

November 14, 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 7:05 p.m. on Tuesday, November 14, 2006 in City Council Chambers at Torrance City Hall.

ROLL CALL

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

Absent: None.

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

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by General Services Director Sheryl Ballew.

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 Thursday, November 9, 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 Witkowsky and passed by unanimous roll call vote.

4. WITHDRAWN OR DEFERRED ITEMS

City Manager Jackson announced that the appellant and proponent had agreed to postpone RDA Item 5A (*CUP06-00009, TTM61985R: Michael Mulligan Development/ Michael Bihn*) to November 21, 2006. He asked that the public hearing be opened at the appropriate time and continued to that date.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Mayor Scotto asked that the meeting be adjourned in memory of retired city employee Fidel Herrera.

Councilmember McIntyre announced that the Finance and Governmental Operations Committee had met earlier in the evening and a full report would be coming back to the City Council on November 21, 2006.

City Clerk Herbers announced that applications were being accepted for commission appointments on January 9, 2007. Deadline for receipt of applications is Wednesday, January 3, 2007. She also announced that the Local Appointment List is posted on the city clerk website at www.torrcity.net along with an interactive application form. Questions should be directed to the City Clerk's office at 310.618.2870.

Mayor Scotto announced that the City Council would meet with the Environmental and Energy Conservation Commission in the West Annex Commission Room on Tuesday, November 21.

6. COMMUNITY MATTERS

6A. RESOLUTION NO. 2006-82 RE GILBERT THOMAS GARNICA

RESOLUTION NO. 2006-82

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING GILBERT THOMAS GARNICA UPON HIS RETIREMENT FROM THE CITY AFTER FORTY-SIX YEARS OF SERVICE

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2006-82. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

To be presented at a later date.

6B. PRESENTATION BY SISTER CITIES ASSOCIATION

Torrance Sister Cities Association President Ray Roulette and TSCA member Dr. Amy Coury presented the book: *Sister Cities International – Peace Through People: 50 Years of Global Friendship* to Mayor Scotto.

6C. APPOINTMENT OF PLANNING COMMISSIONER

Recommendation

The **City Clerk** recommends that City Council review applications and make an appointment to fill a vacancy on the Planning Commission.

Candidates were introduced and given an opportunity to address the Council.

MOTION: Councilmember Witkowsky, seconded by Councilmember Nowatka, moved to appoint Kurt Weideman to the Planning Commission (term ending January 15, 2010) by unanimous ballot; hearing no objection, Mayor Scotto so ordered.

City Clerk Herbers administered the oath of office.

Mayor Scotto, with the concurrence of the City Council, asked that staff bring forward an item as soon as possible to establish a requirement that all new commission candidates receive Commission Training certificates to be eligible for appointment.

7. ORAL COMMUNICATIONS #1

7A. Susan Zimmerman, Torrance, provided information about the Blue Star Program, which recognizes families of active military personnel serving overseas.

8. CONSENT CALENDAR

8A. APPROVAL OF MINUTES – AUGUST 15, SEPTEMBER 26, AND OCTOBER 3, 2006

8B. APPROVAL OF STREETScape PLAN FOR DONATED TREES

Considered separately, see page 5-6.

8C. CONTRACT FOR CARPET REPLACEMENT IN MAIN CITY HALL BUILDING

Recommendation

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

- 1) Award a contract to V.T.P. Inc. for \$21,999 (B2006-36) with a 5 % contingency of \$1,100 for carpet replacement in Main City Hall (FEAP #560); and,
- 2) Appropriate \$8,138 from the Capital Project Maintenance Fund.

8D. PURCHASE ORDER FOR AUTOMATED REFUSE AND RECYCLING CONTAINERS

Recommendation

The **Public Works Director** recommends that City Council:

- 1) Appropriate \$34,735.26 from the Sanitation Enterprise Fund for the purchase of automated refuse and recycling containers; and
- 2) Authorize a purchase order with Toter Incorporated of Statesville, NC in the amount of \$34,735.26 for the sole source purchase of 672 Toter automated curbside refuse and recycling containers.

8E. MEMORANDUM OF UNDERSTANDING FOR PROPOSITION C 40% DISCRETIONARY FUNDS

Recommendation

The **Transit Director** recommends that City Council approve a Memorandum of Understanding (MOU) with the Los Angeles County Metropolitan Transportation Authority (MTA) for the allocation of Proposition C 40% Discretionary funds for the period from July 1, 2006 to June 30, 2007 for the Municipal Operator Service Improvement Program (MOSIP).

