Armed Forces Day Parade held the previous Saturday.

8. CONSENT CALENDAR

8A. APPROVAL OF MINUTES

Recommendation

Recommendation of the **City Clerk** that City Council approve the City Council minutes of March 25, April 1, and April 8, 2008.

8B. PURCHASE OF COMPUTER SOFTWARE

Recommendation

Recommendation of the **Information Technology Director** that City Council authorize the purchase of non-standard Microsoft and other computer software on an as needed basis from Compucom in an amount not to exceed \$48,000 for the period of July 1, 2008 to June 30, 2009.

8C. PURCHASE OF COMPUTER EQUIPMENT FOR DATA STORAGE/BACKUP

Recommendation

Recommendation of the **Information Technology Director** that City Council approve the purchase of computer equipment for data storage, data backup, and annual hardware maintenance from Cybernetics in the amount of \$55,197.97.

8D. CONTRACT FOR UNDERGROUND TANK REMOVAL

Recommendation

Recommendation of the **General Services Director** that City Council award a contract to TaFoya & Associates Inc. for \$39,271 with a 5% contingency of \$1,964 for the removal of underground fuel tanks at Fire Station #2 and Fire Station #6 (FEAP #445) (B2008-13) and approve \$5,000 for engineering services.

8E. CONTRACT RE LOMITA RIGHT-OF-WAY PARK

Recommendation

Recommendation of the **General Services Director** and the **Community Services Director** that City Council award a contract with Land Concern Ltd. for \$81,300 for landscape design services for the Lomita Right-of-Way Park (FEAP #653).

8F. CONTRACT FOR DNA SENIOR CRIMINALIST

Recommendation

Recommendation of the **Chief of Police** that City Council approve a five-year contract with the Los Angeles County Sheriff's Department for a DNA Senior Criminalist, for the period from July 1, 2008 through June 30, 2013, and authorize the total contract expenditure not to exceed \$170,212 for the first year.

8G. PURCHASE OF SECONDARY WEAPONS AND ACCESSORIES

Recommendation

Recommendation of the **Police Chief** that City Council:

- 1) Appropriate and allocate \$111,735 of asset forfeiture for the purchase of .223 caliber secondary weapons;
- 2) Authorize a purchase order not to exceed \$137,000 to Adamson Police Products of Los Alamitos, CA for optical sights, magnifiers, spacers, mounts, modified grips, accessory rails, and lights for the .223 weapons;
- 3) Authorize a purchase order not to exceed \$65,000 to Phoenix Distributors of Feasterville, PA for .223 rifles and replacement parts; and
- 4) Authorize an increase of \$20,000 to existing purchase order to San Diego Police Equipment of San Diego, CA (PO 2008-00001155) for two complete duty ammunition loads for the .223 weapons, for a new not to exceed total \$75,000.

8H. CHANGE ORDER TO PURCHASE ORDER FOR TURNOUT PANTS/COATS

Recommendation

Recommendation of the **Fire Chief** that City Council authorize a change order to the existing purchase order with L. N. Curtis & Sons, Oakland, CA in the amount not to exceed \$55,000 (includes sales tax) to provide Globe turnout pants and coats as needed by the Fire Department. This change order will increase the total purchase order amount to \$70,000.

8I. LAND USE COVENANT AND ENVIRONMENTAL RESTRICTION RE 17405 CRENSHAW BOULEVARD

Recommendation

Recommendation of the **Fire Chief** that City Council approve the land use covenant and environmental restriction on property located at 17405 Crenshaw Boulevard.

8J. CONTRACT RE TORRANCE YOUTH SUMMER FUN CAMPS

Recommendation

Recommendation of the **Community Services Director** that City Council approve a contract services agreement with VIP Tours of California, Inc. to provide transportation services for the Torrance Youth Summer Fun Camp excursions in an amount not to exceed \$32,582.50.

8K. PURCHASE ORDER FOR TOYOTA HYBRID SEDANS

Recommendation

Recommendation of the **General Services Director** that City Council authorize the purchase of five (5) 2009 Toyota Camry Hybrid Sedans from Bill Wright Toyota in Bakersfield, CA (B2008-14) in the amount of \$135,019.84 including sales tax and tire fees.

