

September 26, 2006

**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, September 27, 2006 in City Council Chambers at Torrance City Hall.

ROLL CALL

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

Absent: Councilmembers Drevno and McIntyre.

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

Agenda Item 18 was considered out of order at this time.

18. EXECUTIVE SESSION

The Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 18A) Conference with Legal Counsel – Existing Litigation, pursuant to California Government § 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 Boy Scout Troop 851, Ron Taji, Scoutmaster.

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, September 22, 2006.

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 Nowatka and passed by unanimous roll call vote (absent Councilmembers Drevno and McIntyre).

4. WITHDRAWN OR DEFERRED ITEMS

None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

City Clerk Herbers announced that the second Commissioner Certification Training class would be held on Wednesday, October 25, and that registration can be completed online.

City Clerk Herbers announced that applications were being accepted to fill the vacancy on the Planning Commission, with the appointment to be made at the November 7 City Council meeting. She noted that a revised commission application form is posted on the City Clerk website.

Councilmember Witkowsky announced that the Public Safety Committee would meet on Thursday, September 28, at 4:00 p.m. at City Hall to discuss disaster preparedness issues.

6. COMMUNITY MATTERS

6A. RECOGNITION OF MILLS CORPORATION'S DONATIONS

Mayor Scotto presented a plaque and keepsake box to Elena de Salvo, representing the Mills Corporation, in recognition of the company's \$50,000 donation for the 47th Annual Armed Forces Day Celebration and \$23,500 donation for the Fourth of July Celebration.

7. ORAL COMMUNICATIONS #1

7A. Irene Griffith, Torrance, asked the City to consider placing "no overnight parking" signage at Wilson Park to advise new homeowners on Oak and Jefferson of this restriction.

7B. Gene Higginbotham, Torrance, expressed an interest in seeing new dining and entertainment establishments in downtown Torrance to make it more of a destination and urged the Council to reignite the Redevelopments Agency's efforts to revitalize the downtown area.

8. CONSENT CALENDAR

8A. APPROVAL OF MINUTES – AUGUST 1 AND AUGUST 8, 2006

8B. LIBRARY COMMISSION MEETINGS AT BRANCH LIBRARIES

Considered separately, see page 4.

8C. SECOND AMENDMENT TO FEE AGREEMENT WITH RUTAN & TUCKER

Recommendation

The **City Attorney** recommends that City Council approve the Second Amendment to the fee agreement with the law firm of Rutan & Tucker (C2006-021) to provide legal services in the matter of Willett v. City of Torrance in the additional amount of \$75,000 for a total contract amount not to exceed \$99,000.

8D. PURCHASE OF POLICE MOTORCYCLES

Considered out of order, see page 4.

8E. AGREEMENT AMENDMENT WITH RBF CONSULTING RE CITYWIDE TRAFFIC STUDY

Recommendation

The **Community Development Director** recommends that City Council execute an amendment to the existing consulting services agreement with RBF Consulting (C2004-209) to extend its services to November 16, 2007 for the citywide traffic study.

8F. AGREEMENT AMENDMENT WITH P & D CONSULTANTS RE GENERAL PLAN UPDATE

Recommendation

The **Community Development Director** recommends that City Council execute an amendment to the existing consulting services agreement with P & D Consultants (C2004-197) to extend its service to October 26, 2007 for the General Plan Update.

8G. ACCEPTANCE/APPROPRIATION OF TORRANCE LIBRARY FOUNDATION GRANT

Considered separately, see page 5.

8H. PURCHASE ORDER RE ELECTRONIC MAIL PROCESSING SYSTEM

Recommendation

The **General Services Director** recommends that City Council:

- 1) Authorize a purchase order to Hasler, Inc., of Shelton, CT, as a cooperative purchase with the Western States Contract Alliance (WSCA) in the amount of \$27,014.87, to furnish and deliver a Hasler WJ250 electronic mail processing system (FEAP #620); and
- 2) Appropriate \$27,014.87 from Central Services Equipment Replacement Fund.

8I. MEMORANDUM OF UNDERSTANDING RE UPDATED DIGITAL AERIAL PHOTOGRAPHY

Recommendation

The **Community Development Director** recommends that City Council:

- 1) Approve a Memorandum of Understanding (MOU) by and between the County of Los Angeles and the City of Torrance and authorize expenditure of \$73,428 for updated digital aerial photography; and
- 2) Authorize the Mayor to execute and City Clerk to attest to this agreement.

