

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

1. CALL TO ORDER

The Torrance City Council convened in a joint session with the Commission on Aging at 5:35 p.m. on March 22, 2005, in Council Chambers.

2. ROLL CALL

City Council

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

Absent: None.

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

* Councilmember Mauno arrived at 5:40 p.m.

Commission on Aging

Present: Commissioners Amemiya, Breaker, Callen, Cardella, Clutter, Griffith, Virobik and Chair Dean.

Absent: Commissioner Doty.

3. ACCEPT AND FILE AFFIDAVIT OF AGENDA POSTING

The affidavit of agenda posting for the Commission on Aging by the City Clerk was accepted and filed.

4. HOUSING

4a. Focal Point Statistical Update

Commissioner Virobik discussed statistics compiled by Focal Point volunteers over the past five years in regard to the number of requests they receive for information on Affordable Senior Citizens Housing and noted her concern about the large number of people currently on the waiting list for Section 8 housing assistance.

4b. Affordable Senior Citizens Housing

Commission Chairperson Dean expressed her concern that there does not appear to be an affordable Senior Citizens Housing component to "The Bungalows" project on the corner of Torrance Boulevard and Madrona Avenue, noting that the Commission believed that this was to be included, based on a presentation made to the Commission by the developer. Jane Isomoto, Community Development Division Manager, shared that there are two components to the project: market rate housing for the general public and market rate housing for senior citizens. She indicated that the developer, Doug Maupin, had been unable to acquire redevelopment funds to include affordable units for seniors but will be following up with market rate units specifically designed for seniors since he had committed to provide Senior Citizens Housing. The remainder of the project was sold by Doug Maupin to Centex Homes. City Manager Jackson provided an explanation of the mandates for the use of redevelopment funds, noting that much of the money available can be used only for affordable "family" housing as much of the money earmarked for

affordable "Senior Citizens" housing has already been used for projects such as Coleman Court and Ocean Terrace.

Commissioner Griffith noted that she would like for the Commission Aging to be kept apprised of potential housing projects within the City. Commissioner Clutter inquired about the delay in the project being built on Sepulveda Boulevard and Cabrillo Avenue; Planning Manager Isomoto responded that the delay was due to additional clean-up issues and the project is now in plan check.

Councilmember Witkowsky questioned whether or not the City could explore "buying down" old apartment buildings and upgrading them to allow for additional Senior Citizens Housing. City Manager Jackson indicated that redevelopment funds could be used for such projects. There was a discussion about the Community Development Block Grant program. Mr. Jackson indicated that he would share with Councilmembers a staff analysis prepared some time back in relation to the program.

Commissioner Griffith discussed "Shared Housing" noting that she has discussed the concept with churches and other organizations and has not yet found an agency willing to take the lead on the development of such a program in our area. Councilmember Witkowsky indicated that she would share information with Commissioner Griffith regarding the "Senior Companion" program. Councilmember Mauno inquired about "site specific" housing for seniors.

5. TRANSPORTATION

5a. Senior Taxi Program

Commissioner Callen thanked the Transit Department for their recent comprehensive update on the proposed changes to the Senior Taxi Program.

5b. Senior Friendly Use of Torrance Transit System

Transit Operations Manager Turner indicated that after their recent meeting with the Commission on Aging, a location for a bus shelter was identified in the Del Amo Fashion Center area. Ms. Turner also indicated that the location is now operational. Councilmember Nowatka and Commission Chairperson Dean noted their concern about the lack of a Transit Center at the Del Amo Fashion Center. City Manager Jackson indicated that there is no functional location in the Del Amo Fashion Center area.

6. ORALS/ANNOUNCEMENTS

Everyone expressed pleasure at being able to meet about important issues.

7. ADJOURNMENT & RECESS

At 6:25 p.m. the Commission on Aging adjourned to Tuesday, April 12, 2005 at 9:30 a.m. for a regular meeting at the Bartlett Senior Citizens Center, Hosler Conference Room.

At 6:25 p.m. the City Council recessed to City Council Chambers to continue an adjourned regular meeting.

City Council reconvened at 6:32 p.m. in the City Council Chambers.

17. EXECUTIVE SESSION

At 6:33 p.m. City Council and Redevelopment Agency recessed to closed session to confer with the City Manager and the City Attorney on the agenda matter listed under

17.A) Conference with Legal Counsel – Existing Litigation pursuant to California Government Code Section 54956.9(a).

The City Council reconvened at 7:14 p.m.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Councilmember McIntyre.

The invocation was given by Councilmember Scotto.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember Lieu 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 Mauno and a voice vote reflected unanimous approval.

MOTION: Councilmember Lieu 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 Mauno and a roll call vote reflected unanimous approval.

4. WITHDRAWN OR DEFERRED ITEMS

None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Scotto announced the Ad Hoc Armed Forces Committee meeting would be held April 14 at 10:00 a.m. in the Garden Room of the Cultural Arts Center.

City Clerk Herbers announced an unscheduled vacancy on the Planning Commission. Applications will be accepted in the City Clerk's office until April 6, with the appointment to be made at the City Council meeting on April 12, 2005.

Mayor Walker asked that the meeting be adjourned in the memory of Elton Russell, lifelong Torrance resident and retired City employee who passed away on March 12, 2005.

6. COMMUNITY MATTERS

6A. RESOLUTION NO. 2005-15 RE MICHAEL CONNOLLY VENABLE

RESOLUTION NO. 2005-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE CALIFORNIA HONORING MICHAEL CONNOLLY VENABLE UPON HIS RETIREMENT FROM THE CITY AFTER THIRTY-FIVE YEARS OF SERVICE.