8L. CHANGE ORDER TO PURCHASE ORDER FOR ROTARY BROOM PARTS

Recommendation

Recommendation of the **Public Works Director** that City Council approve a change order in the amount of \$10,000 to purchase order with American Rotary Broom Co., (PO #2008-548) for a total not to exceed amount of \$33,900, due to the increased cost of broom materials.

8M. PUBLIC WORKS AGREEMENT RE WESTERN AVENUE PAVEMENT REPAIRS

Recommendation

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

- 1) Approve the plans and specifications for pavement repairs to Western Avenue (B2008-12); and
- 2) Award a public works agreement to Silvia Construction, Inc. in the amount of \$109,143.50 and authorize a 5% contingency in the amount of \$5,456.50 to construct pavement repairs to Western Avenue.

8N. CONTRACT WITH DATA SPECIALTIES FOR UPS UPGRADE

Recommendation

Recommendation of the **General Services Director** that City Council:

- 1) Award a contract with Data Specialties, Inc. for \$298,500 with a 5% contingency \$14,925 for the Police Department Uninterrupted Power Supply (UPS) Tier IV Upgrade (FEAP #567); and
- 2) Approve a 10% project management fee of \$29,850.

80. PUBLIC WORKS AGREEMENT RE HAWTHORNE BOULEVARD MEDIAN IMPROVEMENTS

Recommendation

Recommendation of the **Public Works Director** that City Council approve a first amendment to public works agreement with Marina Landscape, Inc. (C2007-104) for services related to the median island improvements for the Beautification of Hawthorne Boulevard from Del Amo Boulevard to Redondo Beach Boulevard, A-20 that extends the term from June 19, 2008 until December 31, 2008.

MOTION: Councilmember Nowatka moved for the approval of Consent Calendar Items 8A through 8O. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Drevno).

12. ADMINISTRATIVE MATTERS

12A. L.A. COUNTY RECYCLING MARKET DEVELOPMENT ZONE EXPANSION

Recommendation

Recommendation of the **City Manager, Community Development Director,** and the **Public Works Director** that City Council adopt a Resolution to support the expansion of the Los Angeles County Recycling Market Development Zone as designated by the California Integrated Waste Management Board. Expenditure: \$1,500.

Management Associate Jones advised that expanding the L.A. County Recycling Market Development Zone (RMDZ) to include Torrance would make local recycling-based businesses eligible for technical and financial incentives.

MOTION: Councilmember Sutherland moved to concur with the staff recommendation. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Councilmember Drevno).

RESOLUTION NO. 2008-68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
SUPPORTING THE EXPANSION OF THE LOS ANGELES COUNTY
RECYCLING MARKET DEVELOPMENT ZONE

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-68. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote (absent Councilmember Drevno).

12B. PARS RETIRMENT ENHANCEMENT BENEFIT FOR TCEA

Recommendation

Recommendation of the **City Manager** that City Council approve the appropriation of funds from the Torrance Clerical Employees Association (TCEA) salary holding trust account to purchase an actuarial for the Public Agency Retirement Services (PARS) retirement enhancement benefit. Expenditure: Not to exceed \$9,000.

Assistant to the City Manager Charpayan advised that TCEA was proposing to use a percentage of raises to fund an enhancement to a potential PARS program.

MOTION: Councilmember Sutherland moved to concur with the staff recommendation. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Councilmember Drevno).

12C. AD HOC COMMITTEE REPORT ON JUNE 3, 2008 BALLOT MEASURES

Recommendation

Recommendation of the **Mayor's Legislative Ad Hoc Committee** that City Council concur with the June 3, 2008 ballot measure positions recommended by the Committee.

Mayor Scotto noted that a binder with all the material reviewed by the Legislative Ad Hoc Committee was available in the back of Council Chambers.

Councilmember Witkowsky, chair of the Legislative Ad Hoc Committee, reported that the committee met on May 13 to review information about each of the ballot measures and also received input from the public.

Management Associate Jones reviewed the Committee's recommendations.

Mayor Scotto commented on misleading ads about Proposition 98 that fail to mention that it would eliminate rent control.

Councilmember Sutherland clarified that rent control would remain in effect until the current tenant moves.

