

August 16, 2005

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

**1. CALL TO ORDER**

The Torrance City Council convened in an adjourned regular session at 6:00 p.m. on Tuesday, August 16, 2005 in City Council Chambers at Torrance City Hall.

**ROLL CALL**

Present: Councilmembers Lieu, Mauno McIntyre, Nowatka, Scotto, Witkowsky and Mayor Walker.

Absent: None.

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

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Agenda Item 17 was considered out of order at this time.

**17. EXECUTIVE SESSION**

The Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 17A) Conference with Labor Negotiator, pursuant to California Government Code Section 54957.6.

The Council reconvened in Council Chambers at 7:02 p.m. No formal action was taken on any matter considered in closed session.

**2. FLAG SALUTE/INVOCATION**

The Pledge of Allegiance was led by Councilmember Nowatka.

Councilmember Lieu gave the non-sectarian invocation for the meeting.

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

**MOTION:** Councilmember Mauno moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

**MOTION:** Councilmember Mauno moved that after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

**4. WITHDRAWN OR DEFERRED ITEMS**

None.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Mayor Walker asked that the meeting be adjourned in memory of Owen Weibel, a 42-year resident of Torrance who passed away on August 8, 2005 at the age of 78.

6. **COMMUNITY MATTERS**

6A. **RESOLUTION NO. 2005-63 RE POLICE OFFICER TOM ALLAN MCDANIEL**

**RESOLUTION NO. 2005-63**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING POLICE OFFICER TOM ALLAN MCDANIEL UPON HIS RETIREMENT FROM THE CITY AFTER THIRTY-ONE YEARS OF SERVICE

**MOTION:** Councilmember Scotto moved for the adoption of Resolution No. 2005-63. The motion was seconded by Councilmember Nowatka and passed by unanimous vote.

*To be presented at a later date.*

6B. **RESOLUTION NO. 2005-64 RE POLICE OFFICER DANA PAUL MUNDE**

**RESOLUTION NO. 2005-64**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING POLICE OFFICER DANA PAUL MUNDE UPON HIS RETIREMENT FROM THE CITY AFTER TWENTY-EIGHT YEARS OF SERVICE

**MOTION:** Councilmember Scotto moved for the adoption of Resolution No. 2005-64. The motion was seconded by Councilmember Nowatka and passed by unanimous vote.

*To be presented at a later date.*

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Mayor Walker presented Management Associate Laura Toner with a farewell plaque and wished her well as she was leaving her employment with the City to pursue an MBA in International Studies. Councilmembers offered expressions of thanks and farewell.

7. **CONSENT CALENDAR**

7A. **PURCHASE OF TELEPHONE REGISTRATION SYSTEM**

**Recommendation**

Recommendation of the **Information Technology Director** and the **Community Services Director** that City Council:

- 1) Transfer and appropriate an additional \$20,200 from Communications and Information Technology's operating budget to the Telephone Registration Project (FEAP #508);
- 2) Approve and execute a purchase agreement with Active, Inc. in an amount not to exceed \$35,200 for the purchase and implementation of the Safari Integrated Voice Response system; and
- 3) Approve the purchase of computer hardware in an amount not to exceed \$5,000.

**7B. PUBLIC WORKS AGREEMENT RE DOWNTOWN SEWER REHABILITATION**

**Recommendation**

Recommendation of the **Public Works Director** that City Council:

- 1) Approve the plans and specifications for the Downtown Sewer Rehabilitation, I-68 (B2005-41);
- 2) Award a public works agreement in the amount of \$656,677 to RePipe – California, Inc., and authorize a 5% contingency in the amount of \$32,834 for the agreement; and
- 3) Authorize the Mayor to execute and the City Clerk to attest to said agreement.

**MOTION:** Councilmember Witkowsky moved for the approval of Consent Calendar Items 7A and 7B. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

**9. PLANNING AND ECONOMIC DEVELOPMENT**

**9A. ECONOMIC DEVELOPMENT PROGRAM FEAP PROJECTS**

**Recommendation**

Recommendation of the **Economic Development Team** that City Council:

- 1) Cancel FEAP #482, a site selection software project;
- 2) Transfer balance of \$30,000 from cancelled FEAP #482 to FEAP #481, a project to establish a contact management tracking software for a total project amount of \$60,000; and
- 3) Return remaining balance of \$30,000 to the Economic Development Reserve Fund.