MOTION: Councilmember McIntyre moved to adopt Resolution No. 2005-15. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

6B. PRESENTATION OF MUNICIPAL INFORMATION SYSTEMS ASSOCIATION OF CALIFORNIA AWARD FOR EXCELLENCE

Presentation of the Municipal Information Systems Association of California (MISAC) Award for Excellence in Information Technology Practices 2003-2004 by Mitch Cochran, State Representative for MISAC, to CIT Director Rick Shigaki.

Mr. Cochran presented the Municipal Information Systems Association of California Award for Excellence to CIT Director Shigaki noting that this was the City's fourth such award.

7. CONSENT CALENDAR

7A. MINUTES OF FEBRUARY 1, 8 AND 15, 2005

Approval of minutes of February 1, February 8, and February 15, 2005.

7B. ADOPTION OF ESTABLISHED OVERALL ANNUAL DBE GOAL FOR FY 2005

Recommendation

Recommendation of the **City Manager** that City Council adopt the Established Overall Annual DBE Goal for Federal Fiscal Year 2005 and, authorize the Mayor to execute such adoption, to facilitate submission to the California Department of Transportation (Caltrans) for funding authority approval, on behalf of the City.

7C. FEBRUARY MONTHLY INVESTMENT REPORT

Recommendation

Recommendation of the City Treasurer that City Council accept and file the monthly investment report for the month of February 2005.

7D. PC REPLACEMENT FUND APPROPRIATION

Recommendation

Recommendation of the **Information Technology Director** that City Council appropriate \$19,879 from the PC Replacement Fund for payment of the two-year fee for McAfee Anti-Virus licensing, automated updates, and maintenance support.

7E. AMENDMENT AGREEMENT WITH ALBERT GROVER & ASSOCIATES

Recommendation

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

- 1) Approve an amendment to contract service agreement with Albert Grover & Associates (C2004-152) to extend the term to August 31, 2005 for construction inspection services in conjunction with Median Island Improvements for the Beautification of Hawthorne Boulevard from Pacific Coast Highway to Sepulveda Boulevard; and
- 2) Authorize the Mayor to execute and the City Clerk to attest to said agreement.

7F. TORRANCE SISTER CITY ASSOCIATION GRANT

Recommendation

Recommendation of the **Community Services Director** that City Council award the Torrance Sister City Association a grant in the amount of \$1,500 for the services specified in the application.

7G. CULTURAL ARTS CENTER FUND APPROPRIATION

Recommendation

Recommendation of the **General Services Director** that City Council approve an appropriation of \$76,500 from the Cultural Arts Center fund balance, to be used for

facility renovations and technical equipment at the George Nakano Theatre and James R. Armstrong Theatre (FEAP #502).

7H. CHANGE ORDER RE LONG BEACH UNIFORM CO. INC.

Recommendation

Recommendation of the **Chief of Police** that City Council authorize a change order in the amount of \$12,000 to existing Purchase Order #19747 to Long Beach Uniform Co. Inc., for the purchase of uniforms and accessories, for a total expenditure authorization of \$35,750.

7I. PURCHASE ORDER RE MAXIMUS, INC.

Recommendation

Recommendation of the **General Services, Transit, and the Communications and Information Technology Directors** that City Council approve a hosting services agreement and authorization of a purchase order to MAXIMUS, Inc. of Reston, VA in the amount of \$38,320, to implement conversion of the City's *Fleet Anywhere*[™] system to a MAXIMUS hosted Oracle database.

7J. PUBLIC WORKS AMENDMENT RE S.H.E. CONSTRUCTION GROUP, INC.

Recommendation

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

- 1) Approve an amendment to public works agreement with S.H.E. Construction Group, Inc. (C2004-098) in the amount of \$42,766, for a total of \$700,708.50, and extend the term to August 31, 2005 for the construction of Median Island Improvements for the Beautification of Hawthorne Boulevard from Pacific Coast Highway to Sepulveda Boulevard; and
- 2) Authorize the Mayor to execute and the City Clerk to attest to said agreement.

7K. SUBDIVISION BOND RELEASE RE TRACT MAP NO. 53738

Recommendation

Recommendation of the **Community Development Director** that City Council approve the release of three subdivision bonds for Tract Map No. 53738, which was subdivided by 3954 182nd Street, Ltd., and located at 3954 182nd Street.

7L. CRM ENTERPRISE CONTRACT RE NEW PUBLIC SAFETY INFORMATION SYSTEM INSTALLATION

Recommendation

Recommendation of the **Chief of Police** and **Fire Chief** that City Council approve a contract not to exceed \$80,000 with CRM Enterprise, Inc., to assist with installation of a new Public Safety Information System (CAD/RMS/MDC) for the Police and Fire Departments, and with other consolidation-related projects.

7M. EL CAMINO TRAINING ACCOUNT ALLOCATION

Recommendation

Recommendation of the **Chief of Police** and the **Community Services Director** that City Council appropriate and allocate \$5,143.66 from the Police Department's El Camino Training account to purchase and install an 8' x 10' wood-sided portable storage shed to house physical agility test equipment at the animal control facility at Charles Wilson Park.

7N. PROFESSIONAL SERVICES AGREEMENT RE PLANNET CONSULTING

Recommendation

Recommendation of the **Information Technology Director** that City Council award a professional services agreement to PlanNet Consulting in the amount of \$68,310 and a 5% contingency of \$3,416, to assist the City in researching, designing, and acquiring a new telephone replacement system (RFP B2005-03).

MOTION: Councilmember Scotto moved to approve items 7A through 7N as written. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

9. PLANNING AND ECONOMIC DEVELOPMENT

9A. HEARING DATE RE SHEA HOMES APPLICATION

Recommendation of the **Community Development Director** that City Council provide direction as to the scheduling of the hearing date for the Shea Homes application to construct a 226-unit residential project on property bounded by Hawthorne Boulevard, Carson Street, and Del Amo Circle West.