MOTION: Councilmember Witkowsky moved to concur with the Committee's recommendation to **Oppose** - Prop 98 – Eminent Domain, Limits on Government Authority. The motion was seconded by Councilmember Brewer and passed by 5-1 roll call vote, with Councilmember Sutherland dissenting (absent Councilmember Drevno).

MOTION: Councilmember Witkowsky moved to concur with the Committee's recommendation to **Support** - Prop 99 – Eminent Domain, Limits on Government Acquisition of Owner-Occupied Residence. The motion was seconded by Councilmember Brewer and passed unanimous roll call vote (absent Councilmember Drevno).

MOTION: Councilmember Witkowsky moved to concur with the Committee's recommendation to **Support** - Measure T – Ratify and update the City's Utilities Users Tax. The motion was seconded by Councilmember Brewer and passed unanimous roll call vote (absent Councilmember Drevno).

12D. DIRECTIONS FOR TIE VOTE IN JUNE 2008 MUNICIPAL ELECTION

Recommendation

Recommendation of the **City Clerk** that City Council give formal direction to the City Clerk in the event of tie votes in the June 3, 2008 Municipal Election.

City Clerk Herbers reviewed the options should the Municipal Election for councilmember end in a tie vote and noted supplemental material with estimated costs for a run-off election and methods for breaking a tie vote by lot.

Mayor Scotto indicated that he did not favor holding a runoff election due to the expense involved for both the City and the candidate.

Councilmember Sutherland voiced support for holding a runoff election because he felt it was integral to the democratic process.

Councilmember Brewer stated that he also did not favor a runoff election because of the expense, noting the likelihood of a very low voter turnout.

Councilmember Barnett stated that, as a candidate, he felt a runoff election was the more equitable way to resolve a tie vote, however, he couldn't justify spending between \$120,000 – 160,000 on such an election.

Councilmember Witkowsky voiced support for resolving a tie vote by lot.

Susan Rhilinger, City Council candidate, expressed her preference for breaking a tie vote by lot.

David Ouwerkerk, City Council candidate, indicated that also favored breaking a tie vote by lot.

Kurt Weideman, City Council candidate, voiced support for a runoff election.

Karen Fitch, resident, noted that chances of a tie vote were infinitesimal and favored breaking a tie by lot.

Kay White, resident, related her preference for a runoff election.

MOTION: Councilmember Brewer moved to break a tie vote in the June 3 Municipal Election by lot. The motion was seconded by Councilmember Witkowsky and passed by a 4-2 roll call vote, with Councilmembers Nowatka and Sutherland dissenting (absent Councilmember Drevno).

Agenda Items 12E and 12F were considered concurrently.

12E. AMENDED/RESTATED LEASE WITH TORRANCE FLITE PARK, LLC

Recommendation

Recommendation of the **City Manager** that City Council approve a third amendment to amended and restated lease by and between the City of Torrance and Torrance Flite Park, LLC (C2001-118) for City-owned property located at Torrance Municipal Airport – Zamperini Field.

12F. AMENDMENT TO ROBINSON HELICOPTER LEASE

Recommendation

Recommendation of the **City Manager** that City Council approve a third amendment to lease by and between the City of Torrance, a Municipal corporation, referred to as the “City,” and Robinson Helicopter Company, Inc., a California corporation, referred to as “RHC” (C2003-029).

Assistant to the City Manager Sunshine briefly reviewed the proposal to sever a 5.96 acre portion of Torrance Flite Park’s leasehold and add this area to the Robinson Helicopter leasehold. He explained that the expansion is necessary because Robinson plans to add a new model to their product line, but has run out of manufacturing space in their current facility. He noted that included in Robinson’s amended lease are provisions that require them to address parking issues, stagger shifts, and underground utilities.

Ralph Martin, president of Torrance Flite Park, requested that the Council support the amendments to the two leases.

Tim Goetz, representing Robinson Helicopter, stated that the company looks forward to expanding their operation and increasing their employee base in Torrance.

Assistant to the City Manager Sunshine advised that Robinson Helicopter has agreed to continue the month-to-month lease with South Bay Mercedes while the dealership’s parking structure is being built.

Mr. Goetz reported that Robinson will work with South Bay Mercedes to provide parking for their vehicles until Robinson is ready to utilize the space.

