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At 11:59 p.m., the meeting was adjourned to Tuesday, January 8, 2013 at 5:30 p.m. for a joint meeting with the Library Commission in the Cultural Arts Center Garden rooms, with regular business commencing at 7:00 p.m. in the Council Chamber.

**Tuesday, December 25, 2012 and Tuesday, January 1, 2013 will be Council dark nights.**

**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 7:02 p.m. on Tuesday, December 18, 2012 in the Council Chamber at Torrance City Hall.

**ROLL CALL**

Present: Councilmembers Barnett, Brewer, Furey, Numark, Rhilinger, Sutherland and Mayor Scotto.

Absent: None.

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

**2. FLAG SALUTE/ INVOCATION**

The flag salute was led by Finance Director Tsao.

The non-sectarian invocation was given by Councilmember Rhilinger.

The Torrance Civic Chorale performed a selection of holiday songs.

**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, December 13, 2012.

**MOTION:** Councilmember Rhilinger 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 Furey and passed by unanimous vote.

**4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS**

No items were withdrawn or deferred. Supplemental material was available for Agenda Item 13A.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Councilmember Barnett announced that the City Council Employee Relations and Public Safety Committee met on Monday, December 17, to discuss updates/revisions to Civil Service rules.

Councilmember Barnett announced that the Armed Forces Day Committee had met earlier to discuss the 2013 Armed Forces Day Parade and Celebration.

Councilmember Brewer announced that the City Council Citizen Development and Enrichment Committee met on Monday, December 17, to discuss Community Services subsidies and a recommendation will be submitted to the City Council in January.

Councilmember Sutherland announced that the City Council will hold a joint meeting with the Library Commission on Tuesday, January 8, at 5:30 p.m. in the Cultural Arts Center Garden rooms.

In response to concerns about the recent shooting at a Newtown, Connecticut school, Police Chief Neu discussed the various programs in place to ensure that Torrance schools, both public and private, are as safe and secure as possible.

**6. COMMUNITY MATTERS**

**6A. RESOLUTION NO. 2012-86 RE GREGORY WILLIAM VINCENT**

**RESOLUTION NO. 2012-86**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING GREGORY WILLIAM VINCENT UPON HIS RETIREMENT FROM THE CITY OF TORRANCE AFTER TWENTY-SEVEN YEARS OF SERVICE

**MOTION:** Councilmember Barnett moved for the adoption of Resolution No. 2012-86. The motion was seconded by Councilmember Brewer and passed by unanimous vote.

*To be presented at a later date.*

**6B. RESOLUTION NO. 2012-87 RE WILLIE MCCLINTON**

**RESOLUTION NO. 2012-87**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING WILLIE MCCLINTON UPON HIS RETIREMENT FROM THE CITY OF TORRANCE AFTER TWENTY-SEVEN YEARS OF SERVICE

**MOTION:** Councilmember Barnett moved for the adoption of Resolution No. 2012-87. The motion was seconded by Councilmember Brewer and passed by unanimous vote.

*To be presented at a later date.*

**6C. RESOLUTION NO. 2012-88 RE EMELITA P. VILLAREAL**

**RESOLUTION NO. 2012-88**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING EMELITA P. VILLAREAL UPON HER RETIREMENT FROM THE CITY OF TORRANCE AFTER TWENTY-FOUR YEARS OF SERVICE

**MOTION:** Councilmember Barnett moved for the adoption of Resolution No. 2012-88. The motion was seconded by Councilmember Brewer and passed by unanimous vote.

*To be presented at a later date.*

**6D. RESOLUTION NO. 2012-89 RE TONY GASSET**

**RESOLUTION NO. 2012-89**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING TONY GASSET UPON HIS RETIREMENT FROM THE CITY OF TORRANCE AFTER TWENTY-ONE YEARS OF SERVICE

**MOTION:** Councilmember Barnett moved for the adoption of Resolution No. 2012-89. The motion was seconded by Councilmember Brewer and passed by unanimous vote.

Mayor Scotto presented the resolution to Tony Gasset, who accepted with appreciation.

General Services Director Ballew commended Mr. Gasset for his outstanding service and wished him well in his retirement.

**7. ORAL COMMUNICATIONS #1**

**7A.** Annette Cohen, owner of 1624 Cravens Avenue, explained that she planned to sell the property to the tenant (Fosters Freeze), but the escrow has been stalled due to a requirement recorded in 1987 that the parcel can only be sold together with the adjacent parcel. She asked that the City eliminate this requirement so the sale can go forward.

**7B.** Mark Stephenson, resident, expressed concerns about unfunded liabilities for employee pensions and health benefits and contended that the City's current financial path was unsustainable.

**7C.** Rick Lang, owner of Fosters Freeze, requested that the City to do whatever possible to enable him to purchase the property at 1624 Cravens Avenue so he can expand the business.

**8. CONSENT CALENDAR**

**8A. CONTRACT AMENDMENTS RE INTERNET SERVICE FOR CITY HALL AND TORRANCE AIRPORT**

**Recommendation**

Recommendation of the Information Technology Director that City Council approve the following changes to the existing Time Warner Cable (TWC) contracts:

- 1) Approve an amendment to the contract with Time Warner Cable (C2011-069) to provide internet service at City Hall from \$2,900 per month for 45 mbps fiber service for 3 years to \$2,000 per month for 45 mbps fiber service for 5 years effective upon contract signing; an annual savings of \$10,800; and
- 2) Approve an amendment to the contract with Time Warner Cable (C2011-070) to provide internet service at Torrance Airport from \$252.59 per month for 2 mbps copper service for 3 years to \$624 per month for 5 mbps fiber service for 5 years effective at start of new fiber service; an annual increase of \$4,456.92.

