

November 24, 1998

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

1. **CALL TO ORDER**

Due to the lack of a quorum at 5:30 P.M., the adjourned regular meeting did not convene until 6:30 P.M.

**ROLL CALL**

Present: Members Cribbs, Lee, Messerlian, Nakano, O'Donnell, Walker and Mayor Hardison.

Absent: None.

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

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Agenda Item No. 20 was considered out of order at this time.

20. **EXECUTIVE SESSION**

At 6:30 P.M., pursuant to Government Code Section Nos. 54956.9(a) and 54956.9(c), the Council entered into a closed session to confer with the City Manager and the City Attorney on the matters listed under Agenda Item Nos. 20a (Conference with Legal Counsel – Existing Litigation) and 20b (Conference with Legal Counsel - Anticipated Litigation).

The Council returned to open session at 7:05 P.M. City Attorney Fellows advised that by unanimous vote during closed session, in the case of Johnson v. the City of Torrance (Case No. YC030417), the Council voted to authorize the mayor to execute and the City Clerk to attest to a Mutual Release and Settlement Agreement at no out of pocket expenses to the City.

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The adjourned regular City Council meeting reconvened at 7:05 P.M.

2. **FLAG SALUTE/INVOCATION**

Mrs. Helen Nakano led the Pledge of Allegiance.

Reverend Eric Hoey, South Bay Presbyterian Church, gave the invocation for the meeting.

3. **AFFIDAVIT OF POSTING/WAIVE FURTHER READING**

**MOTION:** Councilmember Lee moved to receive and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember Cribbs and, there being no objection, it was so ordered by Mayor Hardison.

**MOTION:** Councilmember Lee 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 Cribbs and, there being no objection, it was so ordered by Mayor Hardison.

4. **WITHDRAWN/DEFERRED ITEMS**

City Manager Jackson requested that the following items be withdrawn from the meeting agenda:

Agenda Item No. 6b                      Address Re Los Angeles International Airport  
Expansion

Agenda Item No. 7g                      Purchase/Installation of Police Vehicle Equipment

With regard to Agenda Item No. 14a (Vacation of Street Easements Re "Little Torrance Boulevard" Etc.), City Manager Jackson related that the developer consolidating the parcels into one project site requested a continuance to the meeting of December 15, 1998. He therefore, recommended that the public hearing be opened at the appropriate time and continued to December 15, 1998.

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Mayor Hardison encouraged donations to the City's "Toys for Tots" program.

City Clerk Herbers announced that applications for positions on various City commissions will be accepted until January 6, 1999 and considered by the City Council on January 12, 1999.

City Clerk Herbers read aloud a November 19, 1998 letter addressed to herself from Mr. George Nakano relating his resignation from the Council due to his recent election to the State Assembly.

Councilmember Nakano thanked citizens for their overwhelming support. He expressed his intent while serving in the State Assembly to form a local advisory group composed of elected officials and a group of senior citizens and leaders in business and education.

6. **COMMUNITY MATTERS**

6a. **RESOLUTION RE CONGRESSWOMAN JANE HARMAN**

City Clerk Herbers read aloud the number and title of Resolution No. 98-145.

**MOTION:** Councilmember Nakano moved for the adoption of Resolution No. 98-145. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote.

**RESOLUTION NO. 98-145**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING AND COMMENDING CONGRESSWOMAN JANE HARMAN FOR HER NUMEROUS AND OUTSTANDING CONTRIBUTIONS TO THIS CITY UPON HER RETIREMENT FROM CONGRESSIONAL SERVICE

6b. **ADDRESS RE LOS ANGELES INTERNATIONAL AIRPORT EXPANSION**

Withdrawn (see page 2, "Withdrawn/Deferred Items").

7. **CONSENT CALENDAR**

7a. **APPROVAL OF MINUTES – OCTOBER 27, 1998**

7b. **APPROPRIATION RE JUVENILE DIVERSION PROGRAM**

**Recommendation**

The Chief of Police and City Manager recommend that the City Council appropriate \$10,000,000 designated by former County Supervisor Deane Dana from the 4<sup>th</sup> District discretionary funds to the Juvenile Diversion Program.

7c. **PURCHASE ORDER RE VANS**

**Recommendation**

The Acting Fleet Services Director and the Transit General Manager recommend that the City Council authorize a purchase order be issued for an anticipated amount not to exceed \$57,218 to Del Amo Dodge, Torrance, California, for the purchase of three seven-passenger vans.

