

March 27, 2001

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

1. CALL TO ORDER

The Torrance City Council convened in a regular meeting at 7:04 p.m. on Tuesday, March 27, 2001, in Council Chambers.

ROLL CALL

Present: Councilmembers Cribbs, Messerlian, Nowatka, Scotto, Walker, Witkowsky and Mayor Hardison.

Absent: None.

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

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Mayor Hardison.

The invocation was given by Pastor Rusty Fennell, Vermont Avenue Baptist Church.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember Cribbs 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 Witkowsky and a voice vote reflected unanimous approval.

MOTION: Councilmember Cribbs 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 a voice vote reflected unanimous approval.

4. WITHDRAWN OR DEFERRED ITEMS

City Manager Jackson stated that City Clerk Herbers requested that item 7a, the minutes for February 6, 2001 be withdrawn.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Messerlian stated that the Finance Governmental Operations Committee had met at 5:30 p.m. and an item would be brought forward to the entire City Council on Tuesday, April 3, 2001.

Mayor Hardison announced The Great City Hall Tune-In during the week of April 2-6 and that the City Council would hold interactive oral communications on Tuesday, April 3 from 7:30 p.m. - 8:00 p.m. via e-mail and phone.

Councilmember Cribbs announced that the joint meeting between the Citizen Development and Enrichment Committee and the Torrance Unified School District scheduled for Wednesday, April 18, at 4:00 p.m. at City Hall had been canceled.

Mayor Hardison announced the City Council would hold a joint meeting with the Commission on Aging on Tuesday, April 10, at 5:30 p.m. in the West Annex Meeting Room.

Councilmember Cribbs announced a meeting of the Armed Forces Committee on Monday, April 23 at 12:00 p.m. in the downstairs Assembly Room of the Police Department.

6. COMMUNITY MATTERS

6a. PROCLAMATION RE "THE GREAT CITY HALL TUNE-IN"

Mayor Hardison issued a proclamation declaring the week of April 2-6, 2001 as "The Great City Hall Tune-In" within the City of Torrance to Cable TV Producer/Writers Kendra Kostelecky, Veronique Godleski and Cable TV Announcer Tyler Hemstreet. Mr. Hemstreet thanked the Council and encouraged everyone to watch. Ms. Godleski explained procedures for the call-in portion which will be at 7:30 p.m. on Tuesday, April 3.

6b. LEAGUE OF CALIFORNIA CITIES

Mayor Hardison introduced Gary Milliman, Southern California Director for the League of California Cities, who provided information on the League's Grass Roots project. He reported a growing need for expanded staff, a better media relations program and the development of a closer relationship and networking with City employees.

He provided information on League services to the Council and stated that the staff was based mainly in Sacramento and that basic services included legislative advocacy, six full time lobbyists, and staff who try to influence legislation that affects cities. He reported that they had influenced a total of 470 bills last year and noted that this year they were currently working with partners in the County to influence over 1000 bills. An extensive research library is available to Councilmembers via phone, mail or e-mail which can provide information on virtually any topic and the website is another valuable source of information at: www.cacities.org.

Mr. Milliman explained that the litigation division coordinated with cities and he announced that the League itself had filed a lawsuit with the California Supreme Court which they are awaiting a hearing date for. He indicated that they were trying to develop an initiative for the November, 2002 ballot to provide constitutional protection for local revenue sources which are under constant threat from the state government.

Mr. Milliman reported that they were working on a proposed grass roots coordinator network and that the League was doing a self-assessment and possible further expansion of field staff. He summarized three bills in the Legislature they were focusing on and noted that they needed letters of support, adding that there was information available on those and many other bills through their newsletter and staff.

Councilmember Witkowsky, who serves as the City's delegate to the Southern California Division of the League of California Cities, indicated that she was pleased with Mr. Milliman's overview to the Council. In response to an inquiry from Councilmember Witkowsky, Mr. Milliman explained that the additional field staff would not be lobbyists, but rather political organizers from political campaigns whose role would be to work with groups of city officials and partner them with union representatives, school boards, chambers of commerce, etc., and to work with the media to get more positive attention to city issues and city affairs. He noted that the functions were partly educational in assisting staff to deal with members of the legislature more effectively, part public relations and part organizers in bringing partners together. He explained that it would be a significant increase in effort which was not within the capability of the League to finance.

Mayor Hardison expressed concern about a 57% increase which would be rolled into an existing budget, but would not be eliminated if the program did not work. She noted that this would be set up as a separate entity and asked if there would be a time frame for evaluation.

Mr. Milliman reported that the current League budget was \$2.5 million dollars most of which went to education and the large lobbying effort in Sacramento and he noted that dues were population based though there was a cap for large cities.