Planning Manager Isomoto reported supplemental material available including a letter received from the applicant agreeing to schedule the hearing for April 19, 2005 which is the same date requested by the two homeowner groups.

11. ADMINISTRATIVE MATTERS

11A. CITY TREASURER'S INVESTMENT REPORT, MID YEAR 2004-2005 BUDGET REPORT AND REVISED FIRE DEPARTMENT PROGRAM MODIFICATION

Recommendation of the **Finance and Governmental Operations Committee** that City Council concur with the following recommendations:

- 1) Accept the Mid Year 2004-2005 Budget Review Report
- 2) Accept the City Treasurer's Investment Report; and
- 3) Approve the revised program modification for the Fire Department.

Finance Director Flewellyn provided a brief summary of the material of record.

MOTION: Councilmember Scotto moved to accept the Mid Year 2004-2005 Budget Review Report and the City Treasurer's Investment Report. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval

Finance Director Flewellyn reported that the original modifications had failed to include tax.

Responding to Councilmember Scotto, Fire Chief Bongard explained that extension engines would no longer be available as of May 1 and four defibrillators would need to be purchased resulting in a total of 10 paramedic units in the City providing better response to life threatening situations.

MOTION: Councilmember Scotto moved to approve the revised program modification for the Fire Department. Councilmember Lieu seconded the motion and a roll call vote reflected unanimous approval

Councilmember Lieu asked for a follow up report on what was being done to implement alternative fuel vehicles and City Manager Jackson agreed to provide additional information.

11B. ZOLL MEDICAL CORPORATION PURCHASE ORDER

Recommendation of the **Fire Chief** that City Council authorize a purchase order be issued to ZOLL Medical Corporation in the amount not to exceed \$84,777.07 for four biphasic 12-lead cardiac defibrillator/ monitor packages.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

11C. COMMUNITY SERVICES DEPARTMENT ORGANIZATIONAL STRUCTURE

Recommendation of the **City Manager** and **Community Services Steering Committee** that City Council approve the organizational structure as revised for the new Community Services Department.

Assistant City Manager Giordano provided a summary of the material of record noting that a time limit should be considered to see if a viable allocation can be arrived at and she requested that the consolidation of administrative functions under an Administrative Services Manager be approved in concept with the Steering Committee to return with an alternative way to fund the position. The Steering Committee feels that oversight of such a large department with a budget of nearly \$17 million per year is necessary.

Responding to Mayor Walker, Assistant City Manager Giordano clarified that the Steering Committee did not recommend giving staff the chance to allocate the duties without significant overtime but if that option is taken they believe that a six month time period would be appropriate.

Councilmember Lieu reported meeting with the groups which presented an alternative proposal that would save approximately \$400,000 and Assistant City Manager Giordano explained that their proposal included deleting a Library Services Manager whereas the Steering Committee had reallocated that to a Principal Librarian to provide supervision.

Councilmember Scotto clarified that the Administrative Services Manager would cost \$110,000 reducing the savings to \$363,000 and Assistant City Manager Giordano reiterated that staff would devise an alternate way to fund that position so that the savings would still end up being \$472,000.

Responding to Councilmember Scotto, City Manager Jackson likened the situation to operating without a finance department and he cautioned against approving the original proposal without the Administrative Services Manager for a department of that size.

Councilmember Witkowsky observed that the employee groups were concerned with service to the community without Senior Librarians and the Steering Committee was concerned about eliminating a level of supervision and she felt eliminating either one would be a problem.

Assistant City Manager Giordano stated that it was being presented that the Steering Committee was deleting a service position in order to add a supervisory position

when in fact nothing has changed. Functional areas in the Recreation Division have been reallocated and after meeting with Recreation leaders they reversed their position and are supporting two senior Recreation Supervisors.

Responding to Councilmember Witkowsky, City Manager Jackson indicated that the transition would not be seamless to the public in terms of service but they would be impacted as minimally as possible with a \$12 million reduction to the City budget. He expressed serious concern about running management into the ground if they are not given sufficient support and noted that the proposal was a compromise to provide public service as far as possible while still providing sufficient support to department heads.

Councilmember Mauno acknowledged that Recreation and the Library are services that are very important to the City and he was pleased that the City would reexamine the proposal after six months to find other opportunities and come up with a more unified approach.

Referring to Attachment A, Councilmember Scotto questioned whether it was possible to save \$600,000 and Assistant City Manager Giordano clarified that the numbers might add up to that but they did not believe it could work practically and she indicated that she would have to research the matter further as it is possible that people would be reporting where there is not a function to report to.

Councilmember Scotto commented on the fact that the employees were coming forward to take on additional duties and City Manager Jackson noted that action added to the responsibilities of those above them as well.

Carol Dean, Ladeene Avenue, recommended giving the employees six months to see if they could make their proposed modifications work and she was concerned about cutting senior staff members by one third which increased the load on others.

Kay White spoke on behalf of the League of Women Voters in Torrance to support preservation of the library system and the positions of existing employees. She provided a brief history of the Torrance library system noting that the direct public service of the staff to the citizens should be recognized and she pointed out the importance of the library to children.

Dana Vinke, Walteria Branch Library Senior, reported that members of TME-ACFSME Local 1117, Professional Parks and Recreation Employees Association and the Torrance Professional and Supervisory Association had met with Community Services Steering Committee team members over the past three weeks but were unable to come to an agreement with regards to the consolidation plan. He asserted that Community Services resources were already very much maximized and they felt that no changes should be made to the current structure until further research was conducted. He pointed out that the Steering Committee proposal sought to cut two service positions while establishing two new supervisory positions and reallocating another. The positions considered for deletion provide direct public interface and the loss of three highly productive positions would detract from the department's goal of providing quality programs and services to the community. The proposed management positions are middle management positions geared toward internal organization support.