7d. **CONTRACT WITH JOHN POWERS RE ARTS AND SPECIAL EVENTS**

**Recommendation**

The Parks and Recreation Director recommends that the City Council approve a contract with John Powers, Consultant, in an amount not to exceed \$50,000 for the following services: \$20,000 for Multidisciplinary Programs; \$10,000 for Wild Wednesdays; and \$20,000 for Special Projects.

7e. **INVESTMENT REPORT – OCTOBER 1998**

**Recommendation**

The City's Statement of Investment Policy requires the City Treasurer to report a monthly statement of investment activity. The City Treasurer recommends that the City Council accept and file the subject report.

7f. **CONFLICT OF INTEREST CODE**

**Recommendation**

It is recommended by the City Clerk that the City Council approve the revisions to the City's Conflict of Interest Code.

7g. **PURCHASE/INSTALLATION OF POLICE VEHICLE EQUIPMENT**

Withdrawn (see page 2, "Withdrawn/Deferred Items").

8. **LIBRARY/PARKS AND RECREATION**

8a. **FUTURE USE OF YWCA BUILDING AND RELATED FUNDING**

**Recommendation**

It is recommended by the Land Management Team and the Parks and Recreation Director that the City Council:

- Approve the use of a portion of the former YWCA facility as as a teen center;
- Direct staff to solicit proposals from Torrance-based non-profit social service organizations interested in leasing all, or a portion, of the remaining space, including the modular building;
- Approve the construction, by City forces, of a 20-23 car on-site parking lot;

- Approve the acquisition of the modular classroom building located On the site;
- Approve the short-term operational strategy for a three-month period, April through June 1999; and
- Appropriate \$27,000 from the Parks and Recreation/Open Space Funds, \$20,500 from miscellaneous Department Donation Funds, \$13,000 from the Youth Council Donation account and \$5,000 from the Fall Boutique Revenue Account to the 1998-1999 Parks and Recreation Enterprise Fund Operating Budget to cover the related costs.

Parks and Recreation Director Barnett provided the staff report. He advised that the item includes the construction of an on-site parking lot needed regardless of the direction that the Council takes on this matter, a recommendation to purchase the modular classroom building currently located on the site and a series of appropriations to cover start-up costs. He recommended a three-month start up commencing in the fourth quarter of this fiscal year and indicated that, should the item be approved, the General Fund would not be impacted.

In response to questions posed by the Council, Parks and Recreation Director Barnett confirmed that the Request for Proposal (RFP) would be mailed to non-profit organizations in Torrance, as well as other agencies expressing an interest. He verified staff's willingness to examine the idea of imposing a teen center membership fee, as is done in a nearby city.

Mayor Hardison expressed her pleasure with the progress made in this area and she commended the Torrance Youth Council's efforts to assist with the cost of the facility through fund-raising.

**MOTION:** Councilmember Messerlian moved to concur with the staff recommendation. The motion was seconded by Councilmember O'Donnell and ultimately passed by unanimous roll call vote.

Prior to roll call vote, Mr. Paul Seo, 22701 Draille Drive, related the Torrance Youth Council's appreciation of the City's efforts to provide teens with this opportunity to use their energy in a positive manner and spend time with one another engaging in educational activities. He wished Councilmember Nakano well in the State Assembly.

Ms. Rosie Haq, 3709 Spencer Street, thanked the Council, and particularly Councilmember Nakano, for supporting the teen center.

Councilmember O'Donnell voiced her great pleasure that Torrance will now have a teen center and that the former YWCA facility will be used by the youth of the community for this very fine purpose.

The motion to concur with the staff recommendation was passed by unanimous roll call vote.

## 9. **TRANSPORTATION/PUBLIC WORKS**

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Recording Secretary

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9a. **REBATE FROM THE WATER REPLENISHMENT DISTRICT**

**Recommendation**

It is recommended by the Engineering Director that the City Council approve the resolution that 1) requests the Water Replenishment District to provide a rebate for money collected from their assessments and 2) requests that the Water Replenishment District hold a Groundwater Producers workshop to address long-term concerns regarding these rates.

Supplemental written material of record included a November 23, 1998 memorandum addressed to the City Council from Engineering Director Burttt transmitting a corrected resolution.

Background information on this item was presented by Engineering Director Burttt. He advised that the Water Replenishment District agreed to return \$30,000,000 to member agencies in the form of grants. He related staff's continued recommendation in favor of a rebate, for which a resolution would have to be adopted.

Following inquiries from the Council, Mr. Burttt explained that over \$600,000 would be returned to Torrance and that Torrance has projects to which a grant could be applied, but other cities prefer a rebate.

Mayor Hardison related her appreciation of this item coming forward to the City Council. She clarified that the City could use either a grant or a rebate, but some other water providers would only benefit from rebates, and that this appears to be a united effort in favor of the rebate.

