

**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 6:03 p.m. on Tuesday, February 7, 2006 in City Council Chambers at Torrance City Hall.

ROLL CALL

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

Absent: None.

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

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

17. EXECUTIVE SESSION

Mayor Walker announced that subsequent to the posting of the agenda, a sewer back flow incident occurred damaging residences located at 3920, 3921, 3923, and 3929 Mesa Street in Torrance. He stated that the City Attorney believes the City faces a significant exposure to litigation and needs to take immediate action based on existing facts and circumstances known to the potential plaintiffs, therefore, the City Attorney has requested that the City Council add the item to the agenda. He noted that in order to take action on a matter not on the agenda, the California Government Code requires a determination by two-thirds vote of the Council that the matter arose subsequent to the posting of the agenda and immediate action was necessary.

MOTION: Councilmember Scotto moved to add the above-mentioned item to the agenda. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote, with Councilmember Witkowsky abstaining.

The matter was added to the agenda as Item 17C and considered pursuant to GC Sections 54954.2 (b)(2) and 54956.9(b)(1).

Councilmember Witkowsky announced that she would abstain from Item 17C as her residence was one of the properties under consideration.

Mayor Walker announced that subsequent to the posting of the agenda, the City Attorney received a settlement proposal in the case of Willett v City of Torrance, Case No. BS100952 and the City Attorney has requested that the item be added to the agenda because he needs immediate instruction from the City Council regarding this matter.

MOTION: Councilmember Guyton moved to add the above-mentioned item to the agenda. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote, with Councilmember Nowatka abstaining.

The matter was added to the agenda as Item 17D and considered pursuant to GC Sections 54954.2(b)(2) and 54956.9(a).

Councilmember Nowatka stated he would abstain from Item 17D due to a personal relationship with the party involved.

At 6:07 p.m., the City Council recessed to closed session to consider matters listed under 17 Executive Session. Councilmember Witkowsky was absent from the Executive Session between 6:05 p.m. to 6:15 p.m., and Councilmember Nowatka was absent from the Executive Session between 6:20 p.m. and 6:36 p.m.

The City Council reconvened in Council Chambers at 7:44 p.m. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Councilmember Mauno.

Councilmember Guyton gave the non-sectarian invocation.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember McIntyre 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 Guyton and passed by unanimous roll call vote.

MOTION: Councilmember McIntyre 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 Scotto and passed by unanimous roll call vote.

4. WITHDRAWN OR DEFERRED ITEMS

None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

None.

7. CONSENT CALENDAR

7A. APPROVAL OF MINUTES – October 18, October 25, November 1, November 8, November 15, and November 22, 2005

7B. INVESTMENT REPORT FOR DECEMBER 2005

Recommendation

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

7C. TORRANCE YOUTH COUNCIL 2004-2005 ANNUAL REPORT

Recommendation

Recommendation of the **Community Services Director** and the **Youth Council** that City Council accept and file the Torrance Youth Council's 2004-2005 Annual Report.

- 7D. **ACCEPTANCE OF DONATION/ APPROPRIATION OF FUNDS FOR STREET CLOCK AT WILSON PARK**
 Considered separately, see pages 4-5.
- 7E. **TRANSFER OF FUNDS RE PUBLIC SAFETY INFORMATION SYSTEM**
Recommendation
 Recommendation of the **City Treasurer** and **Chief of Police** that City Council approve the transfer of \$250,400 from the Trust and Agency Fund to reimburse the General Fund for a capital outlay in connection with the purchase of a Public Safety Information System.
- 7F. **SECOND AMENDMENT TO TRAINING AGREEMENT WITH CAMINO REAL**
Recommendation
 Recommendation of the **Human Resources Director** that City Council authorize the execution of a second amendment to a vocational training agreement with Camino Real (C2002-278) to extend the term of the contract.
- 7G. **CONTRACT WITH OCLC FOR CATALOGING SERVICES FOR LIBRARY**
Recommendation
 Recommendation of the **Community Services Director** that City Council approve a contract with OCLC of Dublin, OH in the amount of \$29,164.79 to provide cataloging services for the Torrance Public Library online catalog.
- 7H. **APPROVAL OF FINAL TRACT MAP NO. 54015**
Recommendation
 Recommendation of the **Community Development Director** that City Council:
 1) Approve Final Tract Map No. 54015, creating a 48 townhouse condominium units and a 44-unit senior citizen condominium, which substantially conforms to and meets all conditions of approval of the Tentative Map; and
 2) Accept a 7' wide street easement for a drop off lane on Cabrillo Avenue.
- 7I. **APPROPRIATION OF ADDITIONAL FUNDING FOR 2007 ROSE FLOAT**
 Considered separately, see page 5.
- 7J. **AGREEMENT WITH TOM LITTON RE PLAN CHECKING SERVICES**
Recommendation
 Recommendation of the **Fire Chief** that City Council approve a consulting services agreement with Tom Litton ("Consultant"), for the period of October 1, 2005 to June 30, 2006, in an amount not to exceed \$20,000 for provision of plan checking services to Fire Prevention Division.
- 7K. **AMENDMENT TO AGREEMENT WITH S.H.E. CONSTRUCTION GROUP, INC.**
Recommendation
 Recommendation of the **Community Development Director** that City Council:
 1) Approve an amendment to public works agreement with S.H.E. Construction Group, Inc. (C2004-098) to extend the term to May 31, 2006 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.

