

**MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY COUNCIL**

1. CALL TO ORDER

The Torrance City Council convened in joint session with the Youth Council at 5:40 p.m. on Tuesday, May 22, 2007 in the George Nakano Theatre, 3330 Civic Center Drive.

ROLL CALL

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

Absent: Councilmember McIntyre.

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

The Youth Council meeting was adjourned at 6:35 p.m., and the City Council recessed to City Council Chambers to continue an adjourned regular meeting.

At 7:03 p.m., the City Council reconvened in the Council Chambers with all members present except Councilmember McIntyre.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Finance Director Tsao.

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 18, 2007.

MOTION: Councilmember Sutherland 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 McIntyre).

4. WITHDRAWN OR DEFERRED ITEMS

None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

General Services Director Ballew announced that the City Yard Open House would be held on Saturday, June 2, from 10:00 a.m. to 2:00 p.m. at 20500 Madrona Avenue, with displays of City equipment, games and giveaways.

Public Works Director Beste reported that the Metropolitan Water District would begin airing public announcements regarding water conservation next week since this has been the driest year on record for Southern California. He encouraged residents to conserve water, particularly when it comes to landscaping as this accounts for 30-40% of water use in Torrance.

Councilmember Drevno announced that Leadership Torrance has organized blood drives at various locations during the month of June as part of their "Torrance Saves Lives" campaign, with sign-ups available at www.givelife.org.

7. ORAL COMMUNICATIONS #1

7A. Debbie Hays, Torrance Historical Society, announced that a docent-led walking tour would be held May through October on the fourth Sunday of the month starting in front of the Historical Museum located at 1345 Post Avenue at 1:30 p.m.

8. CONSENT CALENDAR

8A. PURCHASE ORDER FOR RIDESHARE PROGRAM INCENTIVES

Recommendation

The Human Resources Director recommends that City Council approve a purchase order to Just Rewards for Rideshare Program incentives in the amount of not to exceed \$80,000 from July 1, 2007 to June 30, 2008.

8B. CONTRACT FOR COMMUTER TRANSPORTATION CONSULTING SERVICES

Recommendation

The Human Resources Director recommends that City Council approve a contract with Kim Fuentes, in the amount of \$65,520, for commuter transportation (Rideshare) consultant services for July 1, 2007 through June 30, 2008.

8C. AMENDMENT TO AGREEMENT WITH PETDATA, INC.

Recommendation

The Chief of Police recommends that City Council approve an amendment extending the contract with PetData, Inc., (C2004-051) for animal licensing services, for the period from March 1, 2007 to February 28, 2008.

8D. PURCHASE AGREEMENT FOR ANNUAL REQUIREMENT OF LPG

Recommendation

The General Services and Public Works Directors recommend that City Council authorize a cooperative purchasing agreement to Mutual Liquid Gas & Equipment Co. of Gardena, CA, in an amount not to exceed \$30,400, to furnish the City's annual requirement for liquid propane gas (LPG) (L.A. County Bid No. 42033). The subject purchasing agreement will be effective May 30, 2007 through May 30, 2008.

8E. AMENDMENT TO LEASE AGREEMENT FOR CNG REFUSE COLLECTION TRUCK

Recommendation

The General Services Director recommends that City Council approve and execute:

- 1) A First Amendment to State and Municipal Master Lease agreement for one (1) 2007 Peterbilt 320 Cab and Chassis with attached *Heil* Durapack 33-Cubic Yard Automated Side Loader truck body;
- 2) "Exhibit A-1" of the subject lease agreement which replaces "Exhibit A"; and
- 3) A revised "Retail Sales Order" with Rush Peterbilt Truck Center of Pico Rivera, CA.

8F. AGREEMENT WITH L.A. COUNTY FOR ANIMAL CONTROL SERVICES

Recommendation

The Chief of Police recommends that City Council approve an agreement with the County of Los Angeles, through the Director of Animal Care and Control, for after-hours animal control services for the period from July 1, 2007 to June 30, 2009, in an amount not to exceed \$30,000 per year for two years, for a total of \$60,000.