City Clerk Herbers read aloud the number and title of Resolution No. 98-146.

**MOTION:** Councilmember Nakano moved for the adoption of Resolution No. 98-146. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote.

**RESOLUTION NO. 98-146**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE  
FOR REBATE FROM THE WATER REPLENISHMENT DISTRICT

12. **PERSONNEL MATTERS**

12a. **AGREEMENT RE CHILDREN'S DISCOVERY CENTERS**

**Recommendation**

The Human Resources Director recommends that the City Council approve an amendment to the agreement with Children's Discovery Center (CDC) extending the agreement for a period of six months.

Human Resources Director Fuentes advised that the Council's approval of the staff recommendation would allow staff to review and evaluate the Children's Discovery Center (CDC) program and return to the Council with recommendations. Subsequent to questions from the Council, Ms. Fuentes provided input on the Center's weekly per child charge which, she verified is competitive with other childcare centers.

**MOTION:** Councilmember Walker moved to concur with the staff recommendation. The motion was seconded by Councilmember O'Donnell and passed by unanimous roll call vote.

13. **ADMINISTRATIVE MATTERS**

13a. **PROPOSAL RE DIGITAL/ANALOG CELLULAR SERVICE**

**Recommendation**

The Information System Department recommends:

- That the City Council reject the proposal received in response to the Request for Proposal (RFP) No. 98-34 to provide digital cellular service to the City of Torrance;
- That the City Council approve the continuance of analog cellular services on a month-to-month basis until the digital cellular service is re-bid;
- That the City Council authorize an increase of \$33,000 for a total not-to-exceed cost of \$93,000; and
- That the City Council direct the City Attorney to prepare appropriate documentation for the month-to-month extension and authorize the Mayor to execute and the City Clerk to attest to the documents.

Supplemental written material of record distributed at the meeting included a November 18, 1998 memorandum addressed to "Distribution" from Erin Jaeger, Los Angeles Cellular Telephone Company, Re New Consumer Rate Plans.

For reasons stated at a previous meeting, Councilmember Lee related his intent to abstain from consideration of this item. He subsequently exited the dais. Communications Manager Gallo presented the staff report.

Mayor Hardison recalled that, at a previous City Council meeting, two proposals were presented, but there is only one at this time.

Arjay Telecommunications Marketing Manager (name inaudible) clarified the following: that Arjay's bid was submitted on time and they strongly believe there should not be another re-bid; that, Arjay quoted flat rates instead of bucket rates due to their opinion that flat rates would be in the best interest of the City; that Air Tel was contacted about the bucket rates via telephone, but Arjay was not; and that the rates are constantly changing and, should they be chosen, Arjay would give Torrance better rates as soon as they become available.

Referring to a November 19, 1998 letter of record he provided to the Council during the meeting, Mr. Arun Bhumitra, Vice President, Arjay Telecommunications, 23215 Hawthorne Boulevard, stated that the rates Arjay presented to the Council at a previous meeting are those for Los Angeles County; and that the rates provided by Arjay and Los Angeles Cellular Telephone Company are identical. While urging the Council to make a decision in favor of Arjay Telecommunications, Mr. Bhumitra indicated that Arjay would donate their profits from doing business with the City of Torrance to a charitable organization of the City's choice.

Councilmember Messerlian recalled that the City has gone through this process previously and there has never been an overwhelming response.

Communications Manager Gallo related staff's intent to put this out for re-bid by mid-1999. Should it be re-bid, he indicated that the importance of responding to the proposal in a timely manner would be emphasized.

City Manager Jackson advised that, should it be put out to re-bid and only one proposal received, it would be brought forward to the City Council as a good faith effort and any problems with the re-bid would be presented for the Council's consideration.

Councilmember Messerlian commented on the importance of there being a limit at which it must be determined that a good faith effort has been made and it is time to move on.

Councilmember Walker related his desire for like information from the bidders in the event of a re-bid. He mentioned that Arjay Telecommunications is a small business willing to give away its profit, that he would be interested in seeing this work its way through and that it appears the City would keep spending time to make up the 83% difference.

Communications Manager Gallo advised that the prices quoted by Arjay Telecommunications appear to be approximately 83% over the fair market value for the same digital service from another provider, which led to staff's recommendation of a re-bid. He explained the "bucket rate," described in the RFP but not quoted by Arjay Telecommunications and noted that the bucket rate plans are very competitive between vendors, which is why the prices appear to be skewed.