8J. LICENSE AGREEMENT FOR GROUNDWATER MONITORING WELLS

Recommendation

The **Community Development Director** recommends that City Council authorize the Mayor to execute and City Clerk to attest to a license agreement with Tyco Electronics Corporation for seven (7) groundwater monitoring wells.

8K. CONTRACT WITH HVAC MECHANICAL FOR EXHAUST FAN AND BOILER REPLACEMENT

Recommendation

The **General Services Director** recommends that City Council

- 1) Award a contract to HVAC Mechanical for \$92,822 with a 5% contingency of \$4,641 for Exhaust Fans (FEAP #83) and Boiler Replacement (FEAP #314) at the Police Department with a 10% project management fee of \$9,282; and
- 2) Appropriate \$36,865 from Building Maintenance and Facilities Fund (#4012800).

8L. PURCHASE ORDER WITH COOK EQUIPMENT COMPANY FOR 4-WHEEL DRIVE LOADER/BACKHOE

Recommendation

The **General Services Director** recommends that City Council award a purchase order to Cook Equipment Company of Fullerton, CA in the amount of \$58,909.03 to furnish one (1) 2006 New Holland Model B95 4-Wheel Drive Loader/Backhoe with five (5) year/5000 hour extended warranty (includes sales tax). (B2006-32)

MOTION: Councilmember Sutherland moved for the approval of Consent Calendar Items 8A through 8L, with the exception of Items 8B, 8D and 8G. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Councilmembers Drevno and McIntyre).

Consent Calendar Items 8B, 8D and 8G were considered separately at this time.

8B. APPROVAL OF LIBRARY COMMISSION MEETINGS AT BRANCH LIBRARIES

Recommendation

The **Library Commission** recommends that City Council approve of the Commission convening five regularly-scheduled meetings at the branch libraries rather than at the Katy Geissert Civic Center Library to encourage greater public participation.

City Librarian Weiner advised that the Library Commission tries to hold at least one meeting at each of the five branch libraries to become more familiar with the neighborhood in which they are located and to encourage greater public participation.

For the benefit of the public, Councilmember Nowatka noted the dates and locations of the meetings.

MOTION: Councilmember Witkowsky moved to concur with the Library Commission's recommendation. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Councilmembers Drevno and McIntyre).

8D. PURCHASE OF POLICE MOTORCYCLES

Recommendation

The **Interim Police Chief** and the **General Services Director** recommend that City Council:

- 1) Authorize the purchase of nineteen (19) 2007 Harley Davidson FLHPI "Road King" Police Motorcycles from Harley Davidson of Westminster, CA (B2006-29)
Total purchase price, including sales tax is \$383,308.28;
- 2) Authorize a sole-source purchase order with PVP Communications, Inc. of Torrance, CA to furnish and install radio interface cables onto nineteen (19) 2007 Harley Davidson FLHPI "Road King" Police Motorcycles. Total price, including sales tax is \$30,279.73; and
- 3) Authorize additional appropriation of \$67,788.01 to FEAP #568 (Police Motorcycle Replacement)

Mayor Scotto noted that concerns have been raised about replacing the entire motorcycle fleet at one time.

Fleet Services Manager Winnett advised that 14 of 19 Kawasaki motorcycles in use by the Police Department were due or past due for replacement and the decision was made to replace the entire fleet because Kawasaki no longer manufactures a police version of its motorcycle and there are benefits of standardization with regard to training and maintenance. He noted that the Kawasakis also did not have anti-lock brakes, which have been shown to prevent accidents.

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

8G. ACCEPTANCE/APPROPRIATION OF TORRANCE PUBLIC LIBRARY FOUNDATION GRANT

Recommendation

The **Community Services Director** recommends that City Council accept and appropriate a grant of \$40,000 from the Torrance Public Library Foundation to fund a Homework Center at the Southeast Branch Library (FEAP #621).

City Librarian Weiner expressed appreciation to the Torrance Public Library Foundation for their efforts to raise funds for the much needed Homework Center at the Southeast Branch Library.

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 Councilmembers Drevno and McIntyre).

12. ADMINISTRATIVE MATTERS

12A. ESTABLISHMENT OF BLUE RIBBON COMMITTEE RE ETHICS POLICIES AND PROCEDURES

Recommendation

The **City Manager** recommends that City Council adopt a Resolution creating a Blue Ribbon Committee to study ethics and integrity in city government for a fixed term and providing for the appointment of its members and its power and duties; and set October 10, 2006 as the date that the Committee members be appointed.