8F. INVESTMENT REPORT FOR SEPTEMBER 2006

Recommendation

The **City Treasurer** recommends that City Council accept and file the monthly investment report for the month of September 2006.

8G. AGREEMENT WITH CITY OF PALOS VERDES ESTATES

Recommendation

The **Finance Director** recommends that City Council approve a multi-year (fiscal years 2006-2007 and 2007-2008) agreement with the City of Palos Verdes Estates for an exchange for \$69,000 and \$138,000 in City of Torrance General Funds for \$100,000 and \$200,000 respectively of Proposition A Local Return Funds from the City of Palos Verdes Estates.

8H. AGREEMENT AMENDMENT FOR UNIFIED HAZARDOUS WASTE AND MATERIALS MANAGEMENT REGULATORY PROGRAM

Recommendation

The **Fire Chief** recommends that City Council approve Amendment No. 1 to agreement between the Consolidated Fire Protection District of Los Angeles County (the County) and the City of Torrance (C1995-093) for administration of the Unified Hazardous Waste and Materials Management Regulatory Program.

8I. PARKS AND RECREATION COMMISSION 2005-2006 ANNUAL REPORT

Recommendation

The **Community Services Director** recommends that City Council accept and file the Parks & Recreation Commission 2005-2006 Annual Report.

8J. PURCHASE OF UTILITY TRUCKS

Recommendation

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

- 1) Authorize the sole-source purchase of three (3) 2006 Mag International Model "T-Mag" Gasoline-Powered Utility Trucks with Standard Cabs from Mag International, Inc. of Fountain Valley, CA. Total price, including sales tax is \$44,151.61; and
- 2) Approve the appropriation of \$44,151.61 from the Fleet Services fund balance.

8K. CONTRACT FOR REPLACEMENT OF ROOFS OF VARIOUS PARK RECREATION BUILDINGS

Recommendation

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

- 1) Award a contract to A -1 All American Roofing Company Inc. (B2006-39) for \$42,500 with a 5% contingency of \$2,125 for roof replacement at various park buildings (FEAP #178 and #319);
- 2) Authorize a 10% project management fee of \$4,250; and
- 3) Approve use of available funds from FEAP #178 Sea-Aire Recreation Center and Maintenance Building and FEAP #319 La Romeria Recreation Center for Walteria Maintenance Building and Torrance Park Bandstand.

8L. CONTRACT FOR REPLACEMENT OF AIR CONDITIONING UNIT AT FAA TOWER

Recommendation

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

- 1) Award a contract to HVAC Mechanical Inc. for \$129,800 with a 5 % contingency of \$ 6,490 for replacement of the air conditioning unit at the FAA Tower (FEAP #136); and authorize a 10% project management fee of \$12,980; and
- 2) Appropriate \$134,390 from the Airport Enterprise Fund.

8M. WATER COMMISSION 2005-2006 ANNUAL REPORT

Recommendation

The **Public Works Director** and Water Commission recommend that City Council accept and file the 2005-2006 Water Commission Annual Report.

8N. AGREEMENT FOR INSTALLATION OF UNDERGROUND LIGHTING CONDUIT AT ZAMPERINI FIELD

Recommendation

The **Public Works Director** recommends that City Council accept the informal bid and award a contract services agreement to Kingsboro Construction in an amount not to exceed \$47,293.25 and authorize a 5% contingency in the amount of \$2,364.66 for installation of additional conduit in conjunction with Underground Lighting Conduit at Zamperini Field, Phase I.

8O. REVISED AGREEMENT FOR UPDATE OF AIRPORT LAYOUT PLAN

Recommendation

The **Public Works Director** recommends that City Council approve a revised consulting services agreement with DMJM Aviation in an amount not to exceed \$29,000 to update the Airport Layout Plan (ALP) at Zamperini Field.

8P. PURCHASE ORDER FOR PURCHASE/ INSTALLATION OF PARTICULATE MATTER AFTER-TREATMENT DEVICES ON MAX BUSES

Recommendation

The **Transit Director** recommends that City Council award a purchase order to Cummins Cal Pacific, LLC for the purchase and installation of Particulate Matter (PM) After-Treatment devices (FEAP #483) on fourteen (14) Municipal Area Express (MAX) buses in an amount not to exceed \$171,048.29.