Mr. Milliman indicated that field staff would be laying groundwork for fiscal reform and the League had become more focused on that issue and local control. He stated that if the League decided to go forward with the fiscal reform initiative for the November ballot, the grass roots portion might move off the League staff and join the campaign staff for the initiative. He reported that they were reviewing results of a public opinion poll financed in part by the Association of Counties which found that the public felt that local governments were doing a good job and felt their local government should be protected. He commented that they need to do a better job of educating the public to prepare them for the initiative as people still believe that most of the property tax goes to the City.

Mr. Milliman indicated that staff would bring issues to their attention and added that they needed to establish an escrow fund for the new program so that it did not drift into the general fund of the League. He explained that if the program did not work, the funds would be rebated to the cities and the sunset provision was discussed with Mr. Milliman indicating that he did not know what it would be, but an automatic termination provision would be included in the final proposal so that after three years they could vote on whether or not to continue.

Mr. Milliman announced that the Task Force would be meeting on April 5 to make a recommendation to the Board of Directors and if they decided to move forward, a ballot would be sent to each member city in May or June with a 2/3 vote required to implement the program.

In response to an inquiry from Councilmember Messerlian, Mr. Milliman estimated that the costs to fund an initiative ranged from \$6-8 million and he noted that the cities would not fund the initiative campaign. He reported that they were working with Actions for Better Cities to identify the opposition, make better contact with them, and dissuade them. Mr. Milliman indicated that the cost of the field program was estimated at \$1.6 million per year and the dues proposal was designed to address that though there was no contingency plan if a significant number of cities elected not to continue with the League.

Mr. Milliman announced that the Los Angeles County Division would be meeting on April 5 and there were two seats vacant.

Mayor Hardison indicated that AB 910 had caught them by surprise and moved quickly to Committee and she questioned why the League didn't use e-mail to alert them. Mr. Milliman acknowledged that it came through quickly in part because the author of the bill was on the Committee.

7. CONSENT CALENDAR

The minutes of February 6, 2001 were deferred to the next meeting.

7a. MINUTES OF FEBRUARY 6, 8 AND 13, 2001

7b. 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 2001.

7c. PURCHASE ORDER RE PEYTON-CRAMER FORD

Recommendation

Recommendation of the General Services Director that City Council authorize a purchase order to Peyton-Cramer Ford of Torrance, CA in an amount not to exceed \$43,000.00 for the purchase of the City's requirement of Ford passenger, light truck and emergency vehicle replacement parts on an as needed basis. The new purchase order will be for a 15-month term, beginning March 27, 2001 and ending June 30, 2002 to coincide with the fiscal year.

7d. SECOND AMENDMENT TO CONTRACT 2000-083 WITH DIGITAL MAPPING ASSOCIATES, INC.

Recommendation

Recommendation of the Engineering Director that City Council approve a second amendment to Contract 2000-083 with Digital Mapping Associates, Inc. (DMA) for digital aerial photographs extending the term of the contract to July 31, 2001.

7e. APPROVAL OF FINAL TRACT MAP NO. 52845 – 3845 PACIFIC COAST HIGHWAY

Recommendation

Recommendation of the Engineering Director that City Council approve Final Tract Map No. 52845, located at 3845 Pacific Coast Highway, which creates two lots, one for six condominium units with access on 240th Street and a commercial parcel on Pacific Coast Highway. The Final Map substantially conforms to and has met all conditions of approval of the Tentative Map.

MOTION: Councilmember Walker moved for the approval of Consent Calendar items 7a through 7e as modified. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

11. ADMINISTRATIVE MATTERS

11a. REVISED CLASS SPECIFICATION FOR SENIOR ACCOUNTANT

Recommendation of the Human Resources Director and the Civil Service Commission that City Council approve the revised Class Specification for Senior Accountant.

Human Resources Director Winer presented the material of record and Mayor Hardison indicated that there was a pink supplemental available at the back of the auditorium.

MOTION: Councilmember Messerlian moved to concur with the revised Class Specification for Senior Accountant. Councilmember Walker seconded the motion and a roll call vote reflected unanimous approval.

11b. FIXED FEE CONTRACT WITH MBIA MUNISERVICES

Recommendation of the Finance Director that City Council authorize the City Manager to execute a fixed fee contract with MBIA MuniServices for audit services and appropriate an amount not to exceed \$50,000 from the General Fund.

Finance Director Tsao presented the material of record,

MOTION: Commissioner Walker moved to authorize the City Manager to execute a fixed fee contract with MBIA MuniServices for audit services. Councilmember Cribbs seconded the motion and a roll call vote reflected unanimous approval.

11c. CONTINUED STATE OF EMERGENCY FOR CAROLWOOD AND SINGINGWOOD DRIVE

Recommendation of the City Manager and City Attorney that City Council continue the state of local emergency proclaimed March 2, 2001 for properties located on Carolwood Drive and Singingwood Drive.