7L. PURCHASE ORDERS RE TELEVISION EQUIPMENT FOR TELECOMMUNICATIONS CENTER

Recommendation

Recommendation of the **City Manager** that City Council authorize a purchase order be issued for an amount not to exceed \$67,885.98 (includes sales tax), plus 5% contingency (\$3,395) to VideoTape Products, Inc., Burbank, CA; and one not to exceed \$10,087.38 (includes sales tax), plus 5% contingency (\$504) plus freight to Hoffman Video Systems, Glendale, CA, to furnish television equipment in the Telecommunications Center.

7M. PURCHASE ORDER RE TELEVISION NON-LINEAR EDITING SYSTEMS

Recommendation

Recommendation of the **City Manager** that City Council authorize a purchase order be issued to Creative Media for an amount not to exceed \$66,923.57 (includes sales tax), plus 5% contingency (\$3,346); to furnish and install television non linear editing systems for the Office of Cable Communications.

7N. AMENDMENT TO AGREEMENT WITH PETDATA, INC. FOR ANIMAL LICENSING SERVICES

Recommendation

Recommendation of the **Chief of Police** that City Council approve an amendment to the existing contract with PetData, Inc., (C2004-051) for animal licensing services, for the period from March 1, 2006 to February 28, 2007.

7O. PURCHASE OF REPLACEMENT FIRE ENGINES

Recommendation

Recommendation of the **Fire Chief** and **General Services Director** that City Council:

- 1) Authorize a purchase order be issued to Seagrave Fire Apparatus, LLC in the amount not to exceed \$884,550.80 for the sole-source purchase of two replacement fire engines;
- 2) Approve a contract with Seagrave Fire Apparatus, LLC relative to the purchase; and
- 3) Appropriate \$884,550.80 from the Fire Apparatus Replacement Fund.

MOTION: Councilmember Mauno moved for the approval of Consent Calendar Items 7A through 7O, with the exceptions of Items 7D and 7I. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote, with Councilmember Scotto abstaining on Item 7H.

Consent Calendar Items 7D and 7I were considered separately at this time.

7D. ACCEPTANCE OF DONATION/ APPROPRIATION OF FUNDS FOR STREET CLOCK AT WILSON PARK

Recommendation

Recommendation of the **Parks and Recreation Commission** and the **Community Services Director** that City Council:

- 1) Accept and appropriate a donation in the amount of \$12,500 from Southern California Live Steamer's Inc. to partially pay for the acquisition and installation of a street clock in the Live Steamers' Compound at Wilson Park and;

- 2) Appropriate \$17,500 from the Parks and Recreation Open Space Fund to pay for the balance of the project (FEAP #540).

Newton Young, Hickory Avenue, stated that he was opposed to the appropriation of \$17,500 in City funds to purchase and install a street clock at Wilson Park because it's an excessive, unnecessary expenditure for a cash-strapped city and suggested that the Live Steamers seek donations to fully fund the project. He expressed concerns that the clock would become the target of vandalism.

Councilmember Witkowsky asked about the possibility of offsetting some of the cost through a donation from the Youth Council.

Community Services Director Barnett advised that other funding options could be explored, however, it was the feeling of staff and the Parks and Recreation Commission that the City should accept this generous offer from the Live Steamers and provide the necessary funds to complete the project.