MOTION: Councilmember Witkowski moved to approve the Third Amendment to the Amended and Restated Lease with Torrance Flite Park. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Drevno).

MOTION: Councilmember Witkowski moved to approve the Third Amendment to the Robinson Helicopter lease. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Councilmember Drevno).

12G. ZAMPERINI FIELD ENTRY SIGN

Recommendation

Recommendation of the **City Council Community Planning and Design Committee** that City Council:

- 1) Approve the design concept for the Zamperini Field entry sign; and
- 2) Appropriate \$75,000 from the Airport Fund for construction and installation.

Councilmember Nowatka, Community Planning and Design Committee, provided background information about the design of the sign. He noted that the medallion in the base includes a profile of Louis Zamperini and highlights of his life and that the B-24 bomber depicted on the sign is the aircraft that Louis Zamperini was

flying when he was shot down. He also noted that there is room on the sign to include the Western Museum of Flight if the museum decides to make Zamperini Field its permanent home.

Mayor Scotto, echoed by Councilmember Witkowsky, voiced support for the sign.

MOTION: Councilmember Nowatka moved to concur with Committee's recommendation. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmember Drevno).

13. HEARINGS

13A. AMENDMENT OF TORRANCE MUNICIPAL CODE SETTING SPEED LIMITS

Recommendation

Recommendation of the **Community Development Director** and the **Police Chief** that City Council adopt an Ordinance amending Article 10 (Speed Limits) of the Torrance Municipal Code (TMC) Sections 61.10.1, 61.10.2, 61.10.3, 61.10.4, and 61.10.5 modifying speed limits on certain streets in the City of Torrance.

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

Transportation Planning Manager Semaan advised that as a result of a citywide traffic survey, staff was recommending that speed limits be raised on 12 collector and arterial roadway segments. He noted that these changes would allow the Torrance Police Department to selectively enforce speed limits with the use of lidar/laser equipment.

At Mayor Scotto's request, Transportation Planning Manager Semaan explained anti-speed trap legislation, which requires speed limits to be raised if the prevailing speed is higher than posted limits in order to use lidar/laser equipment.

Police Lieutenant Stark explained that police would have to pace vehicles for a considerable distance if they could not use lidar/laser equipment and the equipment makes traffic enforcement safer and more effective.

Councilmember Witkowsky voiced support for the proposed Ordinance, relating her experience that existing speed limits for some of these segments are much lower than the prevailing speed of traffic.

Ruth Vogel, resident, expressed concerns about speeding traffic on Calle Mayor between Palos Verdes Boulevard and Pacific Coast Highway. Mayor Scotto advised that the speed limit for this segment will remain unchanged at 30 miles per hour.

Nick Green, resident, reported that vehicles parked on Cabrillo are interfering with visibility for vehicles making a left-turn onto Cabrillo from 222nd Street.

MOTION: Councilmember Witkowsky moved to close the public hearing. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmember Drevno).

MOTION: Councilmember Witkowsky moved to concur with the staff recommendation. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Councilmember Drevno).

ORDINANCE NO. 3711

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTIONS 61.10.1, 61.10.2, 61.10.3, 61.10.4, AND 61.10.5 OF THE TORRANCE MUNICIPAL CODE RELATED TO POSTED SPEED LIMITS WITHIN THE CITY

MOTION: Councilmember Brewer moved for the adoption of Ordinance No. 3711. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote (absent Councilmember Drevno).

The Council recessed from 8:36 p.m. to 8:58 p.m.

13B. PRE06-00036: 260 CALLE DE MADRID - MILES PRITZKAT (MIKE AND KIM ORIGEL)

Recommendation

Recommendation of the **Community Development Director** and the **Planning Commission** that City Council deny the appeal and adopt a Resolution approving a Precise Plan of Development to allow the construction of a new two-story single family residence on property located within the Hillside Overlay District, in the R-1 Zone at 260 Calle de Madrid.

PRE06-00036: MILES PRITZKAT (MIKE AND KIM ORIGEL)

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

With the aid of slides, Planning Manager Lodan briefly reviewed the proposed project and shared photographs taken from various vantage points in the neighborhood. He reported that this project was originally approved by the Planning Commission in February 2003, but the approval expired and the project was resubmitted in October 2006 and ultimately approved by a vote of 4-3 in December 2007 after it was revised to address view and privacy concerns.