**8B. CONTRACT AMENDMENT RE VARIOUS HVAC REPLACEMENTS**

**Recommendation**

Recommendation of the General Services Director that City Council approve a contract amendment with Bartef Yoosephiance & Associates (C2010-217) to extend the term one year to December 31, 2013 for various HVAC replacements (FEAP #751).

**8C. CONTRACT RE SEA-AIR GOLF COURSE IRRIGATION REPLACEMENT PROJECT**

**Recommendation**

Recommendation of the Community Services Director and General Services Director that City Council:

- 1) Award a contract to Bennett Landscape for \$200,406 with a 5% contingency of \$10,020 for the Sea-Aire Golf Course Irrigation Replacement project (B2012-42/FEAP#771); and
- 2) Approve a 5% project management fee of \$10,020.

**8D. CONTRACT AMENDMENT RE FOUNTAIN MAINTENANCE**

**Recommendation**

Recommendation of the General Services Director that City Council approve a second contract amendment with Accurate Pool Service (C2011-003) in the amount of \$14,400 for a new not to exceed amount of \$43,200 for maintenance of City fountains and extend the term for additional year to January 31, 2014.

**8E. PURCHASE ORDER RE CARPET FOR PUBLIC SAFETY DISPATCH CENTER**

**Recommendation**

Recommendation of the General Services Director that City Council authorize a purchase order to Fred's Carpets Plus for \$11,538.70 with a 5% contingency of \$577 for installation of new carpet in the Public Safety Dispatch Center and appropriate \$12,116 from the Building Maintenance Capital Project Fund (Unapprop-4007) to the Public Safety Dispatch Center Refurbishment Project (FEAP #808).

**8F. AGREEMENT TO PROVIDE LEGAL SERVICES**

**Recommendation**

Recommendation of the City Attorney that City Council approve a fee agreement with Manning & Kass, Ellrod, Ramirez, Trester LLP to provide legal services in the case of Jeremiah Banks v. City of Torrance, et al, for a total contract amount not to exceed \$250,000.

**8G. AGREEMENT RE PUEBLO PARK RENOVATION PROJECT**

**Recommendation**

Recommendation of the Community Services Director that City Council appropriate \$14,931 from the Parks and Recreation Open Space fund to the Pueblo Park Renovation Project (FEAP #810) and approve an agreement in the amount of \$14,931 with Land Concern Inc. of Anaheim, CA for landscape design services.

**8H. CLASS SPECIFICATION FOR HUMAN RESOURCES ADMINISTRATOR**

**Recommendation**

Recommendation of the City Manager and the Civil Service Commission that City Council approve the class specification for the Human Resources Administrator.

**MOTION:** Councilmember Numark moved for the approval of Consent Calendar Items 8A thought 8H. The motion was seconded by Councilmember Furey and passed by unanimous vote.

**10. PLANNING AND ECONOMIC DEVELOPMENT**

**10A. RESOLUTIONS APPROVING CUP12-00007, DVP12-00003, WAV12-00003, DIV12-00004: 23104 HAWTHORNE BOULEVARD – MARY MELLONE**

**Recommendation**

Recommendation of the Community Development Director that City Council adopt Resolutions reflecting City Council decision at the December 4, 2012 meeting to approve a Conditional Use Permit and Development Permit to allow the construction and operation of a new child day care center in conjunction with a Waiver to allow a reduction of the side setback requirement and Division of Lot to consolidate two lots into one on property located within the HBCSP-MP Zone at 23104 Hawthorne Boulevard.

**RESOLUTION NO. 2012-90**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A CONDITIONAL USE PERMIT AS PROVIDED FOR IN DIVISION 9, CHAPTER 5, ARTICLE 3 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION AND OPERATION OF A CHILD DAY CARE FACILITY PROPERTY LOCATED IN THE HBCSP-MP ZONE AT 23104 HAWTHORNE BOULEVARD. **CUP12-00007: MARY MELLONE**

**MOTION:** Councilmember Barnett moved for the adoption of Resolution No. 2012-90. The motion was seconded by Councilmember Brewer and passed by a 4-2 vote, with Councilmembers Furey and Rhilinger dissenting and Councilmember Numark abstaining.

**RESOLUTION NO. 2012-91**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A DIVISION OF LOT AS PROVIDED FOR IN DIVISION 9, CHAPTER 2, ARTICLE 29 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSOLIDATION OF TWO LOTS INTO ONE PARCEL ON PROPERTY LOCATED IN THE MBCSP-MP ZONE AT 23104 HAWTHORNE BOULEVARD. **DIV12-00004: MARY MELLONE**

**MOTION:** Councilmember Barnett moved for the adoption of Resolution No. 2012-91. The motion was seconded by Councilmember Brewer and passed by a 4-2 vote, with Councilmembers Furey and Rhilinger dissenting and Councilmember Numark abstaining.