Mayor Walker disputed Mr. Young's characterization of the City as being "cash-strapped," and voiced support for the staff recommendation.

Councilmember Mauno stated that it was rare for an organization to offer their resources for the benefit of everyone in the City and that he believed funding the project was a wise use of tax dollars. He noted that the Live Steamers have contributed hundreds of hours providing free train rides at Wilson Park for children throughout the South Bay.

MOTION: Councilmember Mauno moved for the approval of Consent Calendar Item 7D. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

7I. APPROPRIATION OF ADDITIONAL FUNDING FOR 2007 ROSE FLOAT

Recommendation

Recommendation of the **City Council Ad Hoc Rose Float Committee** that City Council appropriate an additional \$45,000 to cover the cost of the City's Float in the 2007 Pasadena Tournament of Roses Parade.

Recreation Services Manager Jones advised that costs associated with producing a float have increased over the past few years, including a dramatic increase in the cost of steel, and while Fiesta Parade Floats has done an incredible job keeping the price down for the City, they can no longer afford to do so. He reported that the Rose Float Association was notified that the cost for the 2007 float will be \$135,000, a \$10,000 increase over last year. He explained that the City budgets \$80,000 annually for the float; that the Torrance Rose Float Association (TRFA) contributes \$10,000; and that the Rose Float Committee was recommending that the City appropriate an additional \$45,000 to fund the balance. He stated that the TRFA hopes to raise additional funds to offset this amount, but has a deadline of mid-February to commit to participate in the 2007 parade. He noted that the float provides the City with national and international exposure due to television coverage of the parade and that it also encourages community involvement and promotes civic pride.

Mayor Walker voiced support for the additional funding, noting that the float is a source of great pride for the community, and commended the volunteers who devote so much time and effort.

Councilmember Mauno reported that he inquired about the media value the City derives from the float and it was estimated at just under \$400,000.

MOTION: Councilmember Scotto moved for the approval of Consent Calendar Item 7I. The motion was seconded by Councilmember Guyton and passed by unanimous roll call vote.

11. ADMINISTRATIVE MATTERS

11A. AMENDED LEASE AGREEMENT RE 24751 CRENSHAW BOULEVARD

Recommendation

Recommendation of the **Land Management Team** that City Council:

- 1) Adopt a determining certain city-owned property is not required for city purposes and that leasing the property is in the public interest; and
- 2) Authorize the Mayor to execute and the City Clerk to attest to an Amended and Restated Lease ("Lease"), by and between the City of Torrance, a municipal corporation, as Lessor, hereinafter referred to as the "City", and William J. Adkins, Trustee of the Adkins Family Trust established April 16, 1991, hereinafter referred to as "Lessee" for City-owned property located at 24751 Crenshaw Boulevard, Torrance.

Land Management Team Chair Sunshine briefly reviewed the proposed lease agreement. He noted that the agreement would substantially increase the rent the City receives for this property; that the land will be used by South Bay Lexus for a service department, parts department, and vehicle storage; and that the lease also allows a portion of the site, no greater than 30%, to be sublet to another auto dealer for vehicle storage.

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

RESOLUTION NO. 2006-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DETERMINING CERTAIN CITY-OWNED PROPERTY NOT REQUIRED FOR CITY PURPOSES AND THAT LEASING THE PROPERTY IS IN THE PUBLIC INTEREST (24751 CRENSHAW)

MOTION: Councilmember Witkowsky moved for the adoption of Resolution No. 2006-12. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

Bill Applegate, representing South Bay Lexus, thanked the City for taking this action and expressed appreciation to Land Management Team Chair Sunshine and Deputy City Attorney Whitham for their efforts in drafting the agreement. He stated that the additional land will enable South Bay Lexus to expand its supply of vehicles, which will benefit both the dealership and the City due to increased revenues.

11B. GRANT OF REVISED EASEMENT TO SOUTHERN CALIFORNIA EDISON RE LOWE'S AND HI-SHEAR LEASES

Recommendation

Recommendation of the **Community Development Director** that City Council adopt a Resolution authorizing the Mayor to execute and City Clerk to attest the subject Grant of Revised Easement to Southern California Edison Company for underground electrical systems and appurtenances in the vicinity of 2600 Skypark Drive.