Laura Medina, 347 Calle de Andalucia, appellant, detailed her objections to the project using slides to illustrate. She reported that the applicants have failed to communicate with neighbors and every surrounding neighbor is opposed to the project. She contended that the project does not comply with the Hillside Ordinance because the floor area ratio (FAR) exceeds 0.50 and because it would have an adverse impact on the view, light, air and privacy of neighboring properties.

Ms. Medina maintained that the project's height and size were not in harmony with the neighborhood; expressed concerns about the impact the proposed two-story home would have on her privacy; and related her belief that the Hillside Ordinance

protects views of the hillside and vegetation, not just ocean views. She proposed a continuance so neighbors could work with the applicants to arrive at an acceptable project.

Councilmember Witkowsky recalled that the home next door to the proposed project is similar in height.

Ms. Medina stated that the home in question is a one-story home with approximately 1600 square feet so the bulk and the mass are not comparable to the proposed project.

Keith Johnson, representing project architect Miles Pritzkat, reported that Mr. Pritzkat visited Ms. Medina's residence, but did not observe significant impacts from the project. He noted the project's FAR of 0.53 is within Hillside Ordinance guidelines and related his belief that the proposed two-story design would have less impact on adjacent neighbors than a one-story design because it allows for larger setbacks.

Mike Origel, 260 Calle de Madrid, applicant, explained that he was unable to go forward with the project in 2003 due to a financial setback; reported that he did meet with surrounding neighbors regarding the project at that time; and expressed concerns that neighbors who supported it then now oppose it. He noted that the Planning Commission has approved the project twice and urged the Council to uphold this approval.

Paula Dowd, 263 Calle de Madrid, stated that since the project was originally approved in 2003, a new precedent has been set whereby remodeled homes on the south side of Calle de Madrid have been lowered into the grade and she believed the proposed project should also be lowered. She reported that the Origels, who were formerly good friends, have refused to discuss the project with her.

Deanna Wendt, 268 Calle de Madrid, contended that the proposed project would detract from the ambience of the neighborhood and urged that the applicant be required to work with neighbors to arrive at a compromise.

Daren Laureano, 282 Calle de Madrid, voiced support for the proposed project. He expressed concerns that too much attention was being focused on comparatively minor issues and stressed the need for the City to encourage the use of renewable resources and recycled materials when residents remodel their homes.

Kelly Evans read a letter from Rob and Katy Maloney, 339 Calle de Andalucia, voicing objections to the project, citing the lack of harmony with the neighborhood and intrusion on their privacy. They called for the project to be redesigned as a single story.

Pamela Maran, 5501 Via del Valle, expressed concerns about "mansionization" in the Riviera area and contended that the proposed project was too large and not in harmony in the neighborhood. She voiced her opinion that applicants should be required to prove that they have exhausted all other options before they are allowed to build a project that exceeds 14 feet in height and related her belief that there are other options in this case.

Rick Battaglini, 5005 Paseo de Pablo, voiced support for the project. He noted that he recently completed his own remodel and found the Planning process to be very difficult. He contended that remodeled homes increase property values and save energy due to advances in construction materials, such as double-paned windows.

Henning Wendt, 268 Calle de Madrid, indicated that he would be satisfied if the project could be reduced in height by approximately two feet.

John Crookston, 236 Calle de Madrid, voiced support for the project, reporting that there are many large two-story homes on Calle de Madrid and Calle de Andalucia. Noting that he is in the process of building his own two-story home, he pointed out that the two-story design makes it possible to retain a backyard area where children can play.

The Council recessed from 10:19 p.m. to 10:28 p.m.

Mayor Scotto asked if Mr. Origel would be willing to eliminate approximately 200 square feet to bring the FAR down to 0.50.

Mr. Origel reported that the actual living space of the project, not counting the stairway, is very close to 0.50 and there has already been a significant reduction in the square footage as compared to the original project. He expressed concerns that the only way to achieve the 200 square-foot reduction was to eliminate one of the bedrooms and both he and his wife have elderly mothers in poor health who may need to live with them.