**RESOLUTION NO. 2012-92**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A DEVELOPMENT PERMIT AS PROVIDED FOR IN DIVISION 9, CHAPTER 2, ARTICLE 36 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION AND OPERATION OF A CHILD DAY CARE FACILITY ON PROPERTY LOCATED IN THE HBCSP-MP ZONE AT 23104 HAWTHORNE BOULEVARD. **DVP12-00003: MARY MELLONE**

**MOTION:** Councilmember Barnett moved for the adoption of Resolution No. 2012-92. The motion was seconded by Councilmember Brewer and passed by a 4-2 vote, with Councilmembers Furey and Rhilinger dissenting and Councilmember Numark abstaining.

**RESOLUTION NO. 2012-93**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A WAIVER AS PROVIDE FOR IN DIVISION 9, CHAPTER 4, ARTICLE 2 OF THE TORRANCE MUNICIPAL CODE TO ALLOW A REDUCTION OF THE SIDE SETBACK REQUIREMENT, IN CONJUNCTION WITH THE CONSTRUCTION AND OPERATION OF A CHILD DAY CARE FACILITY ON PROPERTY LOCATED IN THE MBCSP-MP ZONE AT 23104 HAWTHORNE BOULEVARD. **WAV12-00003: MARY MELLONE**

**MOTION:** Councilmember Barnett moved for the adoption of Resolution No. 2012-93. The motion was seconded by Councilmember Brewer and passed by a 4-2 vote, with Councilmembers Furey and Rhilinger dissenting and Councilmember Numark abstaining.

**12. ADMINISTRATIVE MATTERS**

**12A. 1<sup>ST</sup> QUARTER 2012-13 BUDGET REVIEW REPORT, INVESTMENT REPORT AND PROGRAM MODIFICATIONS**

**Recommendation**

Recommendation of the City Council Finance and Governmental Operations Committee that City Council:

- 1) Accept and file the 1st Quarter 2012-2013 Budget Review Report;
- 2) Accept the City Treasurer's Investment Report; and
- 3) Approve the following program modifications:
  - City Manager's Office – Funding for Mayor & Council travel to Kashiwa, Japan,
  - City Manager's Office – Human Resources Department Reorganization,
  - City Manager's Office – Appropriation of funds from the sale of Centennial items, dinner, and birthday bash fees for the Torrance Centennial FEAP #739,
  - Finance Department – Addition of 1.0 Staff Assistant to the Audit Division, and
  - Public Works – Appropriation and modifications to Capital Projects.

Finance Director Tsao reported that expenditures for the 1<sup>st</sup> Quarter of 2012-2013 are within budget projections; that revenues are higher than last year and performing relatively well, with the exception of the Utility Users Tax on natural gas; and that staff was cautiously optimistic that the economy was beginning to improve. He advised that staff was recommending that the City continue its current conservative policy of only filling critical positions and carefully monitoring Department expenditures until the Mid-year Budget Review in April 2013. He briefly reviewed the proposed program modifications.

Councilmember Sutherland, chair of the Finance and Governmental Operations Committee, reported that the City of Torrance is probably in the best financial position of any city in the South Bay and credited executive staff for doing an excellent job of managing the City's finances and employees for doing a lot more with a lot less.

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

**12B. AGREEMENT RE MACHADO LAKE BEST MANAGEMENT PRACTICES IMPLEMENTATION PLAN**

**Recommendation**

Recommendation of the Public Works Director that City Council approve a consulting services agreement with Carollo Engineers to prepare a Best Management Practices Implementation Plan, for compliance with the Machado Lake Nutrient and Toxics Total Maximum Daily Loads, for an amount not to exceed \$76,948.

Engineering Manager Dettle reported that the Best Management Practices Implementation Plan is necessary to comply with requirements of the Los Angeles Regional Water Quality Control Board.

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

**12C. AGREEMENT RE PACIFIC ELECTRIC RAILROAD BRIDGE MAINTENANCE AND BEAUTIFICATION**

**Recommendation**

Recommendation of the Public Works Director that City Council:

- 1) Approve the plans and specifications for the Pacific Electric Railroad Bridge (a.k.a. Torrance Bridge) Maintenance and Beautification, I-125 (B2012-38); and
- 2) Award a two-year public works agreement to Truesdell Corporation of California in the amount of \$225,225 and authorize a 5% contingency in the amount of \$11,261.25 for the construction of the Pacific Electric Railroad Bridge (a.k.a. Torrance Bridge) Maintenance and Beautification, I-125.

Associate Civil Engineer Reis reported that the cost of the project was considerably more than originally anticipated because the damage was more extensive than the L.A. County bridge inspection report had indicated.

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

**12D. CONTRACT FOR CONSTRUCTION OF POLICE FORENSIC LABORATORY**

**Recommendation**

Recommendation of the General Services Director and the Police Chief that City Council:

- 1) Award a contract to JR Universal Construction for \$569,883 with a 5% contingency of \$28,494 for construction of Police Department Forensic Laboratory (B2012-39/FEAP#731);
- 2) Approve a contract amendment with McClaren, Wilson and Lawrie (C2011-034) to extend the contract term to December 31, 2013;
- 3) Approve a contract amendment with Tetra-IBI Group (C2011-068) to extend the contract term to December 31, 2013; and
- 4) Approve a 10% project management fee of \$56,988.

Project Manager Landis reported that the project will incorporate existing small spaces within the Police facility into one large forensic lab, which will provide for more efficient processing of evidence and allow the lab to obtain accreditation.