Management Associate Toner reported that the Economic Development Team was recommending the purchase of contact management tracking software, which would enable the City to track people who are interested in relocating or expanding their businesses in Torrance.

Responding to questions from the Council, Management Associate Toner advised that South Bay Cities Council of Governments' proposal to purchase a South Bay GIS site selection database has been tabled due to a lack of support from Palos Verdes Peninsula cities, which don't have a large business community, however, the South Bay Economic Development Partnership plans to ask SBCCOG to reconsider because substantial savings can be realized if cities band together.

Management Associate Toner introduced Fran Fulton, W/N Business Service Manager, as the new Economic Development Manager.

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

**11. ADMINISTRATIVE MATTERS**

**11A. CALPERS CONTRACT AMENDMENT RE TWO-YEAR SERVICE CREDIT**

**Recommendation**

Recommendation of the **City Manager** that City Council adopt a Resolution to grant a designated period for two years additional service credit under the California Public Employees' Retirement System (CalPERS).

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

**RESOLUTION NO. 2005-65**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE GRANTING ANOTHER DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT (PERS)

**MOTION:** Councilmember Scotto moved for the adoption of Resolution No. 2005-65. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

**11B. SUBSIDY OF RENTAL FEES FOR ENERGY EXPO**

**Recommendation**

Recommendation of the **City Manager** that City Council subsidize the rental fees for the Toyota Meeting Room in the amount of \$1,154 for "Light, Power, Action: an Energy Expo."

Management Aide Agarwal noted supplemental material available at the meeting recommending that the subsidy be increased to \$1,738. He explained that the increase was necessary because the Energy Expo will be using various facilities in addition to the Toyota Meeting Room, including the Garden Rooms, Nakano Theater and Torino Plaza.

Councilmember Witkowsky invited the public to attend the Energy Expo on Wednesday, August 17, from 10:00 a.m. to 2:00 p.m., noting that Congresswoman Jane Harman will be present.

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

**12. HEARINGS**

**12A. DEVELOPMENT IMPACT FEES**

**Recommendation**

Recommendation of the **Community Development Director** that City Council:

- 1) Hold a public hearing regarding the Development Impact Fee;
- 2) Adopt an Ordinance approving a Transportation Impact Fee Program by adding Article 1 of Chapter 9 of Part I of Division 2 of the Torrance Municipal Code;
- 3) Adopt an Ordinance approving a Utility Undergrounding Impact Fee Program by adding Article 2 of Chapter 9 of Part I of Division 2 of the Torrance Municipal Code;
- 4) Adopt an Ordinance approving a Storm Drain Impact Fee Program by adding Article 3 of Chapter 9 of Part I of Division 2 of the Torrance Municipal Code; and
- 5) Adopt an Ordinance approving a Sewer Impact Fee Program by adding Article 4 of Chapter 9 of Part I of Division 2 of the Torrance Municipal Code.

Mayor Walker 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.

Transportation Planning Manager Semaan noted supplemental material available at the meeting consisting of ordinance summaries and briefly reviewed the process for the implementation of the fees.

In response to Councilmember Scotto's inquiry, Transportation Planning Manager Semaan advised that the fees must be returned to the developer who paid them if they are not spent within five years of collection.

Councilmember Mauno pointed out the disparity between the fees for multi-family residential projects (\$1537 per unit) and local commercial projects (\$5158 per 1000 square feet), which indicates that commercial properties place a much greater demand on the City's infrastructure than residential developments as fees are based on usage.

Lola Unger, representing the League of Women Voters, voiced support for the proposed Development Impact Fees, stating that they were a step in the right direction towards smart growth. She suggested that the fee structure be reviewed on a regular basis in order to keep up with the rising cost of upgrading the City's infrastructure.

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

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

#### **ORDINANCE NO. 3670**

AN ORDINANCE OF THE CITY OF TORRANCE ADOPTING A TRANSPORTATION IMPACT FEE PROGRAM AND AMENDING THE TORRANCE MUNICIPAL CODE

**MOTION:** Councilmember Scotto moved for the adoption of Ordinance No. 3670. The motion was seconded by Councilmember Lieu and passed by unanimous roll call vote.