Councilmember Nowatka doubted that eliminating 200 square feet would have any real impact on the mass of the project and asked about the possibility of lowering the project into the grade approximately two feet.

Mr. Origel explained that in order to maintain the required slope for the driveway, the house would have to be pushed back toward the rear of the property thereby creating a greater impact on neighbors on Calle de Andalucia.

Commissioner Brewer questioned whether the applicant would be amenable to a continuance so he could meet with neighbors to try resolve their concerns.

Mr. Origel commented on the tremendous amount of time, money and aggravation this project has cost him and related his belief that his neighbors were not interested in compromising. He urged the Council to uphold the Planning Commission's decision and let him build his home.

MOTION: Councilmember Witkowsky moved to close the public hearing. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote (absent Councilmember Drevno).

Councilmember Witkowsky voiced support for the project, stating that she observed that it would not have a significant impact on anyone's view and she believed it would be a great improvement for the neighborhood. With regard to privacy impact, she noted that sill heights were raised and windows were modified to address this issue.

Councilmember Sutherland stated that while he agreed that the project would not have a major impact on views, he believed the FAR should be limited to 0.50 unless there is just cause and simply wanting a larger home, was not justification. He indicated that he would support the appeal based solely on this issue.

Councilmember Brewer expressed doubts as to what could be done to address neighbors' concerns because lowering the project into the grade would necessitate shifting the home to the rear thereby creating a greater impact on neighbors on Calle de Andalucia and reducing the FAR to 0.50 would have little impact on the project's appearance.

Councilmember Barnett stated that he was inclined to support the appeal because the FAR exceeds 0.50 and the FAR restriction is the only part of Hillside Ordinance where there is no ambiguity.

Mayor Scotto stated that he would also support the appeal due to the project's FAR because he felt it was important to follow the rules whenever possible. He voiced objections to the practice of proposing projects with FARs much higher than allowed in order to leave room to bargain. He indicated that he would support the project if the FAR was reduced to 0.50 and the extra square footage was eliminated from the second story.

Councilmember Nowatka related his belief that reducing the FAR to 0.50 would not make anyone happy because it would do nothing to address neighbors' concerns while eliminating square footage the applicant feels he needs.

MOTION: Councilmember Witkowsky moved to deny the appeal and approve the project. The motion was seconded by Councilmember Nowatka and failed to pass as reflected in the following roll call vote:

AYES: Councilmembers Brewer, Nowatka and Witkowsky
NOES: Councilmembers Barnett, Sutherland and Mayor Scotto
ABSENT: Councilmember Drevno

Discussion briefly continued. Councilmember Sutherland reiterated his position that 0.50 was a benchmark that should be upheld unless an applicant proves there is justification for exceeding it. Councilmember Witkowsky related her belief that the extra space was justified because of the potential that the applicant will be housing elderly parents.

MOTION: Councilmember Barnett moved to grant the appeal and deny the project without prejudice. The motion was seconded by Councilmember Sutherland and failed to pass as reflected in the following roll call vote:

AYES: Councilmembers Barnett, Sutherland and Mayor Scotto
NOES: Councilmembers Brewer, Nowatka and Witkowsky
ABSENT: Councilmember Drevno

The Council discussed the option of continuing the hearing until such time as all Councilmembers were present.

City Attorney Fellows cautioned that if the Council fails to take action at this meeting, the next Council meeting is in three weeks and he was not sure a motion for reconsideration could be made at that time because it would be outside the 14-day period specified in the Council Rules of Order.

MOTION: Mayor Scotto moved to continue the hearing until June 10, 2008. The motion was seconded by Councilmember Sutherland and failed to pass as reflected in the following roll call vote:

AYES: Councilmembers Barnett, Sutherland and Mayor Scotto
NOES: Councilmembers Brewer, Nowatka and Witkowsky
ABSENT: Councilmember Drevno

Mayor Scotto noted that it was apparent that the Council was deadlocked therefore the Planning Commission's approval of the project would stand.

13C. ORDINANCE AMENDING DAYS/ HOURS OF CONSTRUCTION

Recommendation

Recommendation of the **Community Development Director** and the **Planning Commission** that City Council adopt an Ordinance amending Section 1 of Article 3 of Chapter 6 of Division 4 of the Torrance Municipal Code to further restrict days and hours in which construction is permitted.