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

**12E. AGREEMENT AMENDMENT RE BANKING SERVICES**

**Recommendation**

Recommendation of the City Treasurer that City Council approve an amendment to the agreement with Bank of America (C2005-182) in the amount of \$20,000 extending the term through June 30, 2013 to provide banking services.

City Treasurer Cortez advised that staff was recommending that the existing agreement with Bank of America be extended to allow for the RFP process to be completed as required before a new contract can be approved.

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

**12F. 2013 STATEMENT OF INVESTMENT POLICY**

**Recommendation**

Recommendation of the City Treasurer that City Council adopt a Resolution establishing the Statement of Investment Policy for 2013 and recommendation of City Manager to modify approval of the policy for three months with a review by Council of the Investment Advisory Committee elements and procedures.

City Treasurer Cortez stated that no changes to the list of authorized financial institutions were proposed at this time as staff was satisfied with the services provided.

City Manager Jackson reported that staff believes it would be advisable to review Resolution 92-28, which established the Investment Advisory Committee, in order to define the role and responsibility of the committee and has recommended that this task be assigned to the Finance and Governmental Operations Committee.

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

**RESOLUTION NO. 2012-94**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE  
ESTABLISHING THE STATEMENT OF INVESTMENT POLICY FOR  
2013 IN ACCORDANCE WITH CERTAIN GUIDELINES

**MOTION:** Councilmember Barnett moved for the adoption of Resolution No. 2012-94. The motion was seconded by Councilmember Brewer and passed by unanimous vote.

**12G. SELECTION OF VENDORS FOR COLD BEVERAGE AND SNACK VENDING MACHINE SERVICES**

**Recommendation**

Recommendation of the City Manager that City Council approve selection of vendors to provide cold beverage and snack vending machines services (RFP B2012-40) and approve agreements with Coca-Cola Bottling Company of Southern California and Joe Gonzalez to provide such services.

Assistant to the City Manager Chaparyan reported that an RFP (Request for Proposal) was issued in September 2012 for vending machine services; that three vendors submitted proposals, which were reviewed by a committee of City staff; and that the committee recommended retaining the current providers. He briefly reviewed the terms of the agreements, noting that they are expected to generate over \$40,000 in revenue per year for the City.

Mark Stephenson, resident, expressed concerns that the RFP includes a request that the vendors provide free donations of chips and soft drinks for City events, noting that this type of request would be prohibited under federal government contracting guidelines.

City Attorney Fellows advised that the City is not bound by federal contracting/bidding rules.

Councilmember Rhilinger pointed out that the comparison of the bids included in the staff report indicates that the two vendors selected offered more favorable terms without considering any donations.

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

**12H. RESOLUTION RE SALARY RANGE FOR HUMAN RESOURCES ADMINISTRATOR POSITION**

**Recommendation**

Recommendation of the City Manager that City Council adopt a Resolution amending Executive and Management Employees Resolution No. 2010-75A implementing the recommended salary range for the Human Resources Administrator position.

Human Resources Manager Lawrence reported that the recommended salary range was consistent with other management positions in the City.

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

**RESOLUTION NO. 2012-95**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2010-75A SETTING FORTH CHANGES REGARDING THE HOURS, WAGES, AND WORKING CONDITIONS FOR EXECUTIVE AND MANAGEMENT EMPLOYEES

**MOTION:** Councilmember Barnett moved for the adoption of Resolution No. 2012-95. The motion was seconded by Councilmember Brewer and passed by unanimous vote.

**12I. RESOLUTION RE MOU FOR TORRANCE FIRE FIGHTERS ASSOCIATION**

**Recommendation**

Recommendation of the City Manager that City Council adopt a Resolution pursuant to Memorandum of Understanding setting forth the hours, wages, and working conditions for employees represented by the Torrance Fire Fighters Association (TFFA) for the period of December 18, 2012 to December 31, 2015, and repealing Resolution 2011-31.

Assistant to the City Manager Chaparyan reported that the proposed resolution extends the term of the agreement and does not include any increases in wages or benefits.

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

**RESOLUTION NO. 2012-96**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE FIRE FIGHTERS ASSOCIATION (TFFA) FOR THE PERIOD FROM MARCH 8, 2011 THROUGH DECEMBER 31, 2013, AND REPEALING RESOLUTION NO. 2011-31

**MOTION:** Councilmember Barnett moved for the adoption of Resolution No. 2012-96. The motion was seconded by Councilmember Brewer and passed by unanimous vote.

Councilmember Numark announced that he was recusing himself from consideration of Item 13A because he lives within 500 feet of the project and exited the Council Chamber at 8:24 p.m.

The City Council recessed at 8:24 p.m. and reconvened at 8:40 p.m. with all members present except Councilmember Numark

**13. HEARINGS**

**13A. MOD12-00007, PRE12-00014: 340 VISTA DEL MAR – MESKO RESTAURANT GROUP (RIVIERA VILLAGE PROPERTIES)**

**Recommendation**

Recommendation of the Planning Commission that City Council deny the appeal and adopt Resolutions denying a Modification of a previously approved Conditional Use Permit (CUP74-34) and denying a Precise Plan of Development to allow renovations and outdoor seating to an existing restaurant on property located within the Hillside Overlay District in the C-1 Zone at 340 Vista del Mar.