Transportation Planning Manager Semaan reported that the easement will provide the space necessary for Southern California Edison to install the underground infrastructure to service the new Lowe's home improvement store and the Hi-Shear property.

Councilmember Witkowsky commented on the improved appearance of areas like this where overhead power lines have been eliminated.

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

RESOLUTION NO. 2006-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST AN EASEMENT TO SOUTHERN CALIFORNIA EDISON COMPANY FOR UNDERGROUND ELECTRICAL SYSTEMS AND APPURTENANCES

MOTION: Councilmember Witkowsky moved for the adoption of Resolution No. 2006-13. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

11C. AB1234 – LOCAL AGENCIES COMPENSATION AND ETHICS

Recommendation

Recommendation of the **Finance Director, City Manager and City Attorney** that City Council:

- 1) Adopt a Resolution amending policy for Seminar, Conference, and Travel reimbursement; and
- 2) Adopt a Resolution amending policy for Routine Monthly Expense reimbursement.

At Councilmember Witkowsky's request, City Attorney Fellows provided clarification regarding changes in expense reimbursement as required by AB 1234, which became effective January 1, 2006, noting that instead of receiving a flat-rate monthly auto allowance, councilmembers will have to submit itemized expenses.

Councilmember Witkowsky questioned whether Torrance, as a charter city, could enact its own regulations with regard to expense reimbursement.

City Attorney Fellows reported that there are differing opinions on this issue. He advised that the California Constitution grants special privileges to charter cities with respect to "municipal affairs," which means that when a city charter deals with a municipal affair in a way that's different than the general laws of the state, the charter prevails. He explained that AB 1234 expressly states that the expense reimbursement regulations apply to all local agencies, including charter cities, however, he and other city attorneys of charter cities believe the State legislature has overstepped its constitutional authority because this is in fact a matter of municipal affair that the legislature has no power to regulate. He noted that the Council has a longstanding practice of following the requirements in the new legislation regarding out-of-town travel expenses, but the policy for routine expenses differs in that councilmembers receive monthly allowances for auto expenses and local incidental expenses, primarily for administrative convenience because reviewing receipts and documentation and making payments would cost the City more in accounting time.

A brief discussion ensued, and concerns were expressed about the state legislature's attempts to usurp the rights of charter cities. It was the consensus of the Council to adopt the amended reimbursement policies and to direct the City Attorney to explore the possibility of joining with other cities to challenge the state legislature's authority to impose these regulations on charter cities.

For the benefit of the public, Councilmember Scotto noted that AB 1234 also requires ethics training for local public officials, which must be completed by January 2007.

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

RESOLUTION NO. 2006-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ESTABLISHING POLICY FOR SEMINAR, CONFERENCE, AND TRAVEL REIMBURSEMENT

MOTION: Councilmember Witkowsky moved for the adoption of Resolution No. 2006-14. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

RESOLUTION NO. 2006-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ESTABLISHING POLICY FOR ROUTINE MONTHLY EXPENSE REIMBURSEMENT

MOTION: Councilmember Witkowsky moved for the adoption of Resolution No. 2006-15. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

MOTION: Councilmember Witkowsky moved to direct the City Attorney to explore the possibility of joining with other charter cities to challenge the state's authority on this issue. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

12. HEARINGS

12A. ORDINANCES REGULATING CANOPIES, ENCROACHMENTS AND MAINTENANCE OF PARKWAYS

Recommendation

Recommendation of the **Community Development Director** and the **Environmental Quality Commission** that City Council adopt an Ordinance amending the Property Maintenance section of the Torrance Municipal Code to address Canopies and Encroachments and approve an ordinance summary for publication.

The **Community Development Director** further recommends that City Council adopt an Ordinance amending portions of the Municipal Code regarding trimming and maintenance of the parkway and approve an ordinance summary for publication.

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

Environmental Services Administrator Cessna briefly reviewed the proposed revisions to the Property Maintenance Section of the Torrance Municipal Code to regulate canopies and encroachments into the public right-of-way and to clarify the intent of the TMC Section concerning the maintenance and replacement of trees in parkways.

In response to Councilmember Scotto's inquiry, Administrator Cessna clarified that the ordinance applies to both residential and commercial properties and it pertains only to temporary canvas canopies, tarps and tents, not permanent steel canopies such as those in gas