

**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 5:30 p.m. on Tuesday, July 22, 2003 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.

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, and 17b) Real Property – Conference with Real Property Negotiator, pursuant to California Government Code Sections 54957.6 and 54956.8.

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The Torrance City Council reconvened in public session at 7:19 p.m. with all members present. There was no formal action taken on any matter consider in closed session.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Councilmember Mauno.

Reverend Dean Mayeda of Hope Chapel Gateway gave the 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 WITHDRAWN OR DEFERRED ITEMS

City Manager Jackson noted that Item 12A, the appeal of construction of a one-story single-family residence on property located in the R-1 Zone in the Hillside Overlay District at 113 Calle de Arboles, was withdrawn at applicant's request.

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

None.

6. **COMMUNITY MATTERS**

6a. **RECOGNITION OF SERVICE - WORKFORCE INVESTMENT POLICY BOARD**

Mayor Walker presented plaques to Joan Smith, Toyota Motor Sales, USA, Inc, and Janet Strand, Economic Development Department (EDD), for their 7 and 5 years of service, respectively, on the Carson/Lomita/Torrance Workforce Investment Network Board. Mayor Walker noted that Patricia Doherty, Human Resource Consultant, was unable to be present and would be honored at a later date.

6b. **APPOINTMENTS TO WORKFORCE INVESTMENT POLICY BOARD**

Recommendation

Recommendation of the **Workforce Investment Policy Board** that City Council appoint and officially swear in the City of Torrance members of the Carson/Lomita/Torrance Workforce Investment Network (C/L/T WIN) Board. Appointed members were Peter Warner, Salvation Army; Willa Robinson, L.A. City Job Services Division-EDD; Pam Stahl, Little Company of Mary Hospital; Kyle Kazan, Beach Front Real Estate Company; Mark Goebel, ExxonMobil; and Joan Smith, Toyota Motor Sales, USA, Inc.

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

City Clerk Herbers gave the oath of office to Peter Warner, Willa Robinson, and Joan Smith.

6c. **RECOGNITION CARSON/LOMITA/TORRANCE WORKFORCE INVESTMENT NETWORK**

Recognition of the Carson/Lomita/Torrance Workforce Investment Network (WIN) for receiving the First Place Award for their outstanding One-Stop Career System. This recognition was presented to WIN by the International Association of Personnel in Employment Security at their 90th Annual Education Conference held this past June.

Councilmember Nowatka, as Chairman of the WIN Policy Board, presented the award that was accepted by Richard Cook, Elaine Winer, Willa Robinson, Janet Strand, Patricia Unangst, and Barbara Aranguren.

6d. **RECOGNITION OF NORTH TORRANCE LITTLE LEAGUE 2003 MAJOR CHAMPIONS**

Mayor Walker presented the Dodgers of North Torrance Little League with a certificate of merit. The certificate was accepted by Team Manager Tom Garnica who introduced the team members, coaches, and supporters.

7. **CONSENT CALENDAR**

As requested by Alan Lee, TME AFSCME Local 1117, Item 7C was removed from the Consent Calendar and considered separately.

7a. **APPROVAL OF MINUTES – MAY 13, 2003**

7b. ANNUAL DISADVANTAGED BUSINESS ENTERPRISE GOAL

Recommendation

Recommendation of the **Transit Director** that City Council authorize the approval of the Established Overall Annual Disadvantaged Business Enterprise (DBE) goal for Federal Fiscal Year 2004, to facilitate timely submission to the Federal Transit Administration (FTA) for funding authority approval, on behalf of Torrance Transit System.

7d. MONTHLY INVESTMENT REPORT – JUNE 2003

Recommendation

Recommendation of the **City Treasurer** that City Council accept and file the monthly investment report for the month of June 2003.

7e. AMENDMENT OF CONTRACT – ADVANCED INFORMATION MANAGEMENT

Recommendation

Recommendation of the **City Librarian** that City Council approve an amendment to the contract (C2002-190) with Advanced Information Management (AIM) to provide trained library personnel to staff the Katy Geissert Civic Center Library on Sunday afternoons.

MOTION: Councilmember Lieu moved for the approval of Items 7a, 7b, 7d, and 7e. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

Consent Calendar Item 7c was considered at this time.

7c. AUTHORIZATION TO FUND MTA AND TORRANCE TRANSIT SYSTEM

Recommendation

Recommendation of the **Transit Director** that City Council authorize the City Manager to execute and the Transit Department to submit an annual claim to the Los Angeles County Metropolitan Transportation Authority (MTA) for \$4,179,510 in Transportation Development Act (TDA) funding and \$234,244 in State Transit Assistance (STA) funding for the Torrance Transit System in Fiscal Year 2003-2004.