Recommendation of the Community Development Director that City Council uphold the appeal and adopt Resolutions approving a Modification of a previously approved Conditional Use Permit (CUP74-34) and approving a Precise Plan of Development to allow renovations and outdoor seating to an existing restaurant on property located within the Hillside Overlay District in the C-1 Zone at 340 Vista del Mar.

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 proposed project, which includes renovations to an existing restaurant and the addition of an outdoor seating area. He discussed revisions that were made to the plans to address concerns raised at the Planning Commission hearing, including reducing the size of the outdoor patio, relocating the children's play area, and enclosing the patio facing Palos Verdes Boulevard. He reported on the Planning Commission's action, noting that Commission denied the project by a vote of 4-3 primarily because Commissioners wanted more information and felt there were too many unresolved issues that needed to be addressed.

Councilmember Rhilinger disclosed that she had spoken with the proponents, as well as an opponent of the project, and visited the restaurant's other location in El Segundo.

Councilmember Sutherland disclosed that he had spoken with the proponents and visited the El Segundo location.

Councilmember Brewer disclosed that he met with the proponents, drove by the project site and visited the El Segundo location.

Councilmember Furey disclosed that in accordance with his policy, he did not meet with any of the interested parties, however he had visited the project site and reviewed all of the documents presented.

Councilmember Barnett disclosed that he had met with the proponents and visited the El Segundo location.

Mayor Scotto disclosed that he had met with the proponents and visited the El Segundo location a number of times.

Michael Zislis, Mesko Restaurant Group, applicant/appellant, reported on his background as a successful restaurateur in the South Bay and provided an overview of the proposed Rock & Brews restaurant. He sought to dispel the idea that the restaurant will be offering live rock concerts, explaining that Rock & Brews is a family-friendly restaurant and no live entertainment is proposed.

With the aid of slides, Jon Mesko, Mesko Restaurant Group, applicant/appellant, reviewed revisions that were made to project to address neighbors' concerns about noise and parking. He pointed out that the project complies with parking requirements and there is ample parking on the street and in the nearby public parking lot. With regard to noise concerns, he reported that an acoustical study was conducted by a qualified professional who concluded that the project would be in full compliance with Torrance's Noise Ordinance with the proposed sound abatement measures.

Mr. Zislis shared a video excerpt from the December 14, 2012 El Segundo City Council meeting at which councilmembers commented positively on the Rock & Brews restaurant for working with neighboring residents and being an excellent corporate citizen.

Mayor Scotto invited public comment.

Jim Brewster, Raintree Avenue, expressed support for the proposed restaurant, relating his experience that Rock & Brews in El Segundo is a great place to bring the family.

Voicing support for the project, Toby Sampson, 230<sup>th</sup> Street, reported that Mr. Zislis recently donated kitchen equipment to a girls softball league in Torrance.

Donna Duperron, Yukon Avenue, read a letter from Ms. Stevens, owner of Ortega 120 restaurant, 1814 Pacific Coast Highway, urging approval of the project. Ms. Stevens reported that she was confronted with similar opposition when her restaurant, which also has an outdoor patio, was approved almost five years ago and there have been absolutely no complaints about the restaurant since it has been in operation.

Rodney Norris, representing the Bull Pen restaurant, 314 Avenue I, stated that he supports a restaurant at this location but was not in favor of a late-night closing time due to the impact on the surrounding neighborhood.

Responding to questions from the Council, Mr. Norris reported that the Bull Pen is open 10:00 a.m. to midnight on weekdays and 10:00 a.m. to 2:00 a.m. on weekends.

Sherry Kramer, chairman of the El Segundo Chamber of Commerce, reported that Rock & Brews has been a huge asset to the El Segundo community; noted that Mr. Zislis has a history of supporting of local charities; and related her experience that both Mr. Zislis and Mr. Mesko are true to their word and act with integrity.

George Krikorian, owner of mixed-use project at 131 Palos Verdes Boulevard, voiced objections to the proposed restaurant, contending that it was inconsistent with other bars and restaurants in the Riviera Village area. He requested that there be a solid roof over the patio to protect residents from noise and visual impact and called for an earlier closing time.

Judith Gassner, Rolling Hills Estates, reported that Michael Zislis is a valued board member of the Torrance Memorial Healthcare Foundation and a generous contributor. She voiced her opinion that having a Rock & Brews restaurant in Torrance would enrich the community.

Ros Stecker, Calle Mayor, voiced support for the project.

John Stecker, Calle Mayor, urged approval of the project, noting that this very prominent corner has long lacked visual appeal and previous restaurants at this location were not integrated with the Riviera Village.

Judy Brunetti, co-president of Riviera Homeowners Association, contended that the proposed restaurant would negatively affect residential neighbors due to noise and privacy impact and decrease their property values. She urged that the project be denied.

Tom Ressler, Redondo Beach, indicated that he was not opposed to the project but objected to the late-night closing time, citing noise impact and the potential safety hazard posed by late-night customers who drive after consuming alcohol. He noted that family restaurants typically are not open until 1:00 or 2:00 a.m.

Leah Shirejian, Torrance resident and owner of a business in Riviera Village, voiced support for the proposed restaurant. She suggested that overly restrictive business hours may have been the reason previous restaurants at this location have failed and recommended that the applicants be given a chance to prove themselves.

Chad Baron, El Segundo, related his experience that the El Segundo Rock & Brews is an enjoyable, family-friendly restaurant, which is very compatible with the quiet, quaint atmosphere of El Segundo. He pointed out that the El Segundo restaurant is located on Main Street, which is much quieter than this location. He noted the applicants' track record of thriving businesses.