Mr. Vinke felt it critical to maintain the Senior Recreation Supervisor and Senior Librarian positions especially since more cuts are faced. He asserted that the plan presented by the three public employee groups would maintain high productivity and save

\$118,000 more than the plan offered by the Steering Committee and they proposed maintaining the plan for two years to provide an opportunity to clearly define the specific responsibilities within the new mega department

Gary Schmidt, President of the Torrance Professional Parks and Recreation Employees Association (TPPREA), recommended delaying implementation of the Steering Committee's reorganization to allow time to clearly define the responsibilities and duties within the new mega department. TPPREA membership was left out of the process by not being represented on the committee and they feel that several important elements were overlooked. Working as a team, he felt that a plan could be developed to meet the needs of the community and the financial needs of the City and he emphasized that they wanted to work with management to develop a viable plan.

Katherine Roberts, Spinning Avenue, expressed hope that the Council would allow six months before moving forward with the decision.

Greg Ferguson, TME AFSCME Local 1117, requested more time to work with management to formulate a plan that would really work and he commented that the additional efficiencies appeared to be a bit of fuzzy math.

Amanda Prue, W. 177th Street, expressed support for maintaining recreation programs in the City which she felt to be very important. She reported experience with the Youth Volunteer Leadership program over the summer which had helped her to get involved with the community.

Bea Virobik, Focal Point, reported that Parks and Recreation had provided much support over the past few years and she pointed out that the senior center was very successful due to their efficiency and team spirit. She pointed out that the Libraries and Parks and Recreation had been combined just two months ago and she felt a longer evaluation to be necessary with more studies conducted to create a win-win situation for both.

Irene Griffith, W. 229th Street, reminded the Council that the services of the three departments represent the heart of the City. She suggested that they support an evaluation of the changes over six months to ensure that the services continue using the expertise of the current employees who are doing a good job. She presented the department motto: "Building the community through people, programs and partnerships" and questioned how much more money might be available from housing.

Norm Reeder, Library Services Manager for the main library, noted that they had spent months on their proposal and he believed that the proposal put forth by the Senior Librarians did not reflect the reality of the new and larger department. He provided examples of duties that needed to be done at a system level by the Principal Librarian noting that the City Librarian would be left in an untenable position if the action were to be delayed for six months or two years. He pointed out that the department would handle six public commissions and he explained the requirements that accompany administering those commissions.

Library Services Manager Reeder summarized his duties and noted that his position was proposed to be deleted when he retired. He reported that the Senior Librarians had proposed to take on duties for two 40 hour per week positions but while that could work for smaller library systems with one building, the scenario was not feasible for a larger system like Torrance. He explained that an alternate scenario had been discussed with the Senior

Librarians who indicated that they did not have the time to pick up the additional duties of another branch's supervision with their current work load yet they are proposing to absorb two full time positions into their current workload.

Library Services Manager Reeder reported that both Library Services Managers felt strongly that when they retired over the next five years they would like to see a management team that can properly coordinate programs, services and materials for the library system. He pointed out that the ideas put forth by the Senior Librarians were not new and had been explored over two weeks of meetings with them and they were deemed unrealistic with the size and the complexity of the new organization. He felt the Senior Librarians were capable of fulfilling the duties of the new Principal Librarian positions which would be promotional opportunities for them.

Parks and Recreation Director Barnett emphasized that staff would work with affected employees to initiate the best possible organization to serve the community. He expressed support for the Steering Committee plan, expressed concern in delaying implementation and he encouraged allowing moving forward with the Administrative Services component.

Mayor Walker acknowledged the difficult nature of the task and he questioned whether allowing a one-year period would be a workable solution. Assistant City Manager Giordano reiterated that a year would be untenable for some employees and she recommended that if anything, six months be allowed. She noted that the item was the last of seven consolidations from a budget adopted almost two years ago and she felt that six months would be ample time to evaluate the effectiveness of allowing the employees the opportunity to absorb those additional duties.

City Manager Jackson clarified that the item would come back before the Council in six months for review and analysis.

Councilmember McIntyre pointed out that the plan had been considered for a long period of time and she requested that the maximum time period for consideration be six months.

Councilmember Scotto received clarification that although Library Services Manager Reeder was not leaving, the Senior Librarians would be take on his duties so he could be freed to work on automation.

Responding to Councilmember Scotto, Assistant City Manager Giordano indicated that it was her understanding that they would allow a six month period to evaluate the viability of the plan but would not delete the positions until the plan has been demonstrated to be workable as they do not see how the proposal is going to work.

Library Services Manager Weiner appreciated the dedication of the incumbent Senior Librarians and their willingness to divide up the Library Services Manager position but she did not feel the stated proposal was viable. She indicated that supervising the Senior Librarians took up a large portion of her time, it would be inappropriate to split that function among five individuals and the Principal Librarian will be critical to help coordination and communication. She added that she was already in the situation of covering City Librarian and Library Services Manager functions and things were falling through the cracks.

Councilmember Lieu received clarification that Library Services Manager Wiener advocated having at least one Principal Librarian.

City Manager Jackson indicated that staff would return with a way to fund a Principal Librarian and an Administrative Services Manager without eliminating a Senior Librarian.

Councilmember Lieu felt the proposals were not that far apart and he supported allowing the employees to work harder to make their proposal work.

Councilmember Witkowsky expressed concern that six months would not be adequate to determine the viability and City Manager Jackson explained that not everything would be implemented within the six months but rather they would get an idea of whether the duties could be spread out as suggested by the Senior Librarians and Senior Recreation Supervisors. He added that it would be clear by the end of six months whether there were serious problems and he felt that both parties would acknowledge difficulties

MOTION: Councilmember Lieu moved to agree with the reorganization and agree with the employee group proposal to add a Principal Librarian for a six month period (subject to City Council review) and the staff proposal to add an Administrative Services Manager. Councilmember Mauno seconded the motion and a roll call vote reflected unanimous approval.