**MOTION:** Councilmember Cribbs moved to concur with the staff recommendation. The motion was seconded by Councilmember O'Donnell and ultimately passed by unanimous roll call vote (with Councilmember Lee abstaining).

Wendy Selogie  
Recording Secretary

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Discussion prior to roll call vote included Mr. Bhumitra returning to the podium to reiterate that the City did not call Arjay Telecommunications about the bucket rate, but they did call Air Tel.

The motion was passed by unanimous roll all vote, with Councilmember Lee abstaining.

Mayor Hardison stipulated that her vote in favor of the staff recommendation was due to her desire for more than one proposal.

Councilmember Lee returned to the dais.

13b. **FILLING THE UNEXPIRED TERM FOR ASSEMBLYMAN NAKANO'S COUNCIL SEAT**

**Recommendation**

It is the recommendation of the City Manager that the City Council address the options for filling the unexpired term for Assemblyman Nakano's Council seat and give direction to the City staff and City Clerk.

Councilmember Nakano related his intent to abstain from consideration of this matter. He subsequently exited the dais.

Mayor Hardison clarified the options before the Council at this time.

Councilmember Lee highlighted the difficulty of running for office on the next regular election date in November 1999 and again in April 2000, when the seat will be up for election. He, therefore, related his intent to vote in favor of the Council appointing an individual to fill the seat.

Agreeing with comments made above by Councilmember Lee, Councilmember Messerlian pointed out that, should the Council support an appointment, many well-meaning individuals in the community would step forward to apply. He related his impression that the City Council would make a good choice and that, should the Council make the appointment, the appointee could not be precluded from running in April 2000.

As a United States' Government teacher and supporting the power of the people, Councilmember O'Donnell favored an election to fill the seat vacated by Mr. Nakano. However, she said that she would support an appointment because an election would unfortunately not be a reasonable choice. Stating her desire for all Councilmembers to be on a level playing field, Ms. O'Donnell voiced her hope that, should an individual be appointed, they would do the community a service and serve as a caretaker only until Mr. Nakano's term expires.

Having served after a special election, Councilmember Walker favored an appointment. He noted that there is a myriad of very fine, well-qualified individuals in Torrance to serve and that, given the wealth of qualified people in the community, a decision should be easy. Contrary to Ms. O'Donnell's opinion, Councilmember Walker indicated that he would prefer a colleague rather than a caretaker, but he would rather

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not set any ground rules and he felt that it should be the appointee's decision as to whether he/she would like to run in April 2000.

**MOTION:** Councilmember Messerlian moved to fill the vacancy of Councilmember Nakano's Council seat due to his election to the State Assembly by appointment. The motion was seconded by Councilmember O'Donnell and ultimately passed by unanimous roll call vote, with Councilmember Nakano abstaining.

Councilmember Cribbs recommended that information provided on the application for City Council be more extensive.

Ms. Hope Witowsky asked that the motion include a stipulation that the individual running in April 2000 would be referred to as an incumbent.

City Attorney Fellows advised that State Law would preclude the City from doing so and that the appointee would be referred to as an "appointed incumbent."

City Clerk Herbers explained that information placed on ballots is determined by the Secretary of State and that, according to the City Charter, an appointment shall not count as eligibility for going forward in an election.

City Attorney Fellows affirmed that the City is bound by the guidelines set forth by the Secretary of State.

Mr. Frank Rizzardi, 23544 Carlow Road, Southwood Riviera Homeowners' Association, stated his support for the appointment of an individual to fill Councilmember Nakano's unexpired term. He maintained that the individual should not be referred to as a caretaker in that they should be involved and would represent the citizens of Torrance.

The motion in favor of appointment was passed by unanimous roll call vote, with Councilmember Nakano abstaining.

Council discussion continued with Councilmember O'Donnell stating her agreement with Councilmember Cribbs' recommendation in favor of expanding the application. She suggested that it include more specific information on education and employment.

Councilmember Cribbs recommended that the notification regarding Mr. Nakano's unexpired term be expanded.

The Council agreed to expand the notification to include the Los Angeles Times, the City's cable television, the Torrance homeowner associations, the Torrance Chamber of Commerce and the City of Torrance website.

Councilmember Messerlian suggested that the notification in the Daily Breeze be "eye catching."

City Clerk Herbers advised that the Daily Breeze is the adjudicated newspaper used to publish all of the City's notices and, should the proposed time schedule be used, the window of time in which to place an ad in other newspapers would be very narrow.

The Council agreed to direct the candidates to the City Clerk's office for applications.

Councilmember Cribbs related her preference for an application filing deadline of Monday, December 14, 1998.