Greg Olton, Rancho Palos Verdes, owner of Chicago Ribs, a previous restaurant on this site, expressed support for the project.

Responding to questions from the Council, Mr. Olton reported that when he operated the restaurant at this location, the outdoor patio was rarely used because traffic on Pacific Coast Highway was too noisy. He recalled that closing time was 11:30 p.m. or midnight and indicated that the lack of a later closing time was not the reason for the restaurant's demise.

Scott Lynch, Torrance resident and business owner, urged approval of the proposed restaurant so his construction crews could begin work on the project.

Scott Weisbrook, Torrance resident and president of Torrance Girls Softball League, voiced support for the project, citing Mr. Zislis' history of community involvement.

Doug Carstens, of Chatten-Brown and Carstens LLP, attorney representing Robert Keller and other Riviera residents, urged the Council to uphold the decision of the Planning Commission and deny the project. He disputed staff's conclusion that the project was exempted from the California Environmental Quality Act (CEQA) and maintained that an environmental review must be prepared before the project can go forward because substantial evidence has been presented that the project may have a significant impact on the environment. He noted that his objections to the project were detailed in a letter dated December 13, 2012 (supplemental material), which included a report from Menlo Scientific Acoustics, Inc. identifying shortcomings in the acoustical analysis prepared for the applicants by Davy & Associates.

Eric Busch, former El Segundo mayor and councilmember, reported that Rock & Brews has helped revitalize the area on Main Street where it is located and has had a significant economic impact on the city. He stated that while there were noise complaints associated with the previous restaurant on the site, there have been none since Rock & Brews took it over even though there are residences 20 feet away from the property line. He encouraged the Council to approve the project.

Marilyn Martinis, El Segundo, stated that she is the neighbor who lives only 20 feet away from the El Segundo Rock & Brews and she has had absolutely no problem with noise. Noting that she also owns a business in El Segundo, she related her belief that the restaurant has benefited the city.

In response to Mayor Scotto's inquiry, Ms. Martinis reported that she did experience noise problems with the restaurant that previously occupied the Rock & Brews site.

Michael Montgomery, Post Avenue, voiced support for the proposed project. He reported that he formerly operated a bar in the Riviera Village (Port of Call) and the only complaints he received was when there was live music.

Tim Hintz, Dalemead Street, urged the Council to delay taking action on the project and to order that an environmental impact report be prepared due to the potential implications of noise pollution.

Allan Sellner, Manhattan Beach, noted that his bedroom is 40 feet away from Mr. Zislis' restaurant The Strand House and noise has not been an issue. He recalled that neighbors expressed concerns about noise from the restaurant, as well as concerns about traffic and noise from customers leaving the restaurant at the time the project was approved, but none of these problems materialized.

Alex Daniels, Paseo de Pablo, voiced support for the project, relating his experience that the El Segundo Rock & Brews is a great family restaurant that is also dog-friendly.

Jackie Balestra, Camino de la Colinas, expressed support for the project, voicing her opinion that traffic noise far exceeds any noise that would come from the restaurant.

Robert Keller, Camino de las Colinas, noted that he has lived at this address for 40 years; explained that sound carries great distances in the Riviera area due to the prevailing winds; and contended that there was no way to mitigate noise from the proposed restaurant unless it is completely enclosed.

The City Council took a brief recess from 10:08 p.m. to 10:24 p.m.

Chris Voisey, Arvada Street, stated that he has visited the El Segundo Rock & Brews and was excited to learn they planned to open a restaurant in Torrance. Noting that he lives adjacent to a commercial property where there have been noise issues, he related his experience that the City of Torrance quickly responds to noise complaints and makes sure they are resolved.

Harry Prodromides, Rolling Hills, reported that he is a realtor involved in the sale of this property and the applicants are well-qualified to take over this restaurant. He suggested that the name "Rock & Brews" was misleading as he would characterize it as a pizza parlor for adults.

John Kellam, Camino de las Colinas, expressed concerns that he will be impacted by noise from the proposed restaurant. He reported that he visited the El Segundo Rock & Brews on a Friday night and it was fairly quiet however he visited again during Oktoberfest and it was rather noisy. He asked about recourse if there are noise violations.

Joseph Barker, El Segundo, stated that he and his brother own, live and work in the mixed-use building directly adjacent to the El Segundo Rock & Brews and there have been no noise problems and the restaurant has been a good neighbor.

Barbara Barker (mother of Joseph Barker), El Segundo, stated that she also lives in the mixed-use building adjacent to the El Segundo Rock & Brews and having the restaurant as a neighbor has been a pleasure.

Rosemary Claire, representing Riviera Villas Homeowners Association, expressed concerns about noise impact and about the visual and environmental impact of the flaming columns at the restaurant's entry. She urged the Council to maintain the quality of life in the Riviera Village.

Anthony Regalado, Palos Verdes Boulevard, urged the Council to require that the restaurant be enclosed to address potential noise issues and to allow a closing time no later than 11:00 p.m.

Ben Curtis, Torrance, requested clarification of the façade along Palos Verdes Boulevard, relating his understanding that there are roll-up doors that can be opened. He expressed concerns about potential noise impact.

Robert Josefek, Camino de las Colinas, stated that he was very concerned about the environmental, safety and privacy impacts of the proposed open air beer garden.