#### **ORDINANCE NO. 3671**

AN ORDINANCE OF THE CITY OF TORRANCE ADOPTING A UTILITY UNDERGROUNDING IMPACT FEE PROGRAM AND AMENDING THE TORRANCE MUNICIPAL CODE

**MOTION:** Councilmember Scotto moved for the adoption of Ordinance No. 3671. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

#### **ORDINANCE NO. 3672**

AN ORDINANCE OF THE CITY OF TORRANCE ADOPTING A STORM DRAIN IMPACT FEE PROGRAM AND AMENDING THE TORRANCE MUNICIPAL CODE

**MOTION:** Councilmember Scotto moved for the adoption of Ordinance No. 3672. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

#### **ORDINANCE NO. 3673**

AN ORDINANCE OF THE CITY OF TORRANCE ADOPTING A SEWER IMPACT FEE PROGRAM AND AMENDING THE TORRANCE MUNICIPAL CODE

**MOTION:** Councilmember Scotto moved for the adoption of Ordinance No. 3673. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

**MOTION:** Councilmember Scotto moved to approve ordinance summaries for publication. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

Mayor Walker commented that this was a major step in dealing with the future of Torrance because unlike many other communities, the City will now have the ability to fund the upgrading of its aging infrastructure. He stated that he would like to take it one step further and proposed, with the concurrence of the Council, that the Community Planning and Design Committee look into developing a long-term program for undergrounding utilities. He noted that such a program could take a year to develop and 50 years to fully implement, but it would be well worth it to rid the City of ugly power poles and utility lines.

**12B. PRE05-00002, WAV05-00012: ROBERT GARSTEIN**

**Recommendation**

Recommendation of the **Community Development Director** and the **Planning Commission** that City Council deny the appeal and adopt Resolutions approving as conditioned a Precise Plan of Development and a Waiver to allow a reduction in the front and side yard setbacks for the construction of first and second floor additions to an existing single family residence on property located in the Hillside Overlay District, in the R-1 zone at 4726 Bindewald Road.

**PRE05-00002, WAV05-00012: Robert Garstein (Robert and Jackoline Van Lingen)**

Mayor Walker 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.

Due to a possible perception of a conflict of interest, as friend or competitor with the Van Lingen, Councilmember Scotto excused himself from consideration of the item and exited the Council Chambers.

With the aid of slides, Planning Manager Isomoto briefly described the proposed project, noting that the addition is set back toward the rear of the property to minimize the bulk and to avoid impacting the adjacent neighbor's front balcony. She advised that the Waiver was requested so the applicant could maintain the existing 15-foot setback for the garage, which is consistent with other homes in this tract. She reported that the Planning Commission voted to approve the project by a vote of 5-0.

Bill Applegate, representing Mr. and Mrs. Van Lingen, stated that this home has been in the Van Lingen family since it was built more than 50 years ago and it sits between 2 two-story homes. He explained that the proposed addition has a Floor Area Ratio (FAR) of .53 – or .51 not including the double-counted stairway – and a height of 22 feet 7 inches, which is substantially less than the appellant's home, which has an FAR of .60 and a height of 26-27 feet. He submitted a petition in support of the project signed by nine of the Van Lingen's closest neighbors, noting that the appellant is the only neighbor opposed to the project. He disputed the appellant's claim of view impairment, pointing out that photographs submitted by the appellant show that his own trees block the silhouette from view. Using an aerial photograph to illustrate, he also disputed the appellant's claim that all the rear walls of homes on this block are in line except for the Van Lingen's.

Allen Shenasi, 4722 Bindewald Road, appellant, contended that the proposed project would obstruct his view and intrude on his privacy, referring to photographs previously submitted to illustrate (per supplemental material). He suggested that the addition be shifted toward the street so that that rear wall of the house would be in harmony with the rest neighborhood. He explained that he is the only neighbor objecting to the project because he is the only one affected by it.

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

Councilmember Witkowsky related her observation that many second-story additions in this neighborhood are set back like the one proposed by the Van Lingen so the remodeled homes have almost a single-story appearance from the street and suggested that it was more important to maintain harmony along the front as opposed to the rear of the property.

Planning Manager Isomoto agreed, explaining that staff encourages a greater front setback for second stories to avoid a sheer wall in the front.

Voicing support for the project, Councilmember Mauno noted that windows facing the Van Lingen's property are small and high so there is no view from this side of Mr. Shenasi's house. With regard to privacy, he pointed out that foliage on Mr. Shenasi's property would obscure most of the view from the second-story windows facing his property and, in addition, the Planning Commission added a condition requiring these windows to be made of frosted glass to mitigate the impact on privacy.

**MOTION:** Councilmember Lieu moved to concur with the staff recommendation to deny the appeal and approve the project. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Councilmember Scotto).