MOTION: Councilmember Lieu moved for the approval of Item 7c. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

11. ADMINISTRATIVE MATTERS

11a. CONTINUATION OF STATE OF LOCAL EMERGENCY RE CAROLWOOD/ SINGINGWOOD DRIVE

Recommendation:

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

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

11b. AUTHORIZATION OF AIR RIGHTS LEASE

Recommendation

Recommendation of the **City Manager** that City Council authorize the Mayor to execute and the City Clerk to attest to a Memorandum of Intent by and between Carwell LLC d/b/a Mercedes Benz of South Bay and the City of Torrance to enter into a long-term Air Rights Lease with the following material terms:

- Air rights rent would be equivalent to \$1,000 per acre per month;
- Term would be 30 years;
- Air rights area would be approximately 1.24 acres;
- Structure would have separate ingress and egress from the ground level parking;
- Structure would meet all FAA guidelines for height;
- First floor would have a minimum vertical height of 10 feet; and
- The parking structure would be constructed and maintained at the sole cost of Carwell *subject to limited contribution from the ground floor tenant in accordance with the separate agreement between the City and said ground floor user as outlined in Section 2C.a. of the Flite Park, LLC Amended and Restated Lease.

Assistant City Manager Sunshine presented background on the original lease between the City of Torrance and Torrance Flite Park, LLC as well as the Amended and Restated Flite Park Lease adopted by City Council on April 1, 2003 that split the "Option Parcel" into a North Portion and South Portion.

Mr. Barry Jay, Torrance Airport Association, stated that the land was restricted for aeronautical use only and that the storage of new Mercedes Benz vehicles and vehicles owned by Carwell employees was not an aeronautical-related use, adding that it was a violation of the Airport Master Plan and City Charter.

At Mayor Walker's request, City Attorney Fellows explained that while the initial series of grant deeds had restrictions on some parcels, the restrictions were released in 1956 by the Federal government. He further stated that there was no problem with mixed-use development in that portion in the Airport Master Plan providing that it does not conflict with the Master Plan. He further stated that the Charter issue was raised in a previous lawsuit by the Pilot's Association that was rejected by the superior court. The only charter issue referred the retirement of airport bonds and that surplus funds can be used as the desired.

Ms. Nancy Clinton, 2785 Pacific Coast Highway, Torrance Airport Association, referring to letters dated 1987 and 1990 from Mr. Dewitt Lozen, Jr., Regional Counsel of US Department of Transportation FAA to former City Attorney Remelmyer, stated her opinion that the parking garage was not in accordance with the Master Plan.

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

11c. VENDING MACHINE CONTRACT

Recommendation

Recommendation of the **City Manager** that City Council approve a consulting agreement with Mr. Michael Hogue, doing business as Educational Sponsorship Partners, to negotiate and administer an exclusive snack food vending contract.

Assistant City Manager Keane presented the consulting agreement with Mr. Michael Hogue that included attachments outlining the scope of services for the vendor as well as the terms of payment. She reported that unresolved issues were the length of contract, evaluation of the contract, and compensation.

Assistant City Manager Keane assured Mr. Alan Lee of TME AFSCME Local 1117 that terms of the agreement stated that groups who currently having individual vending contracts would remain whole.

A straw vote of Council members indicated that there was no objection to extending the length of the contract from five to seven years.

Mayor Walker led a discussion on compensation and evaluation, stating that he believed the agreement was fair as laid out, with annual reviews by the Citizen Development and Enrichment Committee.

Councilmember Mauno noted the three ways to terminate the agreement and City Attorney Fellows verified that ability to back out of the contract was an option.

Councilmember Nowatka stated that he preferred flat percentage rates and hoped to discourage a complicated compensation schedule and evaluation system.

Councilmember Scotto concurred with Councilmember Nowatka, stating that the proposed agreement was too cumbersome and subjective with the annual reviews by the Committee and approval by City Council. He suggested a 10% flat rate for the first two years and a 5% flat rate for the remaining five years.

Mayor Walker stated that the negotiations started out at a much higher percentage, were reduced to 10%, and recommended a flat 10% rate for the first seven-year contract.

Councilmember Witkowsky commented that the vendor was very fortunate to have this contract with the City and also recommended a straight 10% rate for the term of the initial contract and the elimination of the consultant compensation schedule on page 22 of the agreement. She added that because it was an unknown quantity of purchases, it was impossible to put a bar price on it and that the contract should be evaluated after going through the program.

Councilmember McIntyre stated that if it was Council's decision to approve a flat 10% for seven years that she preferred it be tied to a monetary expectation of what funds would be raised by the contract as a threshold.

Councilmember Lieu asked staff what the going rate was for outlying years and Assistant City Manager Keane responded that research indicated that the rate varied.