Lisa Kirkley, property manager for 131 Palos Verdes Boulevard, stated that the owner of the property, Mr. Krikorian, wanted her to mention that he was required to underground utilities and replace street lights on Palos Verdes Boulevard when he built the project; that he recommends that there be no outdoor video screens; and that he hoped the Council would show the same concern for the rights of adjacent neighbors as the rights of the restaurant ownership.

John Bailey, president of Southeast Torrance Homeowners Association, expressed concerns that the applicants were trying to thwart the Planning Commission review process by submitting revised plans directly to the City Council and urged the Council to send the project back to the Planning Commission for review.

Richard Root, Via Buena Ventura, stated that the main issue is whether or not the project will comply with the City's Noise Ordinance and related his belief that the Council did not have adequate information to make a judgment on this issue due to the two conflicting reports by professional acoustical consultants. He called for the Council to require that an environmental impact report be prepared for the project.

Amy Josefek, Camino de las Colinas, stated that she was strongly opposed to the proposed open-air beer garden/restaurant due to the noise and other problems it would generate. She reported that contrary to the applicants' claims, they have not worked with neighbors and have ignored their concerns. She contended that the noise report submitted by the applicant was inadequate as it uses measurements taken at the El Segundo Rock & Brews where wind conditions are not the same as this location. She submitted a letter from residents near the Shade Hotel in Manhattan Beach claiming that the applicants failed to install a required sound mitigation measure. She pointed out that those who have expressed support for the project do not live in the immediate area and urged the Council to preserve her quiet and peaceful neighborhood by denying the project.

Karlie Kreag, Palos Verdes Boulevard, voiced objections to the proposed project, citing late-night noise and parking problems that are sure to develop as the restaurant becomes popular.

Seamus Casey, Camino de las Colinas, questioned why the restaurant would be allowed to create noise late into the night when people in the nearby residential area must cease outdoor activities by 10:00 p.m. He expressed concerns that the exit on Palos Verdes Boulevard will create a traffic hazard due to people trying to make a left turn across four lanes of traffic to get to Pacific Coast Highway. He stated that beer producers released a report indicating that their main consumers are 24 years and under and maintained that this is the late-night clientele that will be frequenting the restaurant. He suggested that the noise will be particularly intense if sporting events are played on the outdoor video screens and could include obscenities from disgruntled sports fans. He urged the Council to require an environmental impact report.

Jeralyn Kirby, Camino de las Colinas, stated that west-to-east winds cause sound to carry great distances in this area, therefore an open-air restaurant is not appropriate. She suggested that if the restaurant is as good as it has been portrayed, it will be just as successful if it is enclosed and since the applicants have refused to do this, the project should be denied.

Carol Port, Rolling Hills Estates, voiced support for the project, relating her experience that the El Segundo Rock & Brews has a family-atmosphere and noise problems are non-existent.

Dr. Mark Rispler, Rolling Hills Estates, reported that he frequents the El Segundo Rock & Brews because it's close to his practice in Manhattan Beach and believes the name is misleading since the restaurant has a park-like atmosphere with benches and open-air seating and customers are mostly families. He voiced his opinion that it would be a welcome addition to the Riviera Village.

Bob Howard, Palos Verdes Boulevard, expressed his opposition to the proposed restaurant, contending that it would create the same problems as Annabelle's, a club that was formerly located across the street. He maintained that the restaurant was out of character with the Riviera Village and would likely reduce property values.

Responding to audience members' comments, Mr. Zislis explained that staff determined that an environmental impact report was not required because the project would simply replace an existing restaurant with another smaller restaurant. He noted that the nearby Bull Pen restaurant has live music five nights a week until 1:30 a.m. and is open Monday through Saturday until 2:00 a.m. He clarified that the sound study was conducted by an acoustical consultant selected from an approved list of consultants provided by the City whom he had never met and the consultant hired by opponents to do a peer review of the study has never done an analysis of a restaurant and was not on the City's approved list. He emphasized that the restaurant will be equipped with roll-down doors that enclose the patio area, which will be closed at 9:00 p.m. on weekdays and 10:00 p.m. on weekends to mitigate any noise impact. He indicated that he had no objection to changing the exit on Palos Verdes Boulevard to right-turn only to avoid creating any traffic problems. He asked for an opportunity to request a later closing time after the restaurant has been in operation for one year.

A brief discussion ensued about the possibility of imposing turning restrictions on the exit on Palos Verdes Boulevard and limiting the restaurant's hours of operation.

Mr. Zislis proposed that the restaurant stop the sale of alcohol at 11:00 p.m. on weekdays and 12:00 a.m. on weekends with a closing time an hour later to avoid a situation where all customers are leaving at one time.

Responding to questions from the Council, Mr. Zislis explained that the flaming columns on the exterior of the building are a trademark of the restaurant; that they will run from dusk to midnight; and that they are environmentally-friendly and safety-approved. He reported that both videos of rock groups and sporting events will be played on television screens throughout the restaurant, however, there will be no sound for sporting events. He provided clarification regarding issues involving the Shade Hotel, noting that the sound mitigation measure in question was rejected by the Manhattan Beach Building Department and he has requested a variance.

Community Development Director Gibson discussed remedies should the applicant serve alcohol after the permitted hours, noting that the business could be shut down for violating conditions imposed on the Conditional Use Permit.