City Attorney Fellows advised that the Council should allow ample time between the filing deadline and the date on which the applications are to be considered in order to adequately review them and that, because this is an appointment to an elected office, all information submitted will be public record. He provided clarification for the Council with regard to the differences between appointments to the City Council and City commissions.

Councilmember Messerlian voiced his opinion that any deadlines set should be adhered to and that there would be sufficient time between now and an application filing deadline of Thursday, December 10, 1998.

Councilmember Walker suggested that the applications be part of the December 15, 1998 meeting agenda package in order to review them prior to the meeting. He commented that individuals interested in applying will be very much aware of how this is being handled and that an application filing date of December 10, 1998 should be adhered to. He recommended that applicants be required to somewhat briefly describe their qualifications in the portion of the application showing their contributions to the community.

Mayor Hardison concurred with Councilmember Walker's suggestion that the applications should be included in the meeting agenda package and she agreed with an application filing deadline of Thursday, December 10, 1998, 5:30 P.M.

Councilmember Messerlian suggested that the information on the City's commission applications be mirrored.

City Clerk Herbers explained that various information was deleted from the City Council application because the only requirement is that applicants must be a registered voter in the City of Torrance for 30 days prior to filling out the application and that the applications are left as open as possible to allow applicants to expand on the information as they see fit.

Councilmember Lee indicated that he would have no problem with essay type answers and, therefore, would support the proposed application as opposed to one with more definitive type questions.

Councilmember O'Donnell contended that the appointment should be made with the greatest amount of information possible and, due to the importance of literacy, she related her desire for information on the applicants' educational backgrounds.

Mayor Hardison voiced her feeling that the applicants will provide more information than needed and, she therefore, supported the applications as proposed.

**MOTION:** Councilmember Messerlian moved to concur with the City Council application form as proposed. The motion was seconded by Councilmember Lee.

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Councilmember Cribbs related her viewpoint that occupational and educational information should be provided. She offered a substitute motion as follows:

**MOTION:** Councilmember Cribbs moved to concur with the City Council application form as proposed, with a modification that educational and occupational information shall be provided. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote, with Councilmember Nakano abstaining.

**MOTION:** Councilmember Messerlian moved to concur with the staff recommendation, with modifications, as follows:

- Solicit applicants with written notices in the Daily Breeze, the Los Angeles Times and the City of Torrance website and to the Torrance homeowner associations and the Torrance Chamber of Commerce.
- Set December 15, 1998 as the date for consideration of appointment;
- Concur with the use of the application form, which shall be expanded to include educational and occupational information;
- Direct candidates to the City Clerk for applications; and
- Set the deadline for receipt of completed applications as December 10, 1998, 5:30 P.M.

The motion was seconded by Councilmember Walker and passed by unanimous roll call vote, with Councilmember Nakano abstaining.

City Clerk Herbers announced that applications will be available in the City Clerk's office after 10:00 A.M. on Wednesday, November 25, 1998.

Councilmember Nakano returned to the dais.

13c. **RESTRUCTURING OF CITY MANAGER, MAYOR AND COUNCIL STAFF**

**Recommendation**

The City Manager recommends that the City Council approve restructuring The City Manager, Mayor and Council office staff to be funded within the Existing City Manager Budget as follows:

- Add one (1) unrepresented Staff Assistant
- Appropriate \$20,000 from the non-aeronautical Airport Fund balance

Supplemental written material of record distributed at the meeting included a November 24, 1998 memorandum addressed to the City Council from Assistant City Manager Giordano relating the City Manager's revision as shown above in response to a concern from the Torrance Municipal Employees-American Federation of State, County and Municipal Employees Local 1117 (TME-AFSCME) regarding the deletion of the Typist Clerk position.

Clarification concerning the revised staff recommendation was provided by Assistant City Manager Giordano.

Mr. David Cochran (address inaudible) stated TME-AFSCME Local 1117's severe concern over the deletion of a position represented by the union. He related their continued concern due to the fact that the Staff Assistant position would be unrepresented. He discussed the union's right to meet and confer on this prior to the Council making a determination and asked the Council to direct the City Manager to do so.

City Manager Jackson advised that the agreement between the City and TME allows for modifications to the Budget as needed and that, therefore the addition of one position to the City Manager's Budget would be within the Council's authority.

Mr. Cochran related the union's concern over the impact that an approval of the staff recommendation without a meet and confer could have on other positions within the City.

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

13d. **LEASE/SUBLEASE RE 3215 PACIFIC COAST HIGHWAY**

**Recommendation**

The Land Management Team recommends that the City Council consider an assignment of lease from Carwell Corporation, a California Corporation (Carwell), to the William J. Adkins Family Trust, William J. Adkins Trustee (Adkins), for the property located at 3215 Pacific Coast Highway known as South Bay Lexus.