MOTION: Councilmember Scotto moved to extend the contract to seven years with the first year of the contract at 10% and subsequent years at 5%. Councilmember Nowatka seconded the motion.

Discussion centered on clarification of the contract and the evaluation procedure that was determined should be mid-term after three and a half years but that the review would have no effect on the contract.

Mayor Walker made a substitute motion.

MOTION: Mayor Walker moved to approve a seven year contract with compensation at 10% per year and with contract on parallel course with the Torrance Unified School District to the extent practicable. The substitute motion was seconded by Councilmember Witkowsky and passed as reflected in the following roll call vote:

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

City Attorney Pohl noted that the contract would be amended to follow the City Council direction.

11d. MORATORIUM ON TAXICAB LICENSES

Recommendation

Recommendation of the **City Attorney** that City Council declare a moratorium on the issuance of additional licenses to operate taxicabs in the City of Torrance.

Deputy City Attorney Sullivan stated that there minor corrections to the resolution to reflect the previous settlement of Bell Cab lawsuit and the omission of driver permits. He corrected Section 2 on Page 3 to add "Bell Cab will receive a service operator permit and licenses for nine taxicabs and six drivers." He also inserted " and driver permits" in the second sentence for Section 2 to read in its entirety -

"SECTION 2: Bell Cab will receive a service operator permit and licenses for nine taxicabs and six drivers. No further service operator permits, taxicab permits, vehicle for hire permits, and driver permits will be issued pursuant to Article 17 of Chapter 3 of Division 3 of the Torrance Municipal Code until a franchising system has been established by the City Council or for a period of twelve months from the date of adoption of this resolution, whichever comes first.

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

City Clerk Herbers read the number and title of the Resolution.

RESOLUTION 2003-85

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA ESTABLISHING A MORATORIUM ON SERVICE OPERATOR PERMITS, TAXICAB PERMITS, VEHICLE FOR HIRE PERMITS AND DRIVER PERMITS ISSUED PURSUANT TO ARTICLE 17 OF CHAPTER 3 OF DIVISION 3.

MOTION: Councilmember Nowatka moved to adopt Resolution 2003-85 as amended. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

12. HEARINGS

12a. DEVELOPMENT AT 113 CALLE DE ARBOLES

Recommendation

Recommendation of the **Community Development Director** and the **Planning Commission** that City Council deny the appeal and adopt a **RESOLUTION** to approve as conditioned a Precise Plan of Development (PRE03-00006) allowing the construction of a one-story single-family residence on property located in the R-1 Zone in the Hillside Overlay District at 113 Calle de Arboles.

PRE03-00006:CHARLES BELAK-BERGER (K. GIAMBRONE)

The appeal was withdrawn by appellant.

12b. DEVELOPMENT AT 1001 SARTORI AVENUE

Recommendation

Recommendation of the **Community Development Director** and the **Planning Commission** that City Council deny the appeal and adopt resolutions to approve as conditioned a Conditional Use Permit (CUP03-00011) allowing the construction of a two-unit condominium development, a Division of Lot (DIV03-00003) for condominium purposes, and a Variance (VAR03-00003) for use of tandem parking on property located in the R-3 Zone at 1001 Sartori Avenue.

CUP03-00011, DIV03-00003, VAR03-00003: RACHID ABOU-FADEL (SUBTEC/CHERYL VARGO)

The public hearing opened at 8:33 p.m.

Mayor Walker stated his opinion that in order to avoid curb cuts on Sartori Avenue, the development created a parking situation in a building that could not possibly work.

Planning Manager Isomoto gave a brief slide presentation on the site plan and proposed construction of two attached two-story townhouse units each with a two-car garage for parking in a tandem configuration. She explained that the lot was too narrow to accommodate two standard two-car garages side-by-side, and that all access would be from the rear of the property with no curb cut on Sartori Avenue. She reported that on May 21, 2003 the Planning Commission adopted resolutions approving CUP03-00011, DIV03-00003, and recommended approval of the Variance for use of tandem parking by a 5-0 vote, with two Commissioners absent.

Cheryl Vargo, representing the applicant, stated that the proposal before Council was not their first or preferred choice. She noted that the architect believed it was a unique plan that would work and that it was preferable to stacked units. Responding to Mayor Walker, Ms. Vargo stated that if the Variance were denied without prejudice she would request that the two units be allowed to go forward. She requested that she be allowed to work with staff on a revised plan rather than have it go back to the Planning Commission.

Responding to Councilmember Witkowsky, Planning Manager Isomoto indicated that Ms. Vargo's suggestion would be acceptable and that it would not be necessary to return to Council with final plans. She stated that if the tandem parking Variance were denied, the only other option would be one garage with access off the alley and one garage with access off Sartori Avenue.