LUS07-00001: CITY OF TORRANCE

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

With the aid of slides, Planning Manager Lodan reviewed the proposed changes to the days and hours during which construction is permitted. He explained that construction is currently permitted 7:00 a.m. to 8:00 p.m., seven days a week, and the proposed Ordinance would restrict these hours to Monday through Friday, 7:30 a.m. to 6:00 p.m.; Saturday, 9:00 a.m. to 5:00 p.m., with no construction permitted on holidays or Sundays except for homeowners, who may work from 9:00 a.m. to 3:00 p.m. Additionally, the Community Development Director would be given the discretion to approve expanded hours of construction if conditions warrant; 2) A sign would be required to be posted on construction sites with contact information; and 3) Properties zoned commercial, industrial or within a redevelopment area would be exempted if a minimum buffer of 300 feet is maintained from residences. He noted that that this recommendation was brought forward as the result of Planning Commission workshops.

Donn Plewes, resident, stated that he supports all the proposed changes except for the provision allowing construction by homeowners on Sundays. He explained that his neighborhood had been subjected to construction seven days a week for over a year and they would appreciate at least one day a week without this type of activity. He expressed concerns that the City was creating a loophole by exempting homeowners from the ban on Sunday construction.

In response to Mayor Scotto's inquiry, Planning Manager Lodan advised that of the neighboring cities surveyed, only Lomita allows construction on Sundays, and the ban on Sunday construction applies to both contractors and homeowners.

Councilmember Sutherland expressed concerns that prohibiting construction on Sundays would severely limit homeowners who only have weekends to do construction projects.

June Lee, resident, thanked the Planning Commission and Community Development Department staff for their work on this issue. She voiced support for the proposed changes and shared an example of a job site sign from Redondo Beach.

Jenna Christenson, resident, stated that she was very pleased with the proposed changes, however, she would like construction to be prohibited on Sundays, even for homeowners, or at least allowed no earlier than 10:00 a.m.

Jackie Decker, resident, urged adoption of the proposed Ordinance.

Toni Reina, representing Continental Development Corporation, owner of Skypark Medical and Office Complex, voiced support for the proposed changes and thanked the Planning Commission and staff for their efforts. She noted that her company participated in the workshop process and advocated for flexibility in commercial and industrial zones not immediately adjacent to residences.

Tom Rische, resident, expressed concerns about loud music being played on construction sites, noting that the Redondo Beach sign mentions that loud music is prohibited. He questioned whether there was a provision that would prevent a homeowner from using day laborers to do construction projects on Sundays.

Planning Manager Lodan advised that the proposed Ordinance simply states that homeowners who reside on the property may work on Sundays and it does not address the issue of hiring laborers.

Deputy City Attorney Whitham suggested that the Council may wish to add language to the Ordinance limiting who may work with homeowners on Sundays.

Richard Browning, Planning Commission member, suggested that someone who is handicapped may need the assistance of a laborer to complete a construction project and noted that a weekend project would go much faster if homeowners can work on both Saturdays and Sundays.

Pamela Maran, resident, commended the Planning Commission for bringing the proposed restrictions forward and requested that the Council consider banning all construction on Sundays so residents could enjoy peace and quiet at least one day a week.

MOTION: Councilmember Sutherland moved to close the public hearing. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Councilmember Drevno).

Mayor Scotto stated that he supported all of the proposed changes, but favored changing the permitted hours on Sunday to 10:00 a.m. to 4:00 p.m. instead of 9:00 a.m. to 3:00 p.m.

Councilmember Sutherland voiced support for the Ordinance as proposed, noting that it starts getting dark in the wintertime around 4:00 p.m. He indicated that he was not in favor of limiting who may work with a homeowner on Sundays because he felt it was overly restrictive and suggested that the Ordinance could always be amended if Sunday construction becomes a problem.

Councilmember Brewer noted his agreement with Councilmember Sutherland's remarks.

MOTION: Councilmember Witkowsky moved to concur with the proposed changes, modifying the Sunday hours to 10:00 a.m. to 4:00 p.m. The motion was seconded by Mayor Scotto and passed by a 4-2 roll call vote, with Councilmembers Barnett and Brewer dissenting (absent Councilmember Drevno).