8G. CONTRACT FOR TRANSIT DEPARTMENT AIR CONDITIONING

Recommendation

The General Services Director and Transit Director recommend that City Council award a contract to CTAC, Inc. for \$329,000 with a 10% contingency of \$32,900 for replacement of air conditioning units at the Torrance Transit Building and approve a 10% project management fee. (FEAP #406)

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

12. ADMINISTRATIVE MATTERS

12A. APPROVAL OF FORMAT CHANGE FOR AIRPORT HANGAR WAITING LIST

Recommendation

The Airport Commission recommends that City Council approve a change to the airport hangar waiting list and hangar tenant transfer list, from a numerical format to a listing by name. City staff originally recommended maintaining the current numerical format, but recognizes the proposed format as administratively viable.

Facility Operations Manager Megerdichian reviewed the Airport Commission's recommendation to change the method of identifying applicants on the airport hangar waiting list and the hangar tenant transfer list by using their last name and first initial instead of the current practice of using the first five digits of their driver's license.

In response to Mayor Scotto's inquiry, City Attorney Fellows confirmed that the change of format would not violate privacy laws.

Bill Tymczyszyn, chair of the Airport Commission, provided background information regarding the commission's recommendation. He explained that the inability to easily track applicants on the hangar waiting list has long been a source of concern for pilots and using names would provide for better oversight and limit the potential for abuse.

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

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At 7:16 p.m., the Council convened in joint session with the Redevelopment Agency. (*Redevelopment Agency Agenda Item 4A was considered concurrently with City Council Agenda Item 12B*)

12B. APPROVAL OF APPROPRIATIONS FOR THE 1ST YEAR OF 2007-2009 OPERATING BUDGET AND THE 2ND YEAR OF THE 2006-2011 CAPITAL BUDGET

Recommendation

City Manager and the Finance Director recommend that City Council adopt Resolutions approving the annual appropriations for the 1st year (2007-2008 Fiscal Year) of the 2007-2009 Two Year Operating Budget and for the 2nd year (2007-2008 Fiscal Year) of the 2006-2011 Five Year Capital Budget..

Finance Director Tsao noted that the Resolutions reflect the Council's action at the May 15, 2007 Council meeting.

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 McIntyre).

RESOLUTION NO. 2007-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ESTABLISHING THE ANNUAL APPROPRIATION FOR THE 2007-2008 FISCAL YEAR FOR THE ADOPTED 2007-2009 TWO-YEAR OPERATING BUDGET

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2007-40. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmember McIntyre).

RESOLUTION NO. 2007-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ESTABLISHING THE ANNUAL APPROPRIATION FOR THE SECOND YEAR (2007-2008) OF THE CITY'S 2006-2011 FIVE-YEAR CAPITAL BUDGET

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2007-41. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmember McIntyre).

At 7:18 p.m., the Redevelopment Agency recessed in place and the City Council meeting continued in regular order.

12C. ISSUANCE OF FY 2007-08 TAX REVENUE ANTICIPATION NOTES

Recommendation

The Finance Director recommends that City Council adopt a Resolution approving the sale and issuance of Fiscal Year 2007-2008 Tax Revenue Anticipation Notes (TRAN's) not to exceed \$28,000,000.

Finance Director Tsao reported that the issuance of the Tax Revenue Anticipation Notes will assist the City with its working capital needs during the first six months of the 2007-08 fiscal year and allow for the prepayment of PERS (Public Employee Retirement System) costs to take advantage of a discounted rate.

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 McIntyre).

RESOLUTION NO. 2007-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE PROVIDING FOR THE BORROWING OF FUNDS FOR FISCAL YEAR 2007-2008 AND THE ISSUANCE AND SALE OF 2007-2008 TAX AND REVENUE ANTICIPATION NOTES IN AN AMOUNT NOT TO EXCEED \$28,000,000

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2007-52. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmember McIntyre).

12D. CITY OF TORRANCE LIGHTING DISTRICT NO. 99-1

Recommendation

The Finance Director recommends that City Council:

- 1) Adopt a Resolution initiating proceedings to levy assessments within the City of Torrance Lighting District No. 99-1 for Fiscal Year 2007-2008;
- 2) Adopt a Resolution approving the Fiscal Year 2007-2008 Engineer's Report for the City of Torrance Lighting District No. 99-1; and
- 3) Adopt a Resolution of Intention to levy assessments within the City of Torrance Lighting District No. 99-1 for Fiscal Year 2007-2008.