Assistant City Attorney Pohl advised that the proposed Resolution provides the framework for the creation of a Blue Ribbon Committee to study ethics and integrity in city government and reflects the amendments made by the Council at the last meeting.

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

RESOLUTION NO. 2006-75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE CREATING A BLUE RIBBON COMMITTEE TO STUDY ETHICS AND INTEGRITY IN CITY GOVERNMENT FOR A FIXED TERM AND PROVIDING FOR THE APPOINTMENT OF ITS MEMBERS AND ITS POWER AND DUTIES

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2006-75. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Councilmembers Drevno and McIntyre).

12B. APPROPRIATION OF FUNDS FOR CAPITAL PROJECTS

Recommendation

The **City Manager** and the **Finance Director** recommend that City Council appropriate funds in the amount of \$4,475,000 for the following:

- 1) Design and Study of the Realignment of Plaza Del Amo (\$350,000),
- 2) Resurfacing of 190th Street (Hawthorne to west City boundary - \$1,650,000),
- 3) Del Amo Boulevard extension (\$1,000,000),

- 4) Seismic retrofitting of shelves at branch libraries (\$450,000),
- 5) Katy Geissert Civic Center Library main floor remodel (\$627,000), and
- 6) Replacement of two heavy duty vehicle hoists (\$380,000).

Mayor Scotto asked that the Del Amo Boulevard extension project be removed from consideration and discussed separately at the October 3, 2006 Council meeting.

MOTION: Councilmember Sutherland so moved. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Councilmembers Drevno and McIntyre).

Finance Director Tsao briefly reviewed the Capital projects to be funded.

Councilmember Witkowsky asked about funding for the reconfiguration of the Columbia Park parking lot.

City Manager Jackson advised that Columbia Park improvements were not being recommended for funding at this time and would be looked at again after the November election.

Mayor Scotto noted that Redondo Beach has already allocated funding for the resurfacing of 190th Street so it is an opportune time for Torrance to complete the segment from the Redondo Beach boundary to Hawthorne Boulevard.

Library Services Manager Reeder reported on the seismic retrofitting of bookshelves at the main library and branch libraries to meet current safety standards.

MOTION: Councilmember Sutherland moved to concur with the staff recommendation with the exception of the Del Amo Boulevard extension project. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmembers Drevno and McIntyre).

12C. CITIZEN DEVELOPMENT AND ENRICHMENT COMMITTEE REPORT ON JOINT MEETING WITH TORRANCE UNIFIED SCHOOL DISTRICT

Recommendation

The **Citizen Development and Enrichment Committee** recommends that City Council accept and file a report on the September 13, 2006 joint meeting with the Torrance Unified School District (TUSD).

Councilmember Nowatka, Chair of Citizen Development and Enrichment Committee, reported on the joint meeting held on September 13, 2006 with the Torrance Unified School District. He noted that the City has decided to reallocate the approximately \$3 million that was set aside for the realignment of Plaza del Amo – which requires the acquisition of right-of-way from the school district – to address more pressing capital needs, but will continue to explore this issue. He reported that a proposal to build a new aquatic center was discussed, however neither the City nor the school district have funding available for such a project, therefore, the formation of a task force was not recommended. He advised that Hull School will be closing at the end of the school year and the City was looking into ways of preserving open space on the school grounds for recreational use.

Assistant City Manager Giordano provided a brief summary of the services the City provides to Torrance Unified School District.

Rachelle Toti, Ronald Avenue, commented on the need for an aquatic center to accommodate high school students participating in aquatic sports. She reported that she discussed this issue with Mayor Scotto and has agreed to speak with the school district to confirm the availability of a site on one of the high school campuses as a first step.

MOTION: Councilmember Sutherland moved to accept and file the report. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Councilmembers Drevno and McIntyre).

13. **HEARINGS**

13A. **PCR06-00004, WAV06-00003: 1804 ANDREO AVENUE**

Recommendation

The **Planning Commission** recommends that City Council deny the appeal, deny a Planning Commission Review (PCR06-00004), and deny a Waiver (WAV06-00003) for the construction of a new (replacement) dwelling unit with a Floor Area Ratio above 0.5 and a reduced exterior side yard setback on property located in the Small-lot Low-Medium Overlay District in the R-2 zone at 1804 Andreo Avenue.