#### **RESOLUTION NO. 2005-66**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW FIRST AND SECOND FLOOR ADDITIONS FOR AN EXISTING SINGLE FAMILY RESIDENCE IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 4726 BINDEWALD ROAD  
**PRE05-00002: ROBERT AND JACKOLINE VAN LINGEN (ROBERT GARSTEIN)**

**MOTION:** Councilmember Mauno moved for the adoption of Resolution No. 2005-66 as amended. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Councilmember Scotto).

#### **RESOLUTION NO. 2005-67**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A WAIVER AS PROVIDED FOR IN DIVISION 9, CHAPTER 4, ARTICLE 2 OF THE TORRANCE MUNICIPAL CODE TO ALLOW A WAIVER OF THE REQUIRED FRONT AND SIDE-YARD SETBACK ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 4726 BINDEWALD ROAD  
**WAV05-00012: ROBERT AND JACKOLINE VAN LINGEN**

**MOTION:** Councilmember Mauno moved for the adoption of Resolution No. 2005-67. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote (absent Councilmember Scotto).

Councilmember Scotto returned to Council Chambers.

The Council met as the Redevelopment Agency from 7:56 p.m. to 7:58 p.m.

**16. ORAL COMMUNICATIONS**

**16A. Councilmember Lieu** noted that documents released by the Pentagon concerning the decision making process in choosing the various military bases slated for closure indicate that they agreed with positions taken by local proponents to keep the Los Angeles Air Force Base open.

**16B. Councilmember Mauno** reported that Vector Control was reminding the public to take all precautions necessary against the West Nile virus as summer temperatures increase the influx of mosquitoes.

**16C. Councilmember McIntyre** expressed condolences to the family of Hyatt Griffith, a North High School graduate, who passed away while swimming in the Kern River.

**16D. Councilmember McIntyre** noted that the *Daily Breeze* recently published the results of the high school exit examination and congratulated the four Torrance high schools on achieving scores that averaged 96% in English and 97% in Math.

**16E. Councilmember Nowatka** commended the police department for their good police work in the recent arrest of two robbery suspects, which led to a major investigation that revealed terrorist connections.

**16F. Councilmember Scotto** announced that he had attended the ribbon cutting for the new Red Cross office at 1995 West 190<sup>th</sup> Street, Suite 100. He encouraged the public to take advantage of classes, including watercraft safety, CPR, and first-aid. INFORMATION 310.225.2900.

**16G. Councilmember Witkowsky** commented on the ExxonMobil Green Team experience where high school students had an opportunity to work for the city and the school district over the summer

**16H. Councilmember Witkowsky** announced and invited the public to attend the Torrance Historical Society event honoring veterans on Thursday, August 8, at the museum from 6:00 p.m. to 9:00 p.m.

**16I. Councilmember Witkowsky** announced that the 7<sup>th</sup> Annual City of Torrance Employee Variety Show would be held on September 16, at 7:00 p.m., benefiting the American Cancer Society, with tickets available at the box office 781-7171.

**16J. Linda Gottshall-Sayed**, resident, urged the Council to censor Alan Lee, AFSCME International, curbing his ability to speak under orals as he does not live in Torrance and does not represent Torrance employees. She noted that Mr. Lee purported to speak on behalf of a Torrance employee two weeks ago, a claim that was refuted by that employee's wife the following week.

**16K. Sherry Stelteneier**, Western Avenue, expressed concerns regarding the management of Knolls Lodge Mobile Home Park.

**16L. Karen Sidler**, Western Avenue, also expressed concerns regarding Knolls Lodge management.

**16M. Marge Miller**, Doris Way, expressed concerns regarding a transient living near her residence.

**16N. Craig Brackbill**, San Gabriel, of AFSCME Local 1902 and 1601 (MWDSC), asked the City Council to give direction to Bill Wright, City of Torrance representative to the Metropolitan Water District, to settle their contract in a fair manner.

**16O. Mayor Walker** reported that members of the City Council and City staff have gone out to view Knolls Lodge and they were working with the management to resolve residents' concerns.

**17. EXECUTIVE SESSION**

Considered earlier in the meeting, see page 1.

**18. ADJOURNMENT**

At 8:28 p.m., the meeting was adjourned to Tuesday, August 23, 2005, at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

***Adjourned in Memory of  
Owen Weibel***

Attest:

/s/ Dan Walker

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers, CMC

City Clerk of the City of Torrance

Approved on October 25, 2005