**MOTION:** Councilmember Walker moved to concur with the staff recommendation. The motion was seconded by Councilmember O'Donnell and passed by unanimous roll call vote.

13e. **ADDITIONAL POSITIONS IN INFORMATION SYSTEMS DEPARTMENT**

**Recommendation**

The Information Systems Director recommends that the following changes be made to the Information Systems Department's 1998-1999 operating budget:

Department Budget (General Fund)

- Add one (1) Systems Analyst position;
- Add one (1) Programmer Analyst position; and
- Transfer \$85,700 from contract services to cover one (1) Systems Analyst position for the Geographic Information System (GIS).

**MOTION:** Councilmember Walker moved to concur with the staff recommendation. The motion was seconded by Councilmember O'Donnell and passed by unanimous roll call vote.

14. **PUBLIC HEARINGS**

14a. **VACATION OF STREET EASEMENTS RE "LITTLE TORRANCE BLVD." ETC.**

Mayor Hardison noted the request for a continuance of this item as explained earlier in the meeting by City Manager Jackson (see page 2, "Withdrawn/Deferred Items").

**MOTION:** Mayor Hardison moved to open the public hearing and continue Agenda Item No. 14a to December 15, 1998. The motion was seconded by Councilmember Messerlian and passed by unanimous roll call vote.

14b. **APPEAL RE ZON 98-0002, PD 98-0001, CUP 98-0014, TTM 52519 (EAS 98-0010): THE OLSON COMPANY**

**Recommendation**

The Planning Director and the Planning Commission recommend that the City Council approve ZON 98-0002 to allow a zone change from R-1 (Single-Family Residential District) to PD (Planned Development District) and deny the appeal and approve as conditioned PD 98-0001 and CUP 98-0014 to allow the development of a 50-unit single-family residential condominium project and TTM 52519 to allow the subdivision of one lot into two lots, one R-1 lot and one for the condominium development, and to allow for condominium ownership on a 7.4 acre property located at 23030 Maple Avenue.

Supplemental written material of record included a November 24, 1998 memorandum addressed to the City Council from Acting Planning Manager Parkin-Tate transmitting a November 20, 1998 letter addressed to the City Council and City Clerk Herbers relating relevant concerns from Mr. Garry Dalby and Ms. Patricia Dalby (residing at 22913 Juniper Avenue).

Reading aloud from a script, Mayor Hardison announced that this was the time and place for the public hearing.

City Clerk Herbers verified that the item was properly advertised.

The City Council agreed to waive the staff report.

On behalf of the applicant, Mr. Alex Hernandez, The Olson Company, 3020 Old Ranch Parkway, Suite 250, Seal Beach, provided background information on The Olson Company's efforts to meet with the residents and design a project that would meet with their approval. Mr. Hernandez addressed Conditions of Approval approved by the Planning Commission as follows:

Condition No. 6 (prohibiting the gated aspect of the project) – Agreed that new communities should be integrated into existing neighborhoods. However, neighboring residents do not want the project to be integrated into the community and, therefore, requested the approval of a gated community.

Condition No. 14 (residential driveway requirements and prohibiting more than one curb cut per unit) – Asked for an additional curb cut for Plan 3 in that it would have the option of a third garage and advised that, because of parking, staff is opposed to another curb cut and that the project would provide approximately 250 parking spaces, which would be well above the Code requirement.

Condition No. 50 (requirement for applicant to plant one 48-inch box size tree in the rear yard of each residence) – Contended that other Conditions of Approval approved by the Planning Commission (such as Nos. 16 [landscaping plan] and 18 [plan for retention or re-use of existing mature trees on the site and replacement of mature trees removed with 36-inch box trees]) would address this problem. He noted that many trees were removed during the soil remediation process.

Mr. Paul Edwards, The Olson Company, 3020 Old Ranch Parkway, Seal Beach, added that, contrary to input from staff, there are other gated communities in Torrance. He discussed that the approval of a gated community would be appropriate since the project would front Maple Avenue, which is a very busy, high- density street, but neighboring residents are oppose to the idea of the project accessing their community.

Councilmember Messerlian voiced his concern that, should the project be approved as proposed, there would not be a parking space in front of Plan 3. He stated his opinion that there should be at least one parking space in front of each residence.

Mr. Robert Stapleford, 23001 Fonthill, advised that, as a result of the project, trees have been removed along the rear of his property and he recommended that the applicant be required to plant trees to separate his property from the subject property.