Responding to Councilmember Scotto, City Manger Jackson clarified that in this case a Principal Librarian would be added in rather than upgrading a Senior Librarian and funding for the Administrative Services Manager would have to be identified to bring them back into balance.

Mayor Walker called a brief recess from 8:28 p.m. to 8:40 p.m.

12. **HEARINGS**

12A. **RESOLUTION NO. 2005-16 RE MODIFICATION TO CUP69-38**

Recommendation of the **Community Development Director** that City Council continue the public hearing, approve the appeal, and take the following action on property located in the C-3 zone at 2909 Pacific Coast Highway:

- 1) Adopt a **RESOLUTION** approving a Modification of a previously approved Conditional Use Permit (CUP69-38) to allow the construction of new service bays, offices, and a parking deck for an existing automobile dealership

The **Planning Commission** recommends that City Council approve the project with an additional condition requiring the completion of a parking deck within three years of the completion of phase one of the project.

MOD04-00018: Peninsula Pontiac/DCA Civil Engineering

Mayor Walker opened the public hearing at 8:41 p.m.

Planning Manager Isomoto provided a brief presentation of the material of record.

Responding to Councilmember Mauno, Planning Manager Isomoto clarified that the parking structure was not a requirement of the City.

In response to Councilmember Mauno, Deputy City Attorney Whitham explained that the Council had a broad range of discretion in reviewing the application and in imposing any conditions to make the project compatible with the neighboring businesses. There are a series of findings that must be made by the Council to adopt a Conditional Use

Permit but those findings focus on the requirements of granting the permit such as compatible uses. She added that that they had discretion to exceed the code mandated number of parking spaces although there should be a reasonable justification to warrant that.

Responding to Councilmember Nowatka, Deputy City Attorney Whitham explained that the appellant was appealing the Planning Commission approval of the CUP that included the condition so the entire request for modification for the CUP is before the Council.

Councilmember Nowatka commented on inflammatory statements in the appeal indicating that the Planning Commission had abused their discretion and he questioned whether it was within the Commission's discretion to impose that condition.

Deputy City Attorney Whitham asserted that the requirement was supported by evidence and testimony presented at the Planning Commission and it was not arbitrary.

Responding to Councilmember Lieu, Deputy City Attorney Whitham indicated that the appellant felt they would be unable to meet the three year time frame for completion of the parking structure.

Responding to Councilmember Witkowsky, Planning Manager Isomoto explained that the issue of parking along Airport Drive had been addressed and the permit parking established in the area was due in part to their overflow parking. The applicants indicated that they did not need more area for inventory parking and they were not willing to commit to constructing a parking structure within a three year period.

Dennis Linville, Argonaut Holdings, introduced Robert Beck, an attorney representing Peninsula Pontiac, the subtenant of the subject property.

Mr. Beck indicated that when Peninsula Pontiac signed a sublease with Argonaut Holdings they were subject to the terms of the executed prime lease between the City and Argonaut. That lease provided major revisions into the current agreement which required a major increase in rent and other monetary considerations. He noted that they were not involved in the negotiations, but very specific major improvements were required to be made to the property with no mention that a second story parking was required on the site or that undergrounding utilities was required. Costs to build the second story are estimated at \$1.5 million and undergrounding the utilities should cost between \$300,000 - \$400,000.

Mr. Beck asserted that requiring the second story parking structure would constitute a hardship for his client and the Planning Commission was most likely not aware of the pre-existing contract between the City and Argonaut which already specified improvements that did not include undergrounding utilities and a parking deck. The City required improvements under the prime lease cost approximately \$1.5 million and the additional improvements required would double the cost and with the parking deck requirement, the City would be unilaterally modifying a contract that was entered into back in 2003.

Mr. Beck indicated that this deviated from the original agreement and the financial burden was untenable. He pointed out that they were paying \$3,000 per month in construction delay penalties under the lease because construction for Phase 1 had not

begun and he urged support for the project and the CUP but without the additional condition that would be very costly.

Mr. Beck cited the prime lease which deals with modifications to the already approved preliminary plan and states that that changes from the preliminary plans to the final plans should not deviate substantially in size, utility or value from the minimum requirements set forth. He asserted that doubling the amount of the capital improvements substantially deviates from the original agreement and he did not think that the Planning Commission was aware of the previous agreement with the City.

Mr. Beck reported that Planning Manager Isomoto had clarified that second story parking construction did not have to start until three years after the completion of phase one and he urged that the parking requirement be dropped completely as it poses a financial hardship on the dealership.

Mayor Walker commented that while an argument could be made for upper deck parking, there is no argument that can be made against undergrounding the utilities. Mr. Beck indicated that he was not suggesting that be waived but he had scheduling concerns.

Councilmember Lieu questioned whether the current proposal met parking requirements for the City and Planning Manager Isomoto indicated that the proposal exceeded current requirements.

Responding to Councilmember Lieu, Deputy City Attorney Whitham explained that the Council had the authority to require additional parking as long as the need could be justified. She noted that additional improvements could be added to the previous lease which specified improvements because that lease was not a guarantee of entitlements and the lease was done with the understanding that a regulatory procedure still had to be taken by going to the Planning Commission for entitlements. She acknowledged the clause cited by Mr. Beck which cited substantial deviation from the lease and indicated it was not clear whether this would be considered a substantial deviation.

Responding to Councilmember McIntyre, Planning Manager Isomoto explained that the Planning Commission historically does not review leases nor did they in this instance as that is considered the purview of the City Council.

Councilmember Nowatka clarified that originally staff had suggested the applicant get approval for the parking structure for the future and it has now turned into an obligation with Mr. Beck indicating his understanding of the matter.

Planning Manager Isomoto agreed noting that there had been a great deal of discussion at each of the meetings about the Commission's perception that there is a parking problem there and that an upper deck is needed.