8Q. MEMORANDUM OF UNDERSTANDING FOR PROPOSITION C 40% DISCRETIONARY FUNDS

Recommendation

The **Transit Director** recommends that City Council authorize the Mayor to execute and City Clerk to attest to a Memorandum of Understanding (MOU) with the Los Angeles County Metropolitan Transportation Authority (MTA) for the allocation of Proposition C 40% Discretionary funds for the period from July 1, 2006 to June 30, 2007 for the mitigation of cost increases in fuel.

8R. MEMORANDUM OF UNDERSTANDING FOR PROPOSITION C 5% SECURITY FUNDS

Recommendation

The **Transit Director** recommends that City Council approve a Memorandum of Understanding (MOU) with the Los Angeles County Metropolitan Transportation Authority (MTA) for the regional (Los Angeles County) allocation of Proposition C 5% Security funds for the period from July 1, 2006 to June 30, 2007.

8S. PURCHASE ORDER FOR TRUCK HOISTS

Recommendation

The **Transit Director** recommends that City Council award a purchase order to Peterson Hydraulics of Gardena, CA for the purchase and installation of three (3) Rotary Model MOD30 Truck Hoists in an amount not to exceed \$392,972.58.

MOTION: Councilmember Drevno moved for the approval of Consent Calendar Items 8A through 8S, with the exception of 8B. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

Consent Calendar Item 8B was considered separately at this time.

8B. APPROVAL OF STREETScape PLAN FOR DONATED TREES

Recommendation

The **City Manager** recommends that City Council concur with a Streetscape Team recommendation for an implementation plan for the 150 tree donation from the Continental Skypark Corporation.

With the aid of slides, Assistant to the City Manager Sunshine reviewed the recommended locations for the planting of 150 36-inch box trees donated by Continental Skypark Corporation. He noted that two species of trees will be used – Brisbane Box and Crape Myrtle

Responding to questions from the Council, Streetscape Manager Emerson advised that Continental Skypark Corporation will bear the cost of purchasing and planting the trees and the only cost to the City will be the removal of 17 Ficus trees to be replaced with 29 Brisbane Box trees.

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

9. COMMUNITY SERVICES

9A. MODIFICATION TO TORRANCE COMMUNITY TRANSIT PROGRAM TAXI TICKETS

Recommendation

The **Transit Director** recommends that City Council approve the conversion of up to two (2) taxi tickets into thirteen (13) \$1.00 individual scrip tickets.

Transit Administration Manager Mills advised that the proposed modification would allow more flexibility in the paying of taxi fares as it would preclude the need for participants to pay cash, use a credit card or a full \$13.00 ticket when fares exceed \$13.00.

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

10. PLANNING AND ECONOMIC DEVELOPMENT

10A. RESOLUTIONS DENYING PCR06-00004, WAV06-00003: KAMAREN HENSON – 1804 ANDREO AVENUE

Recommendation

The **Community Development Director** recommends that City Council adopt Resolutions denying a Planning Commission Review to allow the construction of a new (replacement) dwelling unit resulting in a floor area ratio above 0.5 and a Waiver to allow a reduction of the exterior side yard setback on property located in the Small-lot Low-Medium Overlay District in the R-2 zone at 1804 Andreo Avenue. **PCR06-00004 and WAV06-00003: KAMAREN HENSON**

Planning Manager Lodan advised that the resolutions reflect the Council's action at the September 26, 2006 Council meeting.

RESOLUTION NO. 2006-83

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DENYING A PLANNING COMMISSION REVIEW TO ALLOW THE CONSTRUCTION OF A SECOND DWELLING UNIT RESULTING IN A FLOOR AREA RATIO ABOVE 0.5 FOR PROPERTY LOCATED IN THE R-2, SMALL LOT, LOW MEDIUM OVERLAY ZONE AT 1804 ANDREO AVENUE

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2006-83. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

RESOLUTION NO. 2006-84

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DENYING A WAIVER AS PROVIDED FOR IN DIVISION 9, CHAPTER 4, ARTICLE 2 OF THE TORRANCE MUNICIPAL CODE TO ALLOW A REDUCTION OF THE SIDE YARD SETBACK IN CONJUNCTION WITH THE CONSTRUCTION OF A SECOND DWELLING UNIT ON PROPERTY LOCATED IN THE SMALL LOT, LOW-MEDIUM OVERLAY R-2 ZONE AT 1804 ANDREO AVENUE

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2006-84. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

10B. RESOLUTION DENYING PRE06-00013: MILES PRITZKAT – 210 VIA EL TORO

Recommendation

The **Community Development Director** recommends that City Council adopt a Resolution denying a Precise Plan of Development for the construction of first and second-story additions to an existing one-story residence on property located in the Hillside Overlay District in the R-1 zone at 210 Via El Toro.