Mr. George Gianossis, 22913 Fonthill, commented that trees removed along the rear of existing homes have reduced privacy. He stated his concern over any grading associated with the project.

Senior Planning Associate Parkin-Tate explained that, should the project be approved as recommended by the Planning Commission, a Condition of Approval would require that the site shall be graded to be within one foot, plus or minus, of the adjacent grades of the surrounding properties.

Mayor Hardison asked if trees were removed from the subject property and surrounding properties as a result of soil remediation.

Senior Planning Associate Parkin-Tate related staff's understanding that, at the time the project was considered by the Planning Commission, no trees had been removed; that, during the Planning Commission's consideration of the project, the applicant stated his intent to preserve as many on-site trees as possible; that, as a result of grading to make the site level with neighboring properties, all trees must be removed; and that recommended Condition No. 50 ( that trees shall be planted in the rear yard of each residence) could be modified to include the rear yards of residences on properties adjacent to the subject property.

Councilmember Messerlian voiced his support for modifying recommended Condition No. 50 as suggested above by Ms. Parkin-Tate. He pointed out that the locations of trees to be planted in the rear yards of the project could be specified by the buyers prior to the close of escrow.

Senior Planning Associate Parkin-Tate clarified that the intent was to replace existing trees with specimen size trees.

Councilmember O'Donnell noted that the trees could be an option to be discussed between the buyers and the applicant.

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

Expressing his appreciation of information provided in the staff report, Councilmember Walker stated his agreement with the applicant's opinion that the project should be a gated community. He related his openness to the idea of an additional curb cut for Plan 3 and commented that it would be much easier to landscape vacant land than to landscape around a tree in the rear yard. With regard to recommended Condition No. 50, he questioned if a 48-inch box tree would be of sufficient benefit.

Councilmember Lee stated that he would prefer not to tell property owners how to landscape, but all representations from the applicant up to this point were that existing trees would remain. He indicated that he could agree with modifying recommended Condition No. 50 to include that the applicant shall provide 48-inch box trees on the perimeter lots; that, from a safety standpoint, he could support a gated community; and

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that the buyers of Plan 3 would have an option for a third single-car garage and a number of them would be in the corners of the project. Councilmember Lee offered a minute motion as follows.

**MINUTE MOTION:** Councilmember Lee moved for the approval of ZON 98-0001, PD 98-0001, CUP 98-0014 and TTM 52519 as conditioned and including Findings of Fact set forth by staff, modifying and deleting Conditions of Approval as follows:

**Delete**

Condition No. 6            That the gated aspect of the project shall be eliminated, and that, if the applicant decides to make the proposed private infrastructure systems public, the conditions related to the construction and maintenance of private infrastructure contained herein shall be eliminated; (Planning)

**Modify**

Condition No. 50        That one 48-inch box tree shall be planted on the perimeter lots.

The motion was seconded by Councilmember O'Donnell and passed by unanimous roll call vote.

**MOTION:** Councilmember Walker moved to re-open the public hearing. The motion was seconded by Councilmember O'Donnell and passed by unanimous roll call vote.

Discussion continued with Mr. Edwards returning to the podium to request the approval of an additional curb cut for Plan 3. He asked for clarification regarding recommended Condition No. 14 (That individual residential driveways shall be no wider than 24 feet at the back of sidewalk, and shall be located to maximize the amount of available street parking; and that no more than one curb cut shall be permitted per unit).

Senior Planning Associate Parkin-Tate advised that Condition No. 14 would not preclude the applicant from redesigning Plan 3 to allow a swing-in or modified approach that would allow access to the three-car garages without another curb cut.

Mr. Edwards responded that a swing-in approach would not be marketable.

Senior Planning Associate Parkin-Tate explained that a three-car garage having only one curb cut would be acceptable; that, should a three-car garage in Plan 3 be approved, the driveways could be 24 feet wide and fan forward; that staff could work with the applicant concerning this issue; and that staff would like to encourage the applicant to redesign the facades to modify the elevations.

Relating his support for Condition No. 14 as recommended, Councilmember Messerlian commented on the importance of providing as many parking spaces as

possible within the development. He suggested that the applicant re-examine the design features with the intent of minimizing the number of curb cuts.

Mr. Edwards indicated that, should it not be separated, it would be possible to provide a three-car garage with only one curb cut. He requested such a design with a traditional entry.

Councilmember O'Donnell supported the approval of Condition No. 14 as recommended, with the understanding that the specifics would be worked out with staff.

In answer to a question from Councilmember Nakano, Planning Director Gibson explained that the three-car garages previously coming forward to the City Council on appeal have been on single-family residential lots, that they have varied to a certain extent and that the widths have expanded beyond 24 feet. Stating staff's opposition to more than one curb cut, he advised that staff could work with the applicant to design a three-car garage within the recommended Conditions of Approval.