Assistant City Manager Giordano reported that the slope was continuing to slip and they would see the item weekly until it was stabilized.

MOTION: Councilmember Walker moved to continue the state of local emergency for properties located on Carolwood Drive and Singingwood Drive. Councilmember Scotto seconded the motion and a voice vote reflected unanimous approval with the exception of Councilmember Messerlian who abstained due to reasons stated at the previous meeting.

11d. RESOLUTION NO. 2001-25 RE SPLIT OF 310 AREA CODE IN SOUTH BAY

Recommendation of the City Manager that City Council adopt a Resolution opposing the split of the 310 area code in the South Bay.

City Manager Jackson reported that the matter was moving rapidly before the PUC and there was no requirement to seek consensus of the areas involved. He stated that they felt it could have a dramatic effect on businesses and they perceived a problem with the PUC's methods.

Mayor Hardison commented that it would split the City of Hawthorne into three area codes and Inglewood into two and that the South Bay Council of Governments was opposed to it and attempting to set up a meeting with a PUC representative. She concurred with the opposition and asked that a subsequent item be brought back to the Council, noting that they had opposed the 1998 split. She commented that the Torrance Chamber of Commerce and many cities in the South Bay were willing to accept the general overlay, but that was no longer a possibility.

Mayor Hardison asserted that they needed to support the technology overlay which means that faxes do not have to be in the same area code, and she noted that Senator Bowen had put forward the issue of the technology overlay last year which the Governor signed. She felt there had to be another answer as they will run into the same problem in a few years and she requested more information on the use of technology overlays.

RESOLUTION NO. 2001-25

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF TORRANCE OPPOSING THE SPLIT OF THE 310
AREA CODE IN THE SOUTH BAY.**

MOTION: Councilmember Messerlian moved to adopt Resolution No. 2001-25. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

12. HEARINGS

12a. RESOLUTION NO. 2001-26 RE CAREY TRUST

Recommendation of the Planning Commission and the Planning Director that City Council adopt a Resolution to deny the appeal and approve as conditioned a Precise Plan of Development (PRE00-00032) allowing the construction of first and second story additions to an existing two story residence located on property in the R-3 zone in the Hillside Overlay District at 613 Paseo de la Playa. PRE00-00032: CAREY TRUST (TIM CAREY)

Mayor Hardison opened the public hearing at 7:55 p.m.

Planning Manager Isomoto presented the material of record and noted that the appeal had been filed by the adjacent resident to the South. The applicant proposed to construct second story roof extensions and trellises with no additional floor space and slides were shown depicting the views.

Planning Manager Isomoto noted that the case was originally scheduled to be heard November 1 but was continued to be redesigned for the Southern neighbor who had view issues. The second floor room addition was eliminated, and the first story trellis was reduced by a foot and the trellis abutting the property to the South was stepped back another 3 ½ feet in an attempt to address her concerns. At the Planning Commission meeting of December 20 the efforts of the applicant to reduce impact were discussed and a motion to approve the project was passed by a vote of 4-3.

In response to an inquiry from Councilmember Scotto, Planning Manager Isomoto explained that it was not a building requirement to extend the roof.

Mayor Hardison received clarification that none of the pictures in the packet had been submitted by staff and that the original recommendation would have deleted two feet in front of the sunroom.

Planning Manager Isomoto commented that there was considerable discussion at the Planning Commission meeting about additional pull back and she felt that there was some confusion because of the different trellises on different floors. She noted that when the vote was taken the Planning Commission allowed the plan to go forward as submitted that night.

Councilmember Nowatka clarified that the original plans had a view impairment and Councilmember Walker stated that the end result was that the Planning Commission and staff were requesting approval of the silhouette in the current proposal.

Lana Terry, 617 Paseo de la Playa, reported that she had recently purchased her home after looking for five years to find one with a view of the beach and whitewater. She asserted that the proposed trellis would block at least half of her family room view of the beach and whitewater.

Ms. Terry stated that 3-4 years ago her neighbor had bought the house, gutted it and rebuilt it with a sunroom which the Planning Commission described as an "uninhabitable space," not by plan, which blocks her view. She added that her house was vacant at the time so there was no one to protest the construction over the safe building line.

Ms. Terry asserted that from the angle of her house the proposed trellis would create a solid mass that she would not be able to see through and she indicated that though Mr. Carey has approached her to come to an agreement, she felt she had to appeal since agreements between private parties are unenforceable.

Ms. Terry reported that she had asked Mr. Carey to slant the trellis, but he indicated that would require additional posts and clutter up his view. She asked the

Council to consider each element separately and noted that she had just bought the property and didn't want her light blocked or her view taken away.