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 McIntyre).

RESOLUTION NO. 2007-53

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE CITY OF TORRANCE STREET LIGHTING DISTRICT NO. 99-1 FOR FISCAL YEAR 2007-2008 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE STREETS AND HIGHWAYS CODE AND AS PROVIDED BY ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2007-53. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmember McIntyre).

RESOLUTION NO. 2007-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING THE REPORT OF THE ENGINEER IN CONNECTION WITH THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE CITY OF TORRANCE STREET LIGHTING DISTRICT NO. 99-1 FOR FISCAL YEAR 2007-2008 PURSUANT TO THE PROVISION OF PART 2 OF DIVISION 15 OF THE STREETS AND HIGHWAYS CODE AND AS PROVIDED BY ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2007-54. The motion was seconded by Councilmember Drevno and passed by unanimous roll call vote (absent Councilmember McIntyre).

RESOLUTION NO. 2007-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITY OF TORRANCE STREET LIGHTING DISTRICT NO. 99-1 FOR FISCAL YEAR 2007-2008 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE STREETS AND HIGHWAYS CODE AND AS PROVIDED BY ARTICLE XIID OF THE CALIFORNIA CONSTITUTION BY APPOINTING A TIME AND PLACE FOR THE PUBLIC HEARING

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2007-55. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Councilmember McIntyre).

12E. REVIEW OF PROPOSED SIGN FOR MEDIAN ON ZAMPERINI WAY

Recommendation

The City Manager recommends that City Council review and give direction regarding the entry sign proposed by the Torrance Airport Association for the median on Zamperini Way. If Council approves the current design, the City Manager recommends that the City Council approve an additional appropriation of \$3,700.

Assistant to the City Manager Sunshine noted that a rendering of the proposed sign was included in agenda material (Attachment C). He advised that should the Council decide not to approve the sign, staff was requesting approval to hire a consultant to design the entry sign and would return with a proposal at a later date.

Councilmember Nowatka indicated that he favored hiring a consultant to design a sign more fitting for the entrance to Torrance Airport-Zamperini Field.

Councilmember Witkowsky voiced her opinion that the proposed sign was too plain and rectangular and indicated her preference for a more elaborate sign.

Councilmember Sutherland voiced support for the proposed sign, stating that he liked the sign's clean lines and simple lettering and didn't feel it was necessary to spend \$30,000 to \$40,000 for a professionally designed sign.

Councilmember Brewer expressed concerns that a number of different styles of signs were being posted in the City and indicated that favored having more uniformity so signs would be easily associated with the City of Torrance.

Nancy Clinton, Torrance Airport Association, explained that the proposed sign was similar to signs at the nearby Torrance Town Center. She noted that Southern California Landscaping assisted with the design and suggested that this firm be contacted, should the Council decide to have it redesigned. She reported that TAA is currently working with the City to enhance the median landscaping on Zamperini Way and they would like to have some input on the sign.

Janet Payne, resident, voiced her opinion that the City's only airport deserves a unique sign and urged the Council to send the proposed sign back to the drawing board.

A brief discussion ensued, and it was the consensus of the Council to direct staff to hire a consultant to design an entry sign, with the proposed design to be reviewed by the City Council's Community Planning and Design Committee with input from the public, including the Torrance Airport Association, before being forwarded to the Council.

MOTION: Councilmember Nowatka moved to direct staff to secure the services of a firm to assist with the design of an entry sign. The motion was seconded by Councilmember Witkowsky and passed by a 5-1 roll call vote, with Councilmember Sutherland dissenting (absent Councilmember McIntyre).

12F. MEMORANDUM OF UNDERSTANDING RE TORRANCE PROFESSIONAL AND SUPERVISORY ASSOCIATION

Recommendation

The City Manager recommends that City Council adopt a Memorandum of Understanding Resolution setting forth the hours, wages, and working conditions for employees represented by the Torrance Professional and Supervisory Association (TPSA) for the period of March 1, 2007 through February 28, 2010.