PRE06-00013: MILES PRITZKAT (EUGENE KWON)

Planning Manager Lodan advised that the resolution reflects the Council's action at the October 3, 2006 Council meeting.

RESOLUTION NO. 2006-85

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DENYING A PLANNING COMMISSION REVIEW AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW FIRST AND SECOND STORY ADDITIONS FOR AN EXISTING SINGLE FAMILY RESIDENCE IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 210 VIA EL TORO

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2006-85. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

12. ADMINISTRATIVE MATTERS

12A. SUPPLEMENTAL TO TORRANCE RECURRENT RECREATION EMPLOYEES ORGANIZATION MEMORANDUM OF UNDERSTANDING

Recommendation

The **City Manager** recommends that City Council adopt a Resolution pursuant to a Memorandum of Understanding amending Resolution No. 2006-59 setting forth hours, wages, working conditions for employees represented by the Torrance Recurrent Recreation Employees Organization (TRREO).

RESOLUTION NO. 2006-86

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2006-59 SETTING FORTH HOURS, WAGES, WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE RECURRENT RECREATION EMPLOYEES ORGANIZATION (TRREO)

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2006-86. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

12B. CONTRACT FOR LABOR RELATIONS ASSISTANCE

Recommendation

The **City Manager** recommends that City Council approve a contract with Liebert Cassidy Whitmore in an amount not to exceed \$70,000 for the period of one year to work with and assist in Labor Relations issues and negotiations.

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

12C. RECONSIDERATION OF PRECISE PLANS OF DEVELOPMENT AT 3874 NEWTON STREET

Recommendation

The **City Manager** recommends that City Council:

- 1) Determine whether or not to reconsider the two precise plans of development allowing for the construction of two single family residences in the Hillside Overlay District in the R-1 Zone at 3874 Newton Street; and
- 2) If Council votes to reconsider, direction is required to have the item re-noticed, re-advertised, and re-posted.

PRE06-00008 AND PRE06-00009: JEFFREY A. DAHL (STEVE & DEIDRE NORDEL)

Councilmember Witkowsky announced that she was abstaining from consideration of this item as she lives within 500 feet of the subject property and exited the dais.

Steve Nordel, 3874 Newton Street, applicant, reported that the project has been moving forward and he has incurred considerable expense preparing the site since the appeal was denied and the project was approved on October 10, 2006, and urged the Council not to reconsider this approval.

Connie Budde, 3875 Bluff Street, voiced support for the project.

Neil McFarlane, 3832 Bluff Street, contended that the proposed project does not meet the requirements for allowing a Floor Area Ratio (FAR) in excess of .50.

Bob Hoffman, 109 Via Sevilla, voiced objections to the reconsideration of this project in the absence of any new information. Referring to TMC §91.41.11, he noted that projects with FARs in excess of .50 are allowed in the Hillside Overlay area with the approval of a Precise Plan of Development.

John Heuer, 3855 Bluff Street, noted that he submitted a letter (of record) detailing his opposition to the project. He contended that no evidence has been presented to support the findings required to approve a project with an FAR in excess of .50 and urged that the approval be reconsidered.

Cheryl Gutierrez, 3869 Bluff Street, reported that the public was not given an opportunity to comment on modifications agreed to by the applicant at the Planning Commission meeting when the project was approved. She suggested that councilmembers may not have been aware at the October 10 hearing that several neighbors were appealing the project's approval because the appeal form has room for only one signature. She maintained that councilmembers had not seen the full impact of the project, which is only visible from the interior of her home, because the photographs presented at the hearing were misleading. She noted that trees that previously blocked the silhouette have been removed.

Gina Stunkard, 3889 Bluff Street, expressed concerns about the project's impact on her privacy and called for the reconstruction of the silhouette so the full impact could be determined.