**MOTION:** Commissioner Lee moved to close the public hearing. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote.

City Attorney Fellows advised that, should the City Council so desire, the Conditions of Approval could be modified as part of the adoption of the resolution.

Councilmember Lee agreed that staff could work with the applicant to solve problems associated with the three-car garage. He stated his agreement with the minute motion as stated on page 17, approving the project with modifications to the Conditions of Approval.

Noting the Planning Director's flexibility to make minor modifications to the Conditions of Approval, Planning Director Gibson reiterated staff's willingness to work with the applicant to design a three-car garage with a restriction of one curb cut

Councilmember Walker observed that recommended Condition No. 14 could be modified to include that the three-car garage in Plan 3 shall be located to maximize the amount of on-street parking.

City Clerk Herbers read aloud the number and title of Resolution No. 98-147.

**MOTION:** Councilmember Nakano moved for the adoption of Resolution No. 98-147. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote.

#### **RESOLUTION NO. 98-147**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A ZONE CHANGE FROM R-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO PD (PLANNED DEVELOPMENT DISTRICT) OF A 7.2 ACRE LOT ON PROPERTY LOCATED AT 23030 MAPLE AVENUE

Wendy Selogie  
Recording Secretary

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City Clerk Herbers read aloud the number and title of Resolution No. 98-148.

**MOTION:** Councilmember Nakano moved for the adoption of Resolution No. 98-148 as amended. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote.

**RESOLUTION NO. 98-148**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A PLANNED DEVELOPMENT PERMIT TO ALLOW THE DEVELOPMENT OF A 50-UNIT, SINGLE-FAMILY RESIDENTIAL CONDOMINIUM PROJECT ON A 7.2 ACRE LOT ON PROPERTY LOCATED AT 23030 MAPLE AVENUE

City Clerk Herbers read aloud the number and title of Resolution No. 98-149.

**MOTION:** Councilmember Nakano moved for the adoption of Resolution No. 98-149 as amended. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote.

**RESOLUTION NO. 98-149**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE DEVELOPMENT OF A 50-UNIT, SINGLE-FAMILY RESIDENTIAL CONDOMINIUM PROJECT ON A 7.2 ACRE LOT ON PROPERTY LOCATED AT 23030 MAPLE AVENUE

City Clerk Herbers read aloud the number and title of Resolution No. 98-150.

**MOTION:** Councilmember Nakano moved for the adoption of Resolution No. 98-150. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote.

**RESOLUTION NO. 98-150**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A TENTATIVE TRACT MAP TO ALLOW THE SUBDIVISION OF ONE 7.4 ACRE LOT INTO TWO LOTS, ONE 7.2 ACRE LOT FOR DEVELOPMENT WITH 50 DETACHED CONDOMINIUM UNITS AND ONE .2 ACRE R-1 LOT, AND TO ALLOW FOR CONDOMINIUM OWNERSHIP ON PROPERTY LOCATED AT 23030 MAPLE AVENUE

18. **ADDENDUM MATTERS**

None.

19. **ORAL COMMUNICATIONS**

19a. City Manager Jackson announced the appointment of Mr. Brooks Bell to the position of Street Services Director. He commended the efforts of Interim Street Services Director Bob Brewer.

The Council congratulated newly-appointed Street Services Director Bell.

19b. City Manager Jackson wished Councilmember Nakano well in his service to the State Assembly. He related his appreciation of Mr. Nakano's openness and caring attitude, as well as his efforts toward the construction of the gymnasium at Wilson Park and the establishment of the City's graffiti program, while serving on the Torrance City Council.

The Council congratulated Mr. Nakano on his election to the State Assembly and wished him well in his future endeavors.

Mr. Nakano expressed his appreciation of the City's highly professional staff and the civil manner in which the Torrance City Council meetings are conducted. He voiced his intent to stay in touch and abreast of issues needing to be addressed by the Assembly.

Mayor Hardison announced that the City Council will recognize Mr. Nakano for his dedicated service to the City of Torrance in the near future.

20. **EXECUTIVE SESSION**

Considered earlier in the meeting (see page 1).

21. **ADJOURNMENT**

At 9:30 P.M., the meeting was adjourned to Tuesday, December 8, 1998, 5:30 P.M., for a closed session, to be followed by the regular meeting at 7:00 P.M.

\_\_\_\_\_  
Mayor of the City of Torrance

ATTEST:

\_\_\_\_\_  
City Clerk of the City of Torrance