Councilmember Witkowsky questioned whether the Council could require a second deck within three years if it is clear that parking is an issue in the area.

City Attorney Fellows indicated that would not be possible unless there was a subsequent discretionary permit application so this is the time to impose requirements. He reiterated that when the lease amendments were adopted the Council was acting in its proprietary capacity as a landlord and that had no connection whatsoever as a legal matter with the regulatory authority of the Planning Commission. The fact that the contract

contemplates certain improvements is completely irrelevant to the purpose of the regulatory discussion that is on appeal.

City Attorney Fellows noted there is an issue as to whether asking the applicant to include a second story parking deck is reasonably related to the activities going on at the site. Parking standards are a minimum and the Planning Commission believes there is evidence in the record to justify a higher standard. He asserted that the two issues were unrelated and the Council can include a requirement that can be excused later but if the requirement is not included now there will not be another opportunity to add that requirement until the lease expires or the applicant requests another modification of the permit.

Mr. Beck commented that there is a condition of the CUP as submitted by staff requiring that all employees park within the site or an offsite area subject to the approval of the committee's development director. He said that CUPs can be reopened if there is a violation so if parking becomes an issue there is a basis to reopen the CUP.

City Attorney Fellows acknowledged that while that is possible it puts the burden on the City to establish that there has been noncompliance of a CUP in order to force a change which is a much more difficult process than requiring that a parking structure be built but allowing non compliance with that condition if it is not necessary.

Councilmember Mauno agreed that undergrounding utilities was necessary and part of code conditions which can not be waived. He questioned how long the entitlement for the parking deck would last and Planning Manager Isomoto explained that it ran with the land and would be valid as long as the business is in continuous operation.

MOTION: At 9:23 p.m. Councilmember Mauno moved to close the public hearing. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

Mayor Walker hoped there would be a way to be assured that the second level of parking would be built as it will be necessary at some point but he did not want to impose a financial burden on the applicant.

Councilmember Nowatka suggested extending the three year time frame to five years and Planning Manager Isomoto noted that some on the Planning Commission had felt that the structure should be built immediately and three years was a compromise but staff had no objection to lengthening the time frame.

Councilmember Lieu suggested that perhaps the tenant might not have signed the lease if they had known that a \$1.5 million parking structure was a requirement.

Land Management Chair Sunshine explained that it was not their intent to preclude the Council and Commission's regulatory abilities to make certain requirements.

Councilmember Lieu questioned whether they could have required construction of a parking deck and Land Management Chair Sunshine said they could have but they don't generally handle that with the lease itself.

Councilmember Lieu questioned whether the tenant could get out of the lease if it is no longer financially viable for them and Land Management Chair Sunshine indicated that at that point they would try to renegotiate the terms of the lease but there is no escape valve in the lease.

Councilmember Witkowsky reported many years of property owner complaints about dealership parking and she supported requiring additional parking while the chance was available.

Councilmember McIntyre expressed concern with the potential cost of the parking deck coupled with the huge increase in rent and she wanted to hear from the appellant as to what potential time frame might be established if they approved the construction of the second deck.

MOTION: Councilmember McIntyre moved to re-open the hearing at 9:31 p.m. Councilmember Mauno seconded the motion and a roll call vote reflected unanimous approval.

Mr. Beck felt that the addition of the second story parking level still represented a modification of the lease with the City.

Jenny Good, the appellant, acknowledged that building the upper parking deck was a good idea but she indicated that it would be very difficult financially.

Mayor Walker noted that they had adequate employee parking, but did not appear to have adequate storage for new vehicles. Ms. Good indicated that they were hoping that quicker turn around with the service bays would alleviate some parking issues. She estimated that 200 cars could be stored there for display.

Mayor Walker asserted that other dealerships would be happy to have the 66 additional parking spaces that the upper deck would provide even with the additional cost. He questioned whether she could live with a five year condition and Ms. Good explained that she was unable to speak for the company in that regard.

Councilmember Mauno stated that if the applicant had not submitted the application with the parking deck proposal the matter would not be up for discussion and he questioned the fairness of the issue. He indicated that the City was asking them to go beyond what is required and he felt reluctant to require the parking deck.

Mr. Good responding to Councilmember Lieu asserted that it was their intent to utilize their own parking spaces.

Councilmember Lieu noted that it was his understanding that in other cases there is offsetting of rent when capital improvements are made.

Land Management Chair Sunshine clarified that each lease was different and he provided examples of various arrangements noting that when staff began negotiating the lease the intent was to completely rehabilitate the building but during negotiations that changed to improvements. He added that although the rent had been substantially increased that had just brought it up to fair market value and a rent break was not negotiated but the parcel was not appraised upon the proposed improvements.

Councilmember Lieu received clarification that if staff had been aware of plans to build a parking structure the rent would be the same as it is now.

Councilmember Scotto noted that while he was concerned with the additional cost, he wanted to require a parking structure as the parking is already inadequate for 85 employees. He expressed discomfort with the business plan which increased the rent, required improvements and a new parking structure but he felt that it was important to

require a parking structure within a certain time frame to address parking issues. He questioned whether the numbers were right and Planning Manager Isomoto explained that the current parking code required one parking space for every two employees, two spaces for each service bay and one space per so many square feet of display area.

Councilmember Scotto received clarification that the parking code had been in place for many years and he felt it needed to be revisited.

MOTION: At 9:45 p.m. Councilmember Scotto moved to close the public hearing. Councilmember McIntyre seconded the motion and a roll call vote reflected unanimous approval.

Mayor Walker commented that the city tried to err on the side of caution and while he felt it was a difficult thing to impose he felt that the area definitely required it. In the future he felt the City and the business would be better served having the upper deck there and he felt it could be phased in over a five year period of time.