John Fleming, 272 Calle de Madrid, voiced his opinion that a decision should be reconsidered only if there is a compelling reason because it's not fair to subject applicants to endless hearings and delays.

Returning to the podium, Mr. Nordel noted that all the issues mentioned by those who oppose the project have already been discussed at previous hearings.

Councilmember Brewer reported that he revisited the site and saw nothing that would cause him to change his vote.

MOTION: Councilmember McIntyre moved to reconsider the project. The motion was seconded by Councilmember Sutherland and failed to pass as reflected in the following roll call vote:

YES: Councilmembers McIntyre and Sutherland
NOES: Councilmembers Brewer, Drevno, Nowatka and Mayor Scotto
ABSENT: Councilmember Witkowsky

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The Council recessed at 8:25 p.m. and reconvened at 8:35 p.m., with all councilmembers present.

12D. VACATE PORTION OF AIRPORT DRIVE WEST OF ROLLING HILLS WAY

Recommendation

The **Community Development Director** recommends that City Council adopt a Resolution summarily vacating a portion of a public street easement on Airport Drive west of Rolling Hills Way.

Transportation Planning Manager Semaan advised that the area to be vacated was never used for its intended purpose; that it is not necessary for future street improvements; and that the vacation is needed to accommodate an area for leasing purposes.

RESOLUTION NO. 2006-87

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ORDERING THE SUMMARY VACATION OF A PORTION OF AIRPORT DRIVE WEST OF ROLLING HILLS WAY IN THE CITY OF TORRANCE

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2006-87. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

12E. DESIGNATION OF VOTING DELEGATE AND ALTERNATE FOR NATIONAL LEAGUE OF CITIES 2006 CONGRESS OF CITIES AND EXPOSITION

Recommendation

The **City Manager** recommends that City Council designate a voting delegate and voting alternate to represent the City of Torrance at the National League of Cities 2006 Congress of Cities and Exposition.

Management Associate Fulton noted that this year's annual Congress of Cities and Exposition is scheduled for December 5-9 and Mayor Scotto, Mayor pro tem Nowatka and Councilmember Witkowsky will be attending.

MOTION: Councilmember Nowatka moved to name Councilmember Witkowsky as voting delegate, with Mayor Scotto and Mayor pro tem Nowatka as alternates. The motion was seconded by Councilmember McIntyre and passed by a 6-1 roll call vote, with Councilmember Sutherland dissenting.

12F. CONSOLIDATION OF PARKS AND RECREATION COMMISSION AND COMMUNITY SERVICES COMMISSION

Recommendation

The **City Manager** recommends that City Council:

- 1) Disband the Community Services Commission;
- 2.) Add the current powers and duties of the Community Services Commission to those of the Parks and Recreation Commission;
- 3) Appoint current members of the Community Service Commission to the Parks and Recreation Commission and allow for an increased membership until future vacancies reduce the commission to the statutory seven members;
- 4) Adopt an Ordinance repealing Article 8 of Chapter 3 of Division 1 and amending Sections 13.2.1, 13.2.2, and 13.2.7 of Article 2 of Chapter 3 of Division 1 of the Torrance Municipal Code to add the duties of the Community Services Commission to those of the Parks and Recreation Commission and to allow for the temporary increase in membership; and
- 5) Consolidate the budgets for the two existing commissions into the Parks and Recreation Commission.

Assistant City Manager Giordano reviewed the proposal to consolidate the Parks and Recreation Commission and the Community Services Commission, which would allow for the more efficient use of City staff and resources and allow the reassignment of a recording secretary to cover Commission on Aging meetings.

Responding to questions from the Council, Community Services Director Barnett reported that commissioners on both of the commissions in question support the consolidation.

MOTION: Councilmember Nowatka moved to concur with the staff recommendation and add \$5,000 to Commission on Aging budget for recording secretary services. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

ORDINANCE NO. 3687

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE REPEALING ARTICLE 8 OF CHAPTER 3 OF DIVISION 1 OF THE TORRANCE MUNICIPAL CODE RELATING TO THE COMMUNITY SERVICES COMMISSION AND AMENDING ARTICLE 2 OF CHAPTER 3 OF DIVISION 1 TO SAID CODE RELATING TO THE PARKS AND RECREATION COMMISSION

MOTION: Councilmember Nowatka moved for the adoption of Ordinance No. 3687. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

12G. DIRECTION ON 2007-08 AND 2008-09 TWO-YEAR OPERATING BUDGET REGARDING PUBLIC INPUT

Recommendation

The **City Manager and Finance Director** request that City Council provide direction on public input related to the 2007-2009 two-year operating budget.