Bill Byron and Leslie Cortez, representing TPSA, expressed appreciation to the Council and City staff for their efforts to arrive at a mutually beneficial agreement.

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

RESOLUTION NO. 2007-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE PROFESSIONAL AND SUPERVISORY ASSOCIATION (TPSA) FOR THE PERIOD OF MARCH 1, 2007 THROUGH FEBRUARY 28, 2010 AND REPEALING RESOLUTION NO. 2005-111

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2007-56. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmember McIntyre).

13. HEARINGS

Agenda Item 13B was considered out of order at this time.

13B. MODIFICATION OF RENTAL CHARGES FOR THE BENSTEAD PLUNGE

Recommendation

The Acting Community Services Director recommends that City Council adopt a Resolution amending Resolution 2003-46 deleting the section on rental charges for the Victor E. Benstead Plunge; establish rental charges for the plunge; and approve new short and long-term agreements.

Mayor Scotto 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.

Acting Community Services Director Jones reviewed the proposal to increase rental charges for the Benstead Plunge to \$75.00 per hour for non-profit groups and \$100.00 for private/commercial groups and to increase lifeguard fees from \$10.00 per hour to \$13.00 - \$15.00. He noted that while the increase is substantial, it is largely driven by increases in the cost of utilities, chemicals and maintenance of the plunge. He explained that based on a market analysis, the proposed rates are slightly below the average hourly rate charged by other municipalities. He noted that staff was also recommending a new Rental Agreement policy that differentiates between short-term rental groups (fewer than three days per fiscal year) and long-term rental groups (three days or more per fiscal year).

Karen Mayfield, representing Swim Torrance, voiced objections to the proposed increase in rental fees. She explained that Swim Torrance is a 501(c) (3) non-profit organization; that it currently pays \$13.75 per hour for rental of the plunge and no fee for lifeguards; that this will increase to \$105 per hour (\$75 – rental, \$30 – lifeguards) under staff's proposal, resulting in a monthly increase from \$1100 to \$9000; and that this drastic increase will jeopardize the viability of the team.

Ms. Mayfield conceded that a rental increase was warranted, but maintained that the survey conducted by staff was selective and included only pools charging \$50.00 per hour or more. Submitting documentation for the record, she reported that a survey conducted by Swim Torrance found an average charge of \$55.00 per hour.

Ms. Mayfield noted that the proposed increase for non-profit groups was in excess of 800%, while the increase for private/commercial groups was only 25% (current \$80, proposed \$100). She contended that groups with a history of extended use of the plunge should be given priority over short-term users, such as a one-time rental for a birthday party, because they provide a stable revenue stream. She also contended that resident groups should be given priority and charged lower rates than non-resident groups. She disputed the claim in the staff report that the City was prohibited from charging residents and non-residents differing rates because recent improvements to the Benstead Plunge were funded by Proposition A funds, pointing out that differing fees are charged at the Wilson Park sports center which was developed with Proposition A funds.

Ms. Mayfield stated that the City has already adopted its Operating Budget for the next two years and the budget is balanced, therefore, the proposed increases in rental fees are not needed to balance the budget. She requested the following relief for Swim Torrance: 1) That Swim Torrance be allowed to provide its own lifeguards as all coaches are CPR and lifeguard certified; 2) That a rental rate of \$50.00 per hour be phased in gradually over the next three years – Year 1 -\$26; Year 2- \$38; Year 3 and subsequent years - \$50; and 3) That Swim Torrance be allowed to enter into a long-term rental agreement with the City in order to provide the stability necessary to attract and retain members. She urged the Council to consider the tremendous impact the proposed increase would have on the many swim team members present in the audience.