Mr. Carey, 613 Paseo de la Playa, noted that the plans had been turned in about 200 days ago and the silhouette was put up the day Ms. Terry moved in, though she was notified in writing about it prior to that. He acknowledged that once the silhouette was put up it was clear that it did block her view so they made modifications to the plan. He explained that original plans which included a trellis and the second story addition, were consistent with other modifications to the North and he was allowed to rebuild the sunroom which had been put up in the 1960s. He asserted that nothing he was proposing was inconsistent with other things on the street and stated that he had made a series of modifications, beyond what the Planning Commission asked for, even after approval.

Mr. Carey reported that he had asked for written modifications from Ms. Terry so he could see what she had proposed which he received in late February and the only suggestions were on the trellis. He stated that he had sent back a compromise if Ms. Terry would drop her appeal before March 1, but she did not contact him.

In response to an inquiry from Councilmember Scotto, Mr. Carey explained that the purpose of the second story roof overhang was to provide shade and he commented that Ms. Terry's house had a similar roof overhang.

Mayor Hardison acknowledged Mr. Carey's frustration in trying to get closure on the matter, noting that Ms. Terry had filed the appeal in a timely matter, but that part of the delay had been in the appeal getting to Council. Mayor Hardison recognized the concern of Ms. Terry in regards to agreements between private parties and felt that any change should be in the record.

Mr. Carey indicated that the suggestion to eliminate the upstairs trellis would take care of her concern regarding the upstairs bathroom window, but he was less inclined to eliminate it as she indicated that she was planning to move that window further west to enhance her bathroom. He added that he was willing to slant the downstairs trellis.

Councilmember Witkowsky commented that she had visited the property and the bathroom window is frosted and has to be open to see the view. She commented that the power pole blocked the view more than any of the proposed changes and indicated that she did not see a significant impact so she would be voting to deny the appeal.

Mayor Hardison received clarification that Mr. Carey was willing to pull back and angle the ground floor trellis by 1 foot from the South Western boundary to make it even with the support beam.

In response to an inquiry from Councilmember Walker, Mr. Carey indicated that he would prefer to implement the approved plans, but that he would work with the Council and his neighbor.

Councilmember Messerlian suggested deferring the matter to let the parties work with staff to come to a compromise and when they both agreed, the appellant could pull the appeal so it did not have to come before Council.

MOTION: At 8:40 p.m. Councilmember Walker moved to close the public hearing. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

MOTION: Councilmember Walker moved to concur with the Planning Director and the Planning Commission. Councilmember Witkowsky seconded the motion and a discussion ensued.

Mayor Hardison indicated that she would not be supporting the motion as she felt the neighbors should work it out themselves for a better relationship. She felt that Mr. Carey and Ms. Terry were pretty close together already and she wanted to keep things flexible for him as he was willing to compromise with angling the ground floor trellis, however, she did not want to hold the item one day more as nearly 100 of the 200 days were just to get it on the calendar.

Councilmember Walker commented that, if Mr. Carey chose to do so, a minor modification of bringing the trellis in a little bit might be a simple way to get a modification from the Planning Director and would avoid reopening the entire process.

A roll call was taken on the motion with Councilmembers Cribbs, Messerlian, Nowatka, Scotto, Walker, and Witkowsky voting yes and Mayor Hardison voting no.

RESOLUTION NO. 2001-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DENYING AN APPEAL AND 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 STORY ADDITIONS TO AN EXISTING TWO STORY SINGLE FAMILY RESIDENCE ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 613 PASEO DE LA PLAYA PRE00-00032: CAREY TRUST

MOTION: Councilmember Messerlian moved to adopt Resolution No. 2001-26. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval with the exception of Mayor Hardison who dissented.

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The Torrance Redevelopment Agency met from 8:45 p.m. to 8:46 p.m.

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15. ORAL COMMUNICATIONS

15a. Councilmember Scotto announced a fundraiser for Torrance Police Officer Jon Rosin to be held at the Comedy and Magic Club on April 3 and 4 with information available at 618-6392.

At 8:47 p.m. the City Council recessed to an executive session.

16. EXECUTIVE SESSION

The Council recessed to closed session to confer with the City Manager and the City Attorney on the agenda matters listed under items 16.a) Conference with Legal Counsel – Anticipated Litigation; 16.b) Public Employee Performance Evaluation – City Manager; and 16.c) Real Property – Conference with Real Property Negotiator pursuant to California Government Code Sections 54956.9, 54957 and 54956.8.

The Council returned to Council Chambers at 11:06 p.m. No formal action was taken on any of the matters discussed in the Executive Session. Councilmember Scott was not present for that portion regarding item 16.c due to a conflict of interest.

17. ADJOURNMENT

At 11:06 p.m., the meeting was adjourned to Tuesday, April 3, 2001 at 5:30 p.m., for an executive session in the Council Chamber, with the regular meeting commencing at 7:00 p.m. in Council Chambers.

Attest:

Mayor of the City of Torrance

Sue Herbers
City Clerk of the City of Torrance

Approved on May 8, 2001