Finance Director Tsao reported that staff was recommending that the Council receive input from the public on the budget at the two community outreach meetings scheduled for Wilson Park on February 27 and South High School on April 17, as well as using joint Council/Commission meetings to hear from commissions and citizens on specific issues. He noted that budget hearings were tentatively scheduled for May 8 and May 15 with the adoption of the budget on May 22, 2007.

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

13. HEARINGS

13A. VAL06-00001 BRONCO POPOVICH – 1007 COTA AVENUE

Recommendation

Planning Commission and Community Development Director recommend that City Council deny the appeal and adopt a Resolution denying a Validation Permit to allow the retention of a structure after substantial reconstruction work was completed without the benefit of a building permit on property located in the R-2 zone at 1007 Cota Avenue.
VAL06-00001: BRONCO POPOVICH

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 briefly reviewed the request for a Validation Permit to allow the retention of a structure that has undergone substantial reconstruction without benefit of permit. He noted that the structure does not meet current zoning standards in terms of the side yard setback, the distance between the house and the garage, and accessory structure size limitations. He reported that the Planning Commission denied the Validation Permit by a vote of 3-2.

Responding to questions from the Council, Community Development Director Gibson advised that, generally, whenever more than 50% of a structure is repaired, a building permit is required, however, even minor repairs may trigger this requirement.

Referring to photographs to illustrate, Bronco Popovich, 1007 Cota Avenue, applicant, explained that the reconstruction came about as a result of a mold problem, which was caused by water migrating from a neighbor's planter, and there was no attempt to violate City laws. He noted that the repairs started with the rebuilding of a retaining wall under four feet in height, which does not require a building permit. He stated that the problem was much more extensive than he anticipated as each new area opened up turned out to be rotted and had to be reconstructed. He reported that the structure was originally built 86 years ago the footprint remains exactly the same.

Mr. Popovich maintained that the project meets all four criteria for granting a Validation Permit: 1) Issuance of the permit will not be materially detrimental to the public welfare or to the property of other persons in the vicinity; 2) It will not substantially interfere with the orderly development of the City; 3) The illegal construction did not result

from a deliberate attempt to violate City laws; and 4) To remedy the illegality would cost an amount of money disproportionate to the public benefit which would result there from.

In response to Councilmember Witkowsky's inquiry, Mr. Popovich confirmed that he works as a building inspector for the State of California.

Councilmember Witkowsky stated that she was troubled by the fact that Mr. Popovich must have known that a building permit was required for the reconstruction due to his profession.

Mr. Popovich responded that the project was much more involved than he had anticipated and once started, he couldn't stop because the structure had become unsafe.

Responding to Councilmember Witkowsky's inquiry, Deputy City Attorney Whitham confirmed that in order to approve the Validation Permit, the Council must find that the illegal construction did not result from a deliberate attempt to violate City laws.

Mark Schiedemantle, 1019 Cota Avenue, stated that the new structure is much safer than the old structure and he supports its retention.

Richard Nawrocki, 2264 Sierra Street, reported that the planter on his property caused the mold problem and confirmed Mr. Popovich's account that the project grew as the extent of the problem became apparent. He stated that he is the one most impacted by the structure and he is pleased that it has been reconstructed because it is safer and more attractive.

Marie Michaud, 1003 Cota Avenue, voiced support for the retention of the structure.

Mary Modglin, 1011 Amapola, stated that she supports the retention of the structure as it looks much better since the mold has been removed.

Mr. Popovich reiterated his claim that there was no attempt to violate City laws when he undertook this project.

Responding to questions from the Council, Community Development Director Gibson advised that should the Council approve the Validation Permit, the structure would have to comply with all Building and Safety Codes and noted that the north side of the building may have to be modified to meet fire safety requirements. He confirmed that Waivers have been granted in the past for older buildings that do not meet current setback requirements.