Jeff Zabluff, Rancho Palos Verdes, stated that he was representing a number of families who have been involved in aquatic activities for many years and they feel the proposed increases are reasonable. He maintained that organizations should not be given priority just because they have a history of renting the plunge and that it was in the best interests of Torrance that the plunge be made available to multiple organizations representing varied aquatic activities, including water polo and synchronized swimming, in a fair and equitable manner. He contended that there is no youth swim organization currently using the plunge that has historically rented it and that claims to the contrary should be thoroughly investigated. He recommended that a task force of city officials, local coaches and parents be created to develop a plan for the utilization of the plunge to ensure that the interests of Torrance and the South Bay are best served rather than allowing it to be dominated by one swim team. He explained that there are only limited hours after school during which children may swim, and these hours are currently monopolized by Swim Torrance.

In response to Councilmember Witkowsky's inquiry, Acting Community Services Director Jones reported that Swim Torrance uses the plunge from 4:30 - 7:00 p.m. Monday through Friday, and 7:00 - 9:00 a.m. on Saturday during the school year and 6:30- 8:00 a.m. and 4:00 - 6:00 p.m. Monday through Friday, and 6:30 - 8:00 a.m. on Saturday during the summer.

Councilmember Witkowsky, noting that Torrance high schools don't have swimming pools and the plunge is the only public pool of its size in the South Bay, suggested that the City may need to re-evaluate the amount of time that the plunge is being rented out to groups thereby depriving the public of an opportunity to use the pool.

City Manager Jackson advised that if the Council wishes to explore the issue of rental preference or rental hours that should be brought back as a separate item at a later date.

City Attorney Fellows recommended that staff be directed to prepare an agenda item on plunge use policies under "Orals" if the Council wishes to pursue this matter.

Referring to the agenda item, Councilmember Brewer noted that annual costs for the plunge in 2006 were estimated at \$631,699 and annual revenue was estimated at \$201,600, so it would seem that, with the proposed rate increases, revenue might actually exceed expenses.

Acting Community Services Director Jones advised that based on current usage, staff does not expect that revenues will exceed expenses but rather that there will be a closing of the gap between revenues and expenses.

Councilmember Brewer asked about the discrepancy between the survey of rental rates submitted by Ms. Mayfield and the survey in the staff report.

Acting Community Services Director Jones explained that staff did not include pools owned/operated by school districts, such as the one at Palos Verdes High, because they have different rental structures and are not the same size as a municipal pool.

In response to Councilmember Brewer's inquiry, City Attorney Fellows stated that he would not recommend allowing an organization to provide its own lifeguards due to potential liability issues.

Responding to Councilmember Drevno's inquiry, Acting Community Services Director Jones reported that Swim Torrance currently does not pay for lifeguards but will be required to do so in the future.

Mayor Scotto commented on the large audience present and thanked them for their cooperation during the hearing. He offered his assurance that it was not the City's intent to displace any youth group.

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 McIntyre).

Mayor Scotto indicated that he favored a fee structure similar to the one proposed by Ms. Mayfield, with the following rental rates for non-profit organizations: Year 1 - \$25; Year 2- \$35; Year 3 - \$45; Year 4 - \$55; and subsequent years to be adjusted according to the Consumer Price Index (CPI).

A brief discussion ensued regarding the CPI increase on the fifth and subsequent years, and it was the consensus of the Council not to include the CPI increase.

Councilmember Sutherland voiced support for the rental rates proposed by staff and expressed concerns about the continuing gap between revenue and expenses should the rates be amended as proposed by Mayor Scotto. He pointed out that Mr. Zubloff and the families he represents thought the increase was reasonable and noted that the City's costs are continuing to escalate as evidenced by the wage and benefit package approved earlier this evening.

Councilmember Brewer noted that in addition to the increase in fees, Swim Torrance would also have to pay for a lifeguard. Acting Community Services Director Jones advised that the number of lifeguards is based on the number of people in the pool, so Swim Torrance would likely have to pay for two lifeguards.

Mayor Scotto stated that he believed the City had an obligation to allow the use of City facilities for youth sports activities; noted that soccer teams have been allowed to use City parks free of charge; and expressed concerns that a large increase in rental rates would mean that fewer children would be able to participate.