MOTION: Councilmember Scotto moved to close the Public Hearing at 8:50 p.m. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

MOTION: Councilmember moved to approve a Conditional Use Permit for condominium uses with approval of final architectural elevations to the satisfaction of the Community Development staff; to approve a Division of Lot for condominium purposes; and to deny a variance, directing staff to return with an appropriate resolution to that effect and asking staff and developer to design a more normal project without tandem parking within the parameters of the CUP. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

City Clerk Herbers read the number and title of the resolution.

RESOLUTION NO. 2003-87

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE TO APPROVE A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A TWO-UNIT CONDOMINIUM DEVELOPMENT ON PROPERTY LOCATED IN THE SMALL LOT, LOW-MEDIUM OVERLAY IN THE R-3 ZONE AT 1001 SARTORI AVENUE
CUP03-00011: RACHID ABOU-FADEL (SUBTEC/CHERYL VARGO)**

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2003-87. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

City Clerk Herbers read the number and title of the resolution.

RESOLUTION NO. 2003-88

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE TO APPROVE A DIVISION OF LOT TO ALLOW THE SUBDIVISION OF ONE (1) LOT FOR CONDOMINIUM PURPOSES ON PROPERTY LOCATED IN THE R-3 ZONE AT 1001 SARTORI AVENUE
DIV03-00003: RACHID ABOU-FADEL (SUBTEC/CHERYL VARGO)**

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2003-88. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

15. SECOND READING ORDINANCES

15a. Second and Final Reading of **ORDINANCE NO. 3539** amending Division 9 of the Torrance Municipal Code to reclassify certain properties located at the southeast corner of Earl Street and Spencer Street ML (M1-PP) (Limited Manufacturing/ Light Manufacturing-Precise Plan) to R-3 (Limited Multiple Family Residential).

City Clerk Herbers read the number and title of the ordinance.

ORDINANCE 3539

AMENDING DIVISION 9 OF THE TORRANCE MUNICIPAL CODE TO RECLASSIFY CERTAIN PROPERTIES LOCATED AT THE SOUTHEAST CORNER OF EARL STREET AND SPENCER STREET ML (M1-PP) (LIMITED MANUFACTURING/ LIGHT MANUFACTURING-PRECISE PLAN) TO R-3 (LIMITED MULTIPLE FAMILY RESIDENTIAL).

MOTION: Councilmember Nowatka moved to adopt Ordinance 3539. The motion was seconded by Councilmember Witkowsky and passed reflected in the following roll call vote:

AYES: Councilmembers Lieu, Mauno, Nowatka, and Witkowsky
NOES: Councilmembers McIntyre and Scotto.
ABSTAIN: Mayor Walker

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The Redevelopment Agency met from 8:52 p.m. to 8:58 p.m.

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16.ORAL COMMUNICATIONS

16a. Councilmember Lieu commented on the recent police promotions.

16b. Councilmember Lieu invited the public to attend the Frankenstein Festival at the Torrance Katy Geissert Main Library on Saturday, July 26 as well as other related events over the summer.

16c. Police Chief Herren invited the public to recognize National Night Out on Tuesday, August 5 by attending a block party and/or turning on their porch lights to signify they believe in safe communities. Services Officer Kiesling would be able to provide additional information at 310-618-6392.

16d. Responding to Councilmember Witkowsky who cited recent Library Commission minutes, City Manager Jackson stated that City Librarian Buckley had provided information to the City Council about the filtering of computers in libraries and that the topic was still not clear as to its effect.

16e. Councilmember Witkowsky noted that many memories were generated seeing the Little League team that was now being coached by former players that she and her husband had coached as youngsters.

16f. City Clerk Herbers invited the public to attend a free docent-led walking tour of downtown Torrance on Sunday, July 27 from 1:00 p.m. to 3:30 p.m. beginning at the Torrance Historical Society Museum at 1345 Post Avenue.

16g. Olivia Verrett, Carson-Torrance NAACP, invited the Mayor and Council to attend the 25th Annual Freedom Fund Awards dinner on October 18, 2004 at the Torrance Hilton.

16h. Alan Lee, TME AFSCME Local 1117 commented on a recent article in the Daily Breeze about "big boxes" and indicated to the City Council that his organization still had an interest in the matter.

17. **EXECUTIVE SESSION**

Considered earlier in the meeting.

18. **ADJOURNMENT**

At 9:08 p.m., Councilmember Mauno moved to adjourn City Council and Redevelopment Agency to Tuesday, August 5, 2003, at 6:00 p.m. for the regular meeting in the Council Chambers. Tuesday, July 29, 2003 will be a Council dark night. The motion was seconded by Councilmember Nowatka and, hearing no objection, was so ordered by Mayor Walker.

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 14, 2003