Councilmember Barnett, echoed by Councilmember Brewer, noted that he voted "no" because he preferred the Sunday hours as originally proposed.

ORDINANCE NO. 3712

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE
AMENDING SECTION 1 OF ARTICLE 3 OF CHAPTER 6 OF DIVISION 4 OF
THE TORRANCE MUNICIPAL CODE RESTRICTING THE HOURS AND DAYS
IN WHICH CONSTRUCTION IS PERMITTED

MOTION: Councilmember Witkowsky moved for the adoption of Ordinance No. 3712 as amended. The motion was seconded by Councilmember Sutherland and passed by a 5-1 roll call vote, with Councilmember Brewer dissenting (absent Councilmember Drevno).

16. SECOND READING ORDINANCES

16A. SECOND AND FINAL READING OF ORDINANCE NO. 3710

ORDINANCE NO. 3710

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE
ADDING ARTICLE 20 TO CHAPTER 3 OF DIVISION 1 OF THE TORRANCE
MUNICIPAL CODE ESTABLISHING AN ETHICS AND INTEGRITY
COMMITTEE

MOTION: Councilmember Brewer moved for the adoption of Ordinance No. 3710. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Councilmember Drevno).

The Council met as the Redevelopment Agency from 11:55 p.m. to 11:56 p.m.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Sutherland requested City Council concurrence to formally recognize the accomplishments of Pacific Lutheran High School's championship golf team at a future Council meeting. Hearing no objection, Mayor Scotto so ordered.

17B. Councilmember Sutherland commended City employees for doing a fantastic job on the Armed Forces Day Parade, with a special thanks to the Police Department. He expressed the hope that this event, as well as the 4th of July Celebration and the Rose Parade float, would not fall victim to budget cuts because they are important parts of what makes Torrance such a great place to live, work and play.

17C. Councilmember Witkowsky echoed comments about the Armed Forces Day Parade.

17D. Councilmember Barnett announced that Ray Bradbury, author of *Fahrenheit 451* and *The Martian Chronicles*, would be speaking at the Toyota Meeting Hall on May 30 from 7:00-9:00 p.m.

17E. Councilmember Barnett expressed condolences to the family of John Hoffman, relating his experience that he was a tough, but fair taskmaster and a consummate professional.

17F. Councilmember Brewer commended Armstrong Theatre staff for doing an outstanding job on the Friday night concert and banquet preceding the Armed Forces Day Parade.

17G. Councilmember Nowatka echoed comments on the Armed Forces Day Parade and Celebration.

17H. Councilmember Nowatka noted that there would be an opportunity to properly dispose of hazardous materials and e-waste on June 7 from 9:00 a.m. to 3:00 p.m. at American Honda.

17I. Mayor Scotto echoed comments on the Armed Forces Day Parade, relating his experience that military dignitaries were very impressed by the City of Torrance. He noted that next year will mark the parade's 50th anniversary and a lot of special events are planned.

17J. Mayor Scotto encouraged everyone to commemorate Memorial Day by attending the ceremony at Green Hills Cemetery on Monday, May 26, at 11:00 a.m.

17K. Mayor Scotto encouraged residents to vote in the June 3 Municipal Election.

17L. Mayor Scotto requested, with the concurrence of Council, that City Attorney staff bring forward an item amending City Council Rules of Order to extend the time period during which a Motion for Reconsideration can be made so the Council is not precluded from doing so when the time between Council meetings exceeds 14 days.

17M. City Manager Jackson shared a remembrance of John Hoffman and his commitment to making the City "green and clean."

17N. Tim Youngern, 536 Paseo de la Playa, noted that he submitted a letter detailing his concerns about the Council's approval of the project at 602 Paseo de la Playa at the May 13 Council meeting and requested that the Council reconsider this decision.

18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

19. ADJOURNMENT

At 12:13 a.m., the meeting was adjourned to Tuesday, June 10, 2008 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers. **May 27 and June 3 will be Council dark nights.**

***Adjourned in Memory of
John B. Hoffman***

Attest:

/s/ Frank Scotto

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers,
City Clerk of the City of Torrance

Approved on August 5, 2008