MOTION: Mayor Scotto moved to approve the rental charges for the Benstead Plunge with the following modification: Rental rates for non-profit organizations shall be: Year 1 - \$25; Year 2- \$35; Year 3 - \$45; Year 4 - \$55; and to approve the Short-term and Long-term Rental Agreements as submitted. The motion was seconded by Councilmember Brewer and passed by a 5-1 roll call vote, with Councilmember Sutherland dissenting (absent Councilmember McIntyre).

City Manager Jackson advised that a Resolution reflecting the Council's action would be brought back for the Council's approval at a future meeting.

The Council recessed from 8:32 p.m. to 8:49 p.m.

13A. CUP06-00021, DIV06-00018: 1829 CABRILLO AVENUE (LA CHARITE)

Recommendation

The Community Development Director recommends that City Council take the following actions on property located in the R-3 zone at 1829 Cabrillo Avenue:

- Direct Community Development Department Staff to initiate an Environmental Assessment; and
- Upon completion of the Environmental Review remand the matter to the Planning Commission for review.

CUP06-00021 and DIV06-00018: Dennis La Charite

Mayor Scotto announced that this was the time and place for a continued public hearing on this matter and noted supplemental material available at the meeting. City Clerk Herbers confirmed that the hearing was properly advertised.

Community Development Director Gibson reported that subsequent to the preparation of the agenda item, a letter was received from Margarita Wuellner, principal architectural historian with PCR Services Corporation, and based on information contained in the letter, staff was recommending that the Council proceed with a hearing on the merits of the project because they do not believe the preparation of an Environmental Assessment is required.

Steve Kaplan, legal counsel for the applicant, advised that Dr. Wuellner did an assessment of the subject property and determined that it does not appear to meet the threshold of significance under the California Environmental Quality Act (CEQA), either as an individual historic resource or as a contributor to a potential historical district, that would require additional environmental review. He noted that there is a method by which Save Historic Old Torrance (the appellant) can seek approval to create a Historic Preservation Overlay Zone, which would put property owners on notice of the limitations involved in the redevelopment of property in the affected zone, but maintained that claiming historical significance on a case-by-case basis was fundamentally unfair. He urged the Council to deny the appeal and approve the project.

Bonnie Mae Barnard, Save Historic Old Torrance, appellant, contended that additional environment review was required because a fair argument has been presented that the project could adversely impact a historic resource. She provided background information about the founding of Torrance and the housing boom in the 1920s during

which the subject duplex was constructed and maintained that an environmental review was necessary to determine if there are alternatives to its demolition. She suggested that the structure could be renovated and used for much needed affordable rental housing for seniors and expressed concerns about the replacement of affordable rentals with high priced condominiums. She emphasized the historic nature of the existing structure and urged the Council to protect this historic resource for future generations.

Don Barnard, Save Historic Old Torrance, discussed SHOT's efforts to raise awareness about the history of Old Torrance and the need to preserve it. He voiced objections to "faux" historic buildings that are replacing the real thing. He requested that the Council require the preparation of an Environmental Impact Report before anything is approved on this property.

Deputy City Attorney Whitham clarified that the original staff recommendation was that an Environmental Assessment be completed to determine whether a Negative Declaration, a Mitigated Negative Declaration, or an Environmental Impact Report should be prepared.

Mary Ellen Halpern, Rolling Hills Estates, stated that she would like to move to this area and believes this project should be modified.

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 McIntyre).

Councilmember Witkowsky noted that Dr. Wuellner determined that the existing structure "is not architecturally distinctive, outstanding, or rare and would not, therefore, be potentially eligible as an individual resource at the federal, state or local level for its architectural significance" and "the subject property does not presently appear to be situated within a contiguous building group or district of intact, associated resources, therefore, it does not appear that a potential historic district exists in the immediate vicinity of the subject property."

Councilmember Witkowsky noted her agreement with Dr. Wuellner's assessment, relating her observation that the subject property is located in neighborhood with a mix of building types, some of which like buildings in question, are in very poor condition. She cited Post Avenue and El Prado as streets with the uniformity she believes necessary for a historic zone. For the benefit of the audience, she explained that the Council elected not to establish a Historic Preservation Overlay Zone when this issue was considered and instead took steps to implement the Mills Act which offers tax incentives for those property owners who wish to preserve or renovate their homes.