The **Community Development Director** recommends approval of the appeal, approving the project with conditions, and adoption of Resolutions of approval.

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.

With the aid of slides, Planning Manager Lodan reviewed the proposed project. He reported that the Planning Commission voted 5-1 to deny the project, citing concerns about the reduced side yard setback and the Floor Area Ratio.

Kamaren Henson, applicant, reported that the new second unit was designed to reflect the architectural elements of the existing front unit in order to create a unified appearance. She explained that the Waiver of the side yard setback is necessary to allow for structure's tiered effect and to shield rear parking from view; pointed out that it would be in line with other setbacks along this street frontage; and noted that the existing front setback of 32 feet will be maintained. Using photographs to illustrate, she contended that the project is consistent with the area and cited statistics indicating that 50% of properties in the immediate area have two units and 25% have an FAR greater than .60. She requested that the Council approve the project as submitted, noting that all of her immediate neighbors support the project and believe it will be an improvement to the neighborhood.

Using slides to illustrate, Don Barnard, Save Historic Old Torrance (SHOT), voiced objections to the proposed project, contending that its size and architectural design were not consistent with the existing front unit or other homes in the vicinity and that it would negatively impact this historic neighborhood. He maintained that the preparation of an EIR (Environmental Impact Report) is required before any project on this site can go forward according to CEQA (California Environmental Quality Act) guidelines. He offered an alternative design that preserves the existing structure and complies with setback requirements. He shared photographs of the large front setbacks in the area and stressed the importance of maintaining this conformity.

Nina McCoy, 220th Street, stated that she was opposed to the project because it was contrary to efforts preserve this historic neighborhood.

Dave Schafer, Beech Avenue, voiced his opinion that the proposed project was too large and urged that building standards be enforced to protect the charm of the old Torrance area.

Marvin Miller, Andreo Avenue, expressed support for the project, stating that he believes it fits in well with the neighborhood and would be a great improvement.

Gabriela Juarez, Cabrillo Avenue, noted that she works as a Planner for the City of Los Angeles and suggested that Torrance may want to monitor lawsuits filed against that city related to historic preservation. She commented on the unique nature of the old Torrance area and urged the Council to do everything possible to preserve it.

Mary Steinkamp, Acacia Ave, stated that she has been alarmed by recent development in the area; expressed concerns about “mansionization”; and requested that the Council deny the project.

Janet Payne, Engracia Avenue, stated that she applauds the design, but believes the project is too large and out of scale with the neighborhood. She called for the creation of a historic preservation overlay zone (HPOZ) to preserve historic structures in the area.

Bonnie Mae Barnard, SHOT, read a letter from Susan Brand-Hawley, an attorney specializing in historic preservation, contending that an EIR is required according to CEQA guidelines and urging denial of the project.

Ms. Barnard stated that SHOT opposes the project because it does not comply with standards of the Small Lot, Low-Medium Overlay District and it is not sensitive to the historical nature of this street, which is one of the oldest in Torrance. She contended that an EIR is required before any development can take place on this site because a fair argument has been made that it is located in a historic area, even though it has not been formally recognized as such.

Janet Groves, Border Avenue, voiced support for the project, stating that the applicant was simply trying to replace an old outdated house with a modest three-bedroom home that is consistent with other homes in the neighborhood. She contended that the proposed project would be an attractive addition to the neighborhood unlike the huge, box-like structures built in the past that neighbors were seeking to prevent.

David Thomas, Border Avenue, expressed support for the project, citing the need to modernize and provide space for growing families.

Raymie McCoy, 220th Street, maintained that the project was not consistent with the neighborhood because the front and rear units would not face in the same direction as is the case with other two-unit developments in this area. He urged the Council not to compound bad decisions made in the past by approving this project.

Sharon Imel, co-owner of the subject property, disputed the claim that the proposed project was not consistent with the existing structure, explaining that the new rear unit duplicates the architectural elements of the front unit's Spanish eclectic design. She reported that renovating the existing structure would be cost prohibitive and noted that 11 neighbors have signed a petition in support of the project.

Using photographs to illustrate, Ms. Henson contended that Mr. Barnard misrepresented setbacks in the neighborhood by neglecting to show nearby properties that have less than the setback she was proposing. She noted that the new rear unit would extend only four feet beyond the existing structure and that the large front yard would be maintained in line with other homes on this block. She stated that the alternative design suggested by Mr. Barnard would still require the demolition of the existing structure to upgrade the foundation and its box-like appearance and exposed parking was exactly what she was trying to avoid. She expressed concerns that those who oppose the project were trying to intimidate neighbors who support it.