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

Mayor Scotto stated that while he was concerned that Mr. Popovich should have known that a building permit was required, he felt his explanation – that the project started out as an attempt to correct a mold problem and turned into major reconstruction – had some merit. He indicated that he was also swayed by the fact that surrounding neighbors support the retention of the structure and it is the same size as the original structure. He expressed concerns, however, that approving the Validation Permit could send the wrong message to the public and encourage others to build without permits.

Councilmember Brewer stated he was inclined to believe there was no intent to deceive in this case, but expressed concerns about setting a precedent.

Voicing support for the Validation Permit, Councilmember Sutherland stated that as a contractor, he can easily understand how minor repairs can turn into major projects. He pointed out that building inspectors simply inspect work that has been completed to ensure that Building Code requirements are met, as opposed to a contractor who would survey a job in advance and be expected to know when building permits are required.

Councilmember Nowatka commented on the difficulty of determining whether someone has deliberately violated the law in the absence of convincing evidence. He noted that Validation Permits have been approved in the past, but always with some reluctance.

Councilmember McIntyre indicated that while she shares concerns about setting a precedent, she was inclined to approve the Validation Permit knowing that the structure must comply with current Building and Safety Codes and because neighbors favor its retention.

Councilmember Drevno voiced support for the Validation Permit, stating that she believed Mr. Popovich's claim that the project grew into something he had not anticipated.

Mayor Scotto suggested the possibility of charging more for Validation Permits or adding penalties to building permits obtained after the work has been completed to discourage the practice of building without benefit of permits.

MOTION: Councilmember Brewer moved to approve the appeal and approve the Validation Permit. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

Community Development Director Gibson advised that a resolution with appropriate findings of fact would be returned to the City Council for approval.

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The Council met as the Redevelopment Agency from 9:35 p.m. to 9:41 p.m.

17. ORAL COMMUNICATIONS #2

17A. Community Development Director Gibson announced a display in the City Hall lobby recognizing GIS week.

17B. Councilmember McIntyre wished Brandon Tsao a happy birthday on November 18.

17C. Councilmember Sutherland asked for City Council concurrence to have the Police Department prepare a report on the need for an ordinance to require stores open 24 hours a day to have and maintain security cameras.

17D. Councilmember Sutherland reported that his investigation of an incident reported in a *Daily Breeze* letter to the editor regarding purported harsh treatment of a cancer patient found that no ticket had been written for tinted windshields and that the car's registration was over 14 months overdue.

17E. Councilmember Witkowsky asked that action be taken regarding a resident's letter concerning speeding on 187th and Felbar Avenue near North High School and recommended that a four-way stop be installed to slow traffic.

17F. Councilmember Brewer commended Transit Department bus operator Sal Hurtado, who will be representing Torrance at the Regional Bus Roadeo, as well as Jorge Gonzalez and Jaime Martinez for their 2nd and 3rd place finishes.

17G. At Councilmember Brewer's request, Community Development Director Gibson provided an update on the Oversized Vehicle Ordinance, noting that the fee study would be brought to the Council on December 12; that registration forms and stickers were in the process of being printed; and that a database was being assembled. He reported on efforts to notify the public about the ordinance, including inserts in water bills, notices on the City's webpage and in *Torrance Seasons*, and signage to be installed mid-December.

17H. Councilmember Drevno recognized Councilmember Brewer for coming in first in the City Slickers Division at the Torrance Transit Bus Roadeo.

17I. Mayor Scotto asked for City Council concurrence to have the City Manager look into reinstating the annual picnic in the park for City employees and report back to the Council.

18. **EXECUTIVE SESSION**

At 9:51 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; and 18B) Conference with Legal Counsel – Potential Litigation; and 18C) Public Employee Performance Evaluation, pursuant to California Government § 54957.6, 54956.9(b)(1), and 54957.

The Council reconvened in Council Chambers at 10:46 p.m. No formal action was taken on any matter considered in closed session.

19. **ADJOURNMENT**

At 10:46 p.m., the meeting was adjourned to Tuesday, November 21, 2006 at 4:30 p.m. for an Executive Session and recessing at 5:30 p.m. to a joint meeting with the Environmental and Energy Conservation Commission in the West Annex Commission Meeting Room, with the regular meeting to begin at 7:00 p.m. in Council Chambers.

***Adjourned in Memory of
Fidel Herrera***

Attest:

/s/ Sue Herbers

Sue Herbers,
City Clerk of the City of Torrance

/s/ Frank Scotto

Mayor of the City of Torrance

Approved on January 23, 2007