Councilmember Lieu supported requiring a parking structure but he felt that businesses should not be blindsided with extra costs after they sign a lease. He felt they should be given the opportunity to come back at a later date to walk away from the lease if this is not financially feasible for them.

Mayor Walker indicated that he was not looking for them to default but rather for them to return with data that a parking structure is not necessary and the Council then judging that the condition is not necessary.

City Attorney Fellows asked the Council to conceptually separate the question of the lease from the regulatory permit process. Any tenant of the City's can come in at any time and indicate a problem with business conditions and ask for an adjustment of the financial provisions of the lease at which time the Council can negotiate, grant, deny, or put them in default. The lease is completely different than what is happening on the regulatory side. He provided the example of the Porsche dealership noting that the Council as a landlord is entirely different from the City's land use regulatory process. He pointed out that the lease was not before them and the Council should be focusing on the land use regulatory process. The tenant or subtenant retains the right to come back before Council to indicate financial issues but that is a separate process than the current one.

City Attorney Fellows commented that there probably was offsite storage of inventory of vehicles going on and that is a complicating factor from a land use regulatory standpoint.

MOTION: Councilmember Witkowsky moved the deny the appeal and go with the recommendation of the Community Development Director to approve the previously approved modifications to build the dealership and their improvements with a second story parking deck required to be completed within three years.

Planning Manager Isomoto clarified that the recommendation of the Community Development Director was to approve the appeal and the project without a time frame on the parking structure.

Councilmember Witkowsky clarified that she wanted to strike the portion indicating it was the recommendation of the Community Development Director and she wanted to deny

the appeal and approve the project as presented with the second story of the parking deck required to be completed within three years.

Deputy City Attorney Whitham pointed out that was the recommendation of the Planning Commission.

Councilmember Scotto suggested a substitute motion to change the time period to five years and Councilmember Witkowsky accepted the change.

Councilmember Nowatka received clarification that the Council was providing the opportunity for the dealership to build the structure within five years without having to come back before the Council.

Councilmember Mauno questioned whether the two construction projects could be bifurcated and Planning Manager Isomoto noted that some improvement could be included within the design for parking and the project could be done in stages.

SUBSTITUTE MOTION: Councilmember Scotto moved to deny the appeal and approve the project with the added condition requiring the completion of a parking deck within five years of the completion of phase one of the project. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

The Council took a short break from 10:00 p.m. to 10:05 p.m.

Mayor Walker indicated that there had been a question of when the five year period would begin and Deputy City Attorney Whitham noted that it would commence at the completion of phase one. Councilmember Scotto asked to make that part of the motion.

RESOLUTION NO. 2005-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA APPROVING A MODIFICATION OF A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT (CUP69-83) AS PROVIDED FOR IN DIVISION 9, CHAPTER 5, ARTICLE 1 OF THE TORRANCE MUNICIPAL CODE TO ALLOW ADDITIONS AND REMODELING FOR AN EXISTING AUTOMOBILE DEALERSHIP ON PROPERTY LOCATED IN THE C-3 ZONE AT 2909 PACIFIC COAST HIGHWAY.

MOTION: Councilmember McIntyre moved to approve Resolution No. 2005-16 as amended. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

12B. RESOLUTION NO. 2005-17 RE MINOR HILLSIDE EXEMPTION AT 133 PASEO DE GRANADA

Recommendation of the **Planning Commission** and the **Community Development Director** that City Council deny the appeal and adopt a RESOLUTION approving a Minor Hillside Exemption to allow an as-built raised patio at the rear of an existing single-family residence on property located in the Hillside Overlay District in the R-1 zone at 133 Paseo de Granada. **MIS04-00343, LARRY SCHIESL**

Mayor Walker opened the public hearing at 10:10 p.m.

Planning Manager Isomoto provided a brief presentation per the material of record.

Clint Eull, Paseo de Granada, the appellant, reported that the change had adversely impacted his view and privacy noting that raising the deck is a structural change. He presented photos illustrating how his windows become plainly visible from the raised deck which intrudes upon the privacy of his family and requires them to change their lifestyle. He added that his view of the sunset was adversely impacted as well.

Councilmember Mauno felt Mr. Eull would have the same sunsets without blockage and Mr. Eull explained that the deck would have objects on it blocking his view.

Mayor Walker reported visiting the site and he saw zero impact to Mr. Eull from the deck unless someone stood over the edge and specifically looked. He felt that people had the right to utilize their property and he felt this was the least impact he had seen in the area.

Responding to Councilmember Scotto, Planning Manager Isomoto clarified that prior to the building of the deck the landings were 18 inches lower. The deck is now level with the house which is 18 inches higher and that was done prior to getting the permit and so they were required to get a neighborhood signoff and he could not get the signatures.

Responding to Councilmember Witkowsky, Planning Manager Isomoto estimated that the fence was about six feet tall but she reported that it had since been removed and replaced by landscaping with the intent to create a separation between the two properties.

Councilmember Witkowsky questioned how the night time pictures of Mr. Eull's house were taken as they did not appear to be taken from the applicant's property. Mr. Eull clarified that he took the pictures from just inside the fence and he felt it to be representative of what his neighbor sees from his deck.

Larry Schiesl, the applicant, indicated that the last picture shown was on the appellant's property without the hedge which does block the view.

MOTION: At 10:30 p.m. Councilmember Witkowsky moved to close the public hearing. Councilmember McIntyre seconded the motion and a roll call vote reflected unanimous approval.

Councilmember Witkowsky did not see view or privacy loss from the minimal patio and she noted that the hedge had been planted there to ensure privacy.