MOTION: Councilmember Witkowsky moved to not go forward with the Environmental Assessment and to instead rely on the Categorical Exemption, which the Council believes applies in this case. The motion was seconded by Councilmember Drevno and passed by unanimous roll call vote (absent Councilmember McIntyre).

Councilmember Sutherland shared an email he received from residents who live directly behind the proposed project in which they dispute the claim that the existing dilapidated structures are historic and urge that the project be approved so these eyesores can be demolished. Voicing support for the project, he stated that he believes more weight should be given to the opinion of those who live adjacent to a project as opposed to those who live blocks away.

MOTION: Councilmember Sutherland moved to deny the appeal and approve the project. The motion was seconded by Councilmember Witkowsky and passed by a 5-1 roll call vote, with Councilmember Nowatka dissenting (absent Councilmember McIntyre).

RESOLUTION NO. 2007-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AS PROVIDED FOR IN DIVISION 9, CHAPTER 5, ARTICLE 1 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF A THREE-UNIT CONDOMINIUM DEVELOPMENT ON PROPERTY LOCATED IN THE R-3 ZONE AT 1829 CABRILLO AVENUE

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2007-58. The motion was seconded by Councilmember Witkowsky and passed by a 5-1 roll call vote, with Councilmember Nowatka dissenting (absent Councilmember McIntyre).

RESOLUTION NO. 2007-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A DIVISION OF LOT AS PROVIDED FOR IN DIVISION 9, CHAPTER 2, ARTICLE 29 OF THE TORRANCE MUNICIPAL CODE ALLOWING ONE LOT TO BE SUDIVIDED FOR A THREE-UNIT CONDOMINIUM PROJECT ON PROPERTY LOCATED IN THE R-3 ZONE AT 1829 CABRILLO AVENUE

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2007-59. The motion was seconded by Councilmember Witkowsky and passed by a 5-1 roll call vote, with Councilmember Nowatka dissenting (absent Councilmember McIntyre).

At 9:20 p.m. the Council reconvened as the Redevelopment Agency, and the Redevelopment Agency meeting was adjourned at 9:21 p.m.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Sutherland commended volunteers and City staff from various departments for making the Armed Forces Day Parade and Celebration a success.

17B. Councilmember Brewer voiced his opinion that no City commissioner should receive a stipend of less than \$10:00 per meeting and, with the concurrence of Council, requested that staff bring forward an item on this issue.

17C. Mayor Scotto commended the Police Department, the Fire Department and all City employees involved in the Armed Forces Day Parade and Celebration for a well run event. He stated that he was pleased by the large turnout for the Air Force band concert on Friday evening and thought the length of the parade, at 2 hours and 10 minutes, was perfect.

17D. Referring to Agenda Item 13B, Mayor Scotto requested that staff work with the Parks and Recreation Commission to formulate a procedure for the rental of the Benstead Plunge.

17E. Otto Stiefel, Torrance Firefighters Association, thanked the Council and staff for working with TFFA on the goal of providing a fully staffed fifth rescue unit. He noted that TFFA presented scholarships to Torrance high school students earlier in the day and invited everyone to attend the Community Awards Luncheon on June 1st.

17F. Jim Matsui, Torrance, requested that swim teams other than Swim Torrance be allowed to have access to the Benstead Plunge.

17G. Mary Fricke, Torrance, emphasized that there are other swim teams in Torrance that would like to use the plunge.

17H. Edward Pierce, Rolling Hills Estates, requested clarification of the Council's action on Agenda Item 12 (Format Change to Airport Hangar Waiting List).

18. EXECUTIVE SESSION

At 9:41 p.m., the City Council recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 18A) Conference with Labor Negotiator, pursuant to California Government § 54957.6.

The Council reconvened in Council Chambers at 10:00 p.m. No formal action was taken on any matter considered in closed session.

19. ADJOURNMENT

At 9:59 p.m., the meeting was adjourned to Tuesday, June 5, 2007 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers. **Tuesday, May 29, 2007 will be a Council dark night.**

Attest:

/s/ Frank Scotto

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers,
City Clerk of the City of Torrance

Approved on July 17, 2007