Asked to comment on the CEQA issue, Deputy City Attorney Whitham advised that second units in a residential zone are categorically exempt from CEQA unless it is found that the unit may cause a substantial adverse change in the significance of a historic resource, and the subject property has not been determined to be a historic resource as defined by CEQA.

Responding to questions from the Council, Planning Manager Lodan provided clarification regarding the project's Floor Area Ratio and reported that approximately 480 square feet of living area would have to be eliminated from the second unit to reduce the FAR to .50.

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

Councilmember Sutherland noted the positive aspects of the project, including the additional parking, the more usable open space and the retention of the existing front unit and large front setback, but expressed concerns that approving an FAR of .58, could encourage other property owners to seek approval of projects with higher FARs. He stated that he believed the architectural style of the project was consistent with the neighborhood and that he did not agree with those who characterized the proposed 1900 square-foot second unit as a mansion.

Councilmember Brewer commended the applicant on the design of the project; doubted that it would be feasible to remodel the existing rear structure; and echoed Councilmember Sutherland's concerns about the project's FAR in excess of .50.

Councilmember Witkowsky noted that after studying the historic preservation issue approximately 18 months ago, the Council chose not to establish a Historic Preservation Overlay Zone and voted instead to allow individual property owners interested in preserving their homes to take advantage of the property tax reduction afforded by the Mills Act, therefore, the applicant cannot be required to remodel the existing rear structure, which is in very poor condition. Voicing support for the project, she cited the benefits of having enclosed garages and more "eyes" on the alley to the

rear of the project where there have been incidents of vandalism and the fact that the large front setback and existing front unit would be retained. She related her observation that there are a variety of architectural styles and types of homes in this neighborhood.

Mayor Scotto voiced his opinion that it was very important that the Council adhere to development standards in overlay zones that were created to protect certain areas of the City and expressed concerns about the uneven enforcement of these standards in the past, noting that this was a major issue in the recent election.

Councilmember Nowatka stated that he liked the project, but agreed with Mayor Scotto that the Council had an obligation to enforce development standards.

MOTION: Councilmember Brewer moved to deny the appeal and deny the project without prejudice. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote (absent Councilmembers Drevno and McIntyre).

Planning Manager Lodan noted that resolutions denying the project would be brought back for adoption at a later date.

Commenting on his vote, Councilmember Sutherland noted that his only objection to the project was the FAR in excess of .50.

Councilmember Witkowsky stated that she very much liked the project and expressed the hope that some minor modifications could be made to bring the FAR down to .50.

Councilmember Nowatka, echoed by Councilmember Brewer, indicated that he would have supported the Waiver of the side yard setback requirement because there are other properties along 218th Street with similar setbacks.

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The Council met as the Redevelopment Agency from 10:02 p.m. to 10:26 p.m.

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17. ORAL COMMUNICATIONS

17A. Councilmember Sutherland asked, with the concurrence of Council, that staff explore the possibility of maintaining a list of future hearings so residents would have ample time to investigate the pros and cons of a project and not be caught unprepared to respond when a hearing does come before Council.

17B. Councilmember Witkowsky commented on an accident witnessed by off-duty firefighter Tad Friedman, who aided the driver of an over-turned vehicle, and suggested that staff nominate him for a Medal of Valor award.

17C. Councilmember Witkowsky read a report from former Councilmember Mike Mauno, representing Torrance on the Los Angeles County West Vector Control District, regarding West Nile virus activity in the region during the past month.

17D. Mayor Scotto commended Bert Lynn Middle School, which was named a National Blue Ribbon School, with a ceremony to be held in Washington D.C. in November.

17E. Bonnie Mae Barnard, Torrance, extended a public invitation to the Save Historic Old Torrance Christmas Tea and Tour on December 2.

17F. Charles Leone, Torrance, commended Mayor Scotto and Councilmember Brewer on the article in the *Daily Breeze* regarding efforts to encourage the use of public transportation in Torrance.

18. **EXECUTIVE SESSION**

Considered earlier in the meeting, see page 1.

19. **ADJOURNMENT**

At 10:36 p.m., the meeting was adjourned to Tuesday, October 3, 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/ Frank Scotto

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers

City Clerk of the City of Torrance

Approved on November 14, 2006