Mr. Zislis emphasized that he has never received one violation or citation in his 23 years in the restaurant business.

Assistant City Attorney Sullivan confirmed that staff determined that an environmental impact report was not required for this project.

**MOTION:** Councilmember Rhilinger moved to close the public hearing. The motion was seconded by Councilmember Brewer and passed by unanimous vote (absent Councilmember Numark).

Councilmember Rhilinger reported that she visited the El Segundo Rock & Brews last Wednesday at lunchtime and she was initially appalled by the noise level since several holiday parties were taking place, however the noise was completely contained within the building and she did not hear a sound outside.

Councilmember Sutherland stated that he thought both sides had presented very good arguments and he was waiting to hear from his colleagues before making a final decision. He indicated that he did not think Mr. Zislis' charitable activities were relevant, but felt that character was a factor to consider since it's important that the restaurant be run responsibly. He acknowledged that nearby residents were legitimately concerned about maintaining their quality of life.

Councilmember Brewer noted that several modifications were made to this project to address concerns discussed at the Planning Commission hearing. He reported that he drove by the El Segundo Rock & Brews and did not hear any noise coming from the restaurant; noted that the applicant appears to have made an effort to be a good neighbor at that location; and pointed out that the City has the ability to shut down the restaurant if it does not comply with its Conditional Use Permit. He related his belief that the City would benefit by having a successful business at this corner, which is at the gateway to Torrance.

Councilmember Barnett reported that he and his wife visited the El Segundo Rock & Brews on a Friday evening and while the restaurant was very noisy inside, he could "hear a pin drop" outside after exiting the restaurant. He stated that he was struck by the mix of customers, as there was young and old and everyone in between and he felt this would be a plus for the community. He doubted that nearby residents would be able to hear anything over the traffic noise at this very busy intersection.

Councilmember Furey noted that this was the most speakers at a hearing he could recall and thanked everyone for their input. He related his belief that the current appearance of this site was not appropriate for a major entrance into Torrance. He pointed out that the

project would simply replace a restaurant with another restaurant and although it's a new concept, a new approach is needed because there is a history of failed restaurants on this site. As a practicing lawyer, he agreed with staff that an environmental impact report was not required for this project. He stated that while he understood residents' fear that the project will impact their quality of life, their concerns are speculative and expressed confidence that the City would be able to condition the project to protect their interests.

Mayor Scotto stated that he was pleased so many people came to this meeting to voice their opinions. He explained that he is very familiar with this corner since he lives in the Riviera and used to work 500 feet away and the ambient noise level from the traffic is extremely high. He reported that he visited the El Segundo Rock & Brews twice at its peak hours of operation; that he walked around the exterior and heard very little noise; and that he was confident that this is not going to be an issue. He noted that any successful business is going to bring more traffic to the area.

The Council briefly discussed additional conditions of approval.

**MOTION:** Councilmember Sutherland moved to approve MOD12-00007 and PRE12-00014, including the 38 conditions recommended by staff and adding the following conditions:

**Add**

- That the service of alcohol shall end at 11:00 p.m. Monday through Thursday; 12:00 a.m. on Friday and Saturday; and 10:00 p.m. on Sunday, with the restaurant to close an hour after the service of alcohol ends.
- That the Palos Verdes Boulevard driveway shall be restricted to entrance only with no exit.
- That the restaurant shall open at 10:00 a.m. on Saturday and Sunday.

The motion was seconded by Councilmember Rhilinger and passed by unanimous vote (absent Councilmember Numark).

Community Development Director Gibson advised that resolutions reflecting the Council's action would be brought back for approval at a later date.

**17. ORAL COMMUNICATIONS #2**

**17A.** Councilmember Rhilinger wished residents and business owners a happy holiday season and a merry Christmas.

**17B.** Councilmember Sutherland wished his colleagues on the Council, City staff and residents a merry Christmas and urged everyone to remember the residents of Newtown, Connecticut in their thoughts and prayers.

**17C.** Councilmember Barnett wished everyone a merry Christmas, a happy New Year and a healthy holiday season.

**17D.** Councilmember Brewer also wished everyone a merry Christmas and a happy New Year.

**17E.** Councilmember Furey echoed wishes for a happy holiday season and encouraged everyone to hug their children and grandchildren and let them know they are loved every day.

**17F.** Mayor Scotto wished everyone a merry Christmas and happy New Year and thanked employees for doing an excellent job despite having no pay raises for several years. Commenting on the Newtown tragedy, he stressed the need to be prepared for emergencies. He urged people not to drink and drive during the holiday season.

**17G.** City Manager Jackson wished everyone a merry Christmas and happy New Year on behalf of staff. He noted that Torrance Transit offers free bus rides on New Year's Eve to discourage drinking and driving.

**18. EXECUTIVE SESSION**

Considered earlier in the meeting, see page 1.

**19. ADJOURNMENT**

At 11:59 p.m., the meeting was adjourned to Tuesday, January 8, 2013 at 5:30 p.m. for a joint meeting with the Library Commission in the Cultural Arts Center Garden rooms, with regular business commencing at 7:00 p.m. in the Council Chamber.

**Tuesday, December 25, 2012 and Tuesday, January 1, 2013 will be Council dark nights.**

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Attest:

/s/ Frank Scotto

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers, CMC  
City Clerk of the City of Torrance

Approved on February 5, 2013