

February 3, 2009

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

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 6:00 p.m. on Tuesday, February 3, 2009 in City Council Chambers at Torrance City Hall.

ROLL CALL

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

Absent: None.

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

Agenda Item 18 was considered out of order at this time.

18. EXECUTIVE SESSION

The City Council immediately recessed to closed session to confer with the City Manager and City Attorney on agenda matters listed under 18A) Conference with Labor Negotiator, 18B) Conference with Legal Counsel – Existing Litigation, 18C) Public Employee Evaluation – City Attorney, and 18D) Real Property – Conference with Real Property Negotiator, pursuant to California Government Code § 54957.6, 54956.9(a), 54957 and 54956.8.

The City Council reconvened at 7:14 p.m. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/INVOCATION

The flag salute was led by Councilmember Furey.

Councilmember Rhilinger gave the non-sectarian invocation.

3. REPORT OF CITY CLERK ON POSTING OF THE AGENDA / MOTION TO WAIVE FURTHER READING

City Clerk Herbers reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, January 29, 2009.

MOTION: Councilmember Brewer 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 Rhilinger and passed by unanimous roll call vote.

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS – None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Community Services Director Jones announced that AARP tax counseling for seniors will be available February 2 through April 15, Monday through Friday, 9:00 a.m. to 2:00 p.m. at City Hall, closed on alternate Fridays and holidays.

City Attorney Fellows reported that on February 2, the City Attorney's Office received the Court's order on the City's demurrer to plaintiffs' first amended complaint in the matter of Litvin et al. v. Board of the California Public Employees' Retirement System. The Court sustained, without leave to amend, the City's demurrer to the fourth cause of action for writ of mandate on the grounds that it is barred by the applicable statute of limitations. The Court also sustained CalPERS' demurrer to the first three causes of action, without leave to amend, on the grounds that these claims are barred by the applicable statute of limitations and that the claims are uncertain. He noted that this is an important decision in favor of the City, because had the plaintiffs won, the City might well have become responsible to pay to PERS over \$9 million plus interest.

Fire Chief Racowschi announced that the ExxonMobil refinery would be conducting their monthly siren alert testing on Wednesday, February 4, at approximately 11:30 a.m.

Sue Herbers invited staff and public to view the works of Torrance Artist Guild member Nancy Detjen on display in the City Clerk's Office for the month of February.

6. COMMUNITY MATTERS

6A. BLUE STAR RECOGNITION

Mayor Scotto presented a Blue Star banner and certificate to the family Lance Corporal Michael Scott, who is currently serving in Fallujah, Iraq. The family was also presented with a Certificate of Commendation from California Assemblyman Ted Lieu.

7. ORAL COMMUNICATIONS

7A. James Whitaker expressed concerns regarding the removal and replacement of city tree on his mother's property.

7B. Janet Payne, Torrance Historical Society, announced that Cindy Mocka from the Western Museum of Flight will host a program on Sunday, February 8, at 2:00 p.m. at the Historical Society Museum, 1345 Post Avenue. She noted that the museum conducted tours for over 100 students from Fern Elementary School the previous week.

7C. Tim Goodrich, resident, expressed concerns regarding the Metropolitan Transit Authority's proposal to cut bus service, including express buses along Hawthorne Boulevard. He encouraged interested parties to attend a public meeting on Monday, February 9, at 6:00 p.m. at the Carson Community Center at 801 Carson Street.

8. CONSENT CALENDAR

8A. DECEMBER 2008 MONTHLY INVESTMENT REPORT

Recommendation

Recommendation of the City Treasurer that City Council accept and file the monthly investment report for the month of December 2008.

8B. CONTRACT AMENDMENT RE UNINTERRUPTED POWER SUPPLY SYSTEM UPGRADE

Recommendation

Recommendation of the General Services Director that City Council approve a contract amendment with Data Specialties, Inc. (C2008-101) for \$48,808 for a total contract amount of \$347,308 for the Police Department Uninterrupted Power Supply (UPS) System Upgrade (FEAP #567).

8C. EXTENSION OF EMPLOYMENT AGREEMENT WITH ROBERT ACCIANI

Recommendation

Recommendation of the City Attorney that City Council approve a second amendment to the post-retirement at-will employment agreement with Robert Acciani, to extend the term to January 7, 2010 and to add the defense of two additional police cases to the scope of services under the agreement.

8D. APPROVAL OF B-17 EXHIBIT AT TORRANCE MUNICIPAL AIRPORT

Considered separately, see below.

MOTION: Councilmember Furey moved to approve Consent Calendar Items 8A through 8C. The motion was seconded by Councilmember Numark and passed by unanimous roll call vote.

8D. APPROVAL OF B-17 EXHIBIT AT ZAMPERINI FIELD

Recommendation

Recommendation of the Airport Commission and the General Services Director that City Council:

- 1) Approve the Experimental Aircraft Association (EAA) displaying their B-17 Bomber at Zamperini Field April 9 through April 13, 2009;
- 2) Designate the EAA's event as a special exhibit under Section 46.8.10 of the Torrance Municipal Code which exempts such events from aircraft noise regulations;
- 3) Allow the EAA to conduct flights for hire subject to FAA guidelines; and
- 4) Approve funding for this event in the amount of \$5,886.85.

Councilmember Rhilinger questioned whether there were any complaints about noise when this event was held in 2005 and 2007.

Nancy Clinton, Torrance Air Fair Association, reported that she monitored the 2005 and 2007 events from the Noise Abatement Center and no complaints were received. She noted that pilots are briefed about noise abatement procedures when they first arrive at the airport in order to minimize the impact on residents.

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

11. PUBLIC SAFETY

11A. PUBLIC SAFETY COMMITTEE MEETING RE INTEROPERABILITY

Recommendation

Recommendation of the City Manager, Communications and Information Technology Director, Fire Chief, and Police Chief that City Council authorize a meeting of the Public Safety Committee regarding the adoption of a resolution authorizing the City's membership in the Los Angeles Regional Interoperable Communications System (LA RICS) joint powers agreement (JPA) with a recommendation coming forward to City Council.

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

Councilmember Barnett, chair of the Public Safety Committee, announced that the meeting would be held on Wednesday, February 18, at 4:00 p.m. in the Third Floor Assembly Room.

13. HEARINGS

13A. EAS08-00004, CUP08-00023, WAV08-00015, VAR08-00003: GRACEWAY CHURCH – 431 MADRID AVENUE

Recommendation

Recommendation of the Planning Commission that City Council deny the appeal and take the following action on property located at 431 Madrid Avenue:

- 1) Adopt a Negative Declaration; and
- 2) Adopt Resolutions approving a Conditional Use Permit, a Variance, and a Waiver.

Recommendation of the Community Development Director that City Council uphold the appeal and take the following action on property located at 431 Madrid Avenue:

- 1) Adopt a Negative Declaration; and
- 2) Adopt Resolutions denying a Conditional Use Permit, a Variance, and a Waiver.

Mayor Scotto announced that this was the time and place for a public hearing on this matter. City Clerk Herbers confirmed that the meeting was properly advertised.

With the aid of slides, Planning Manager Lodan briefly described the proposed project, which would convert an existing industrial building for use as a church. He advised that the Community Development Director filed the appeal so the entire project could be considered along with the requested Variance, which must be approved by the City Council. He reported that the Planning Commission considered the project on November 5, 2008 and voted unanimously to approve the Negative Declaration, the Conditional Use Permit and the Waiver and recommended approval of the Variance by a vote of 5-2. He advised that the Community Development Director was recommending that the project be denied because in staff's opinion, hardship criteria for granting a Variance and a Waiver have not been met.

Responding to questions from the Council, Planning Manager Lodan explained that a Variance is required because the Torrance Municipal Code requires a minimum lot size of 1.0 acre for a church and the subject site is only 0.72 acre and a Waiver is required because the project would maintain the existing non-conforming setbacks. He reported that there are approximately 20 churches in Torrance that don't meet the 1.0 acre minimum lot size, however, they were approved prior to the adoption of this standard and it was staff's understanding that the one-acre requirement was put in place 30-40 years ago because most of the churches at the time were located in residential areas. He advised that a Zone Change is not required because churches are permitted in areas zoned for industrial use, noting that there are several churches located in industrial parks in Torrance. He confirmed that the handicapped parking meets Code requirements.

Councilmember Rhilinger expressed concerns about the adequacy of the parking and asked about enforcement should overflow parking from the church affect nearby businesses.

Planning Manager Lodan advised that enforcement would be on a complaint basis.

Jess Mullen-Carey, project architect, voiced his opinion that the church would be a great addition to the community, noting that 80% of the congregants live in Torrance. He suggested that businesses surrounding the site would benefit from before-church/after-church shopping and dining.

Benjamin Lee, Pastor of Graceway Church, responding to questions from the Council, reported that the church owns the subject property; that it has approximately 200 members; and that services are currently being held in Carson.

In response to Councilmember Sutherland's inquiry, Mr. Lee confirmed that he understood that the church could be impacted by noise from nearby businesses if they operate on Sundays.

Councilmember Rhilinger asked about the church's youth program. Mr. Lee reported that the church has a program for children from pre-school age through high school on Sundays at 11:00 a.m. and a music-oriented Friday evening service geared for teenagers attended by approximately 100 people.

Responding to Councilmember Barnett's inquiry, Mr. Lee provided clarification regarding the shared parking arrangement. He explained that the church chose to enter

into a shared parking agreement with the adjacent property on 208th Street rather than the adjacent property on Madrid due to convenience and safety issues.

Planning Manager Lodan reviewed additional conditions of approval staff would like included should the Council approve the project.