MOTION: Councilmember Witkowsky moved to concur with the staff recommendation to deny the appeal and approve the project. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

RESOLUTION NO. 2005-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA GRANTING A MINOR HILLSIDE EXEMPTION FROM THE PROVISIONS OF DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW AN AS-BUILT RAISED PATIO AT THE REAR OF AN EXISTING SINGLE FAMILY RESIDENCE ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 133 PASEO DE GRANADA

MOTION: Councilmember McIntyre moved to approve Resolution No. 2005-17. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

Mayor Walker commented that there was an unsafe situation in the front of the house with the steps and Planning Manager Isomoto indicated that staff would investigate the matter.

12C. 2005 PHA ANNUAL AND FIVE YEAR PLAN

Recommendation of the **Community Development Director** that City Council conduct a public hearing, consider any comments received, and approve the 2005 PHA Annual and Five Year Plan for the Section 8 Rental Assistance Program.

Mayor Walker opened the public hearing at 10:34 p.m.

MOTION: At 10:35 p.m. Councilmember Scotto moved to close the public hearing. Councilmember McIntyre seconded the motion and a roll call vote reflected unanimous approval.

MOTION: Councilmember Scotto moved to concur with the staff recommendation. Councilmember McIntyre seconded the motion and a roll call vote reflected unanimous approval.

15. 2ND READING ORDINANCES

15A. SECOND AND FINAL READING: ORDINANCE NO. 3663 RE PERMIT PARKING

ORDINANCE NO. 3663

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE CALIFORNIA AMENDING SECTION 61.6.32 OF THE TORRANCE MUNICIPAL CODE RELATED TO RESIDENTIAL PERMIT PARKING.

MOTION: Councilmember McIntyre moved to approve Ordinance No. 3663. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

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The Torrance Redevelopment Agency met from 10:36 p.m. to 10:39 p.m.

*

16. ORAL COMMUNICATIONS

16A. Councilmember Lieu commented on the Public Safety Committee meeting held on March 2 stating that they reviewed a license plate recognition program, discussed recruiting and retention and the crime statistics in Torrance. He noted that the 63% reduction in crime in the past ten years was due to team efforts and he commended all City departments for their sacrifices two years ago.

16B. Councilmember Lieu stated that the Torrance Education Foundation dinner raised money for a good cause.

16C. Councilmember Mauno stated that while the Torrance Unified District Board had turned down the \$3 million offer of the City of Torrance he looked forward to future interactions and he offered congratulations to all who supported the Torrance Education Foundation.

16D. Councilmember Mauno reported attending the National League of Cities conference in Washington D.C. where the theme seemed to be hearty dissension and he commented that cities were responsive without party politics. He stated that he and Councilmember Nowatka had lobbied for the Los Angeles Air Force Base while in Washington D.C. and he thanked Congresswoman Harman, Congressman Calvert and Ruben Barelmas of the White House for their attention to the issue. He noted that he had attended a session on broadband and municipalities and he recommended to City Manager Jackson that the City look at WiMax possibilities.

16E. Councilmember McIntyre also commented on the National League of Cities conference noting that Congress was in the process of rewriting telecommunications laws and she stated that where the City of Torrance receives only 5% gross profits they had urged an increase to the cities along with better enforcement of SPAM. Councilmember McIntyre also attended the Transportation Committee meeting where she learned that while there were no funds in the budget for Amtrak, light rail was encouraged and everyone was in an uproar about gas tax.

16F. Councilmember McIntyre reported that Torrance schools had performed well on the Academic Performance Index with 19 of 29 schools ranked in the top 20% with Richardson, Rivera, and Lynn receiving 10s. She expressed pride that the four high schools received 8s and 9s.

16G. Councilmember Nowatka announced that the second installment of the Works in Progress series would be the Court Martial of Lieutenant William Calley on March 30 at 7:00 p.m. in the George Nakano Theatre of the Cultural Arts Center.

16H. Councilmember Nowatka asked for City Council concurrence to work with Michael Smith and CitiCable to produce a State of the Region report based on the PowerPoint presentation of SCAG regional material.

16I. Councilmember Nowatka thanked the 650 people who had attended the Torrance Education Foundation dinner as well as Toyota who donated a Prius.

16J. Councilmember Nowatka commented that saving the Los Angeles Air Force Base was worthwhile as up to 80% of the staff could refuse to move and place a drain on the Air Force.

16K. Councilmember Nowatka reported that on December 21 under Orals he had stated that the Planning Commission ethics could be broadened to include ethics programs for all commissions and all city government and he asked that the matter be addressed.

16L. Mayor Walker stated that a State of the Region address was not necessary and that the State of the City he was giving would cover all bases.

16M. Councilmember Scotto stated that he had learned quite a bit at the National League of Cities.

16N. Councilmember Scotto offered congratulations to Pat Furey and others for a fantastic job with the Torrance Educational Foundation dinner.

16O. Councilmember Scotto offered sympathy to the George Schneider family noting that George had been a fellow Rotarian who had given support to the City of Torrance including Little Company of Mary and businesses in Torrance including Bay Cities National Bank.

16P. Councilmember Witkowsky stated that she was excited to attend the National League of Cities where she could speak to other leaders and share ideas. She reported that in her position on the Homeland Security committee she had shared information about how Torrance worked together with the community on disaster issues.

16Q. Councilmember Witkowsky asked staff to investigate the possibility of an Art in Public Places committee meeting to explore opportunities for art elements at the mall.

16R. Bert Ladre and representatives from the Hawthorne American Legion spoke seeking reinstatement in 2005 after being denied a place in the Armed Forces Day parade in 2004.

17. EXECUTIVE SESSION

Considered previously.

18. ADJOURNMENT

At 11:05 p.m., the City Council and Redevelopment Agency adjourned to Tuesday, April 5, 2005, at 6:00 p.m. for the regular meeting in the Council Chambers. **Tuesday, March 29 will be a Council Dark Night.**

** * * Adjourned in memory of Elton Russell * * **

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 August 2, 2005

Kristi Callan
Recording Secretary

City Council
March 22, 2005