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

MOTION: Councilmember Sutherland moved to deny the appeal and approve the project, adding the following conditions: 1) That storage sheds and miscellaneous materials encroaching into the drive aisle and parking spaces in the northern parking lot shall be removed; and 2) That landscaping shall be upgraded to the satisfaction of the Community Development Director. The motion was seconded by Councilmember Brewer and passed by a 6-1 roll call vote, with Councilmember Rhilinger dissenting.

MOTION: Councilmember Barnett moved to adopt a Negative Declaration. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote.

RESOLUTION NO. 2009-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
APPROVING A CONDITIONAL USE PERMIT AS PROVIDED FOR IN DIVISION
9, CHAPTER 5, ARTICLE 1 OF THE TORRANCE MUNICIPAL CODE TO
ALLOW THE CONVERSION OF AN EXISTING INDUSTRIAL BUILDING TO A
CHURCH WITH A SHARED PARKING AGREEMENT ON PROPERTY
LOCATED IN THE M-2 ZONE AT 431 MADRID AVENUE
CUP08-00023: GRACEWAY CHURCH

MOTION: Councilmember Brewer moved to adopt Resolution No. 2009-09 as amended. The motion was seconded by Councilmember Sutherland and passed by a 6-1 roll call vote, with Councilmember Rhilinger dissenting.

RESOLUTION NO. 2009-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
APPROVING A WAIVER AS PROVIDED FOR IN DIVISION 9, CHAPTER 4,
ARTICLE 2 OF THE TORRANCE MUNICIPAL CODE TO ALLOW LESS THAN
THE REQUIRED SIDE SETBACKS FOR A CHURCH ON PROPERTY
LOCATED IN THE M-2 ZONE AT 431 MADRID AVENUE
WAV08-00015: GRACEWAY CHURCH

MOTION: Councilmember Brewer moved to adopt Resolution No. 2009-10. The motion was seconded by Councilmember Sutherland and passed by a 6-1 roll call vote, with Councilmember Rhilinger dissenting.

RESOLUTION NO. 2009-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A VARIANCE AS PROVIDED FOR IN DIVISION 9, CHAPTER 4, ARTICLE 1 OF THE TORRANCE MUNICIPAL CODE TO ALLOW A CHURCH USE ON SUBSTANDARD SIZE LOT ON PROPERTY IN THE M-2 ZONE AT 431 MADRID AVENUE.

VAR08-00003: GRACEWAY CHURCH

MOTION: Councilmember Brewer moved to adopt Resolution No. 2009-11. The motion was seconded by Councilmember Sutherland and passed by a 6-1 roll call vote, with Councilmember Rhilinger dissenting.

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The City Council met as the Redevelopment Agency from 8:16 p.m. to 8:18 p.m.

17. ORAL COMMUNICATIONS

17A. Councilmember Sutherland announced that the United States Air Force Band of the Golden West will be performing a free concert on Wednesday, February 18, at 7:30 p.m. in the Armstrong Theatre, with additional information available by calling the box office at 310.781.7171.

17B. Councilmember Sutherland reported that he recently attended a Torrance Unified School District luncheon meeting and enjoyed the singing of the Walteria kindergarten classes. He expressed concerns about the school budget forecast and encouraged residents to contact their local representatives regarding the current state budget stalemate.

17C. Councilmember Barnett clarified that the Public Safety Committee meeting scheduled for Wednesday, February 18, at 4:00 p.m. would be held in the Third Floor Assembly Room.

17D. Councilmember Brewer echoed concerns about the lack of state budget and encouraged residents to write to their local senator and assemblyman urging that they take action on this issue.

17E. Councilmember Brewer cautioned residents that a letter is circulating requesting a fee to have property values reassessed and the Los Angeles County Tax Assessor provides this service free of charge.

17F. Councilmember Furey noted that there is a need for compact fluorescent light bulb recycling locations and requested that staff look into the possibility of creating a local drop-off.

17G. Councilmember Furey announced that for the 5th year, Toyota Motor Sales has donated a new Toyota Prius to the Torrance Education Foundation to be raffled off at their Celebrate Education dinner to be held April 18, with raffle tickets available for \$20.

17H. Councilmember Numark congratulated Torrance-based Fujitsu Ten Limited for receiving the "2009 Best of Innovations in Design and Engineering" award at the Consumer Electronics Show.

17I. Councilmember Numark announced that the Torrance Symphony will be holding a fundraiser at the Ken Miller Recreation Center on Saturday, February 7, at 8:00 p.m.

17J. Councilmember Rhilinger reported that she recently attended a town hall meeting at Loyola Marymount University featuring State Senator Jenny Oropeza and California Secretary of State Debra Bowen and was pleased to see other Torrance residents in attendance. She echoed concerns about the lack of a state budget.

17K. Mayor Scotto encouraged the public to pressure their state legislators to take action on the budget.

18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

19. ADJOURNMENT

At 8:29 p.m., the meeting was adjourned to Tuesday, February 10, 2009, at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

Attest:

/s/ Frank Scotto

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers,
City Clerk of the City of Torrance

Approved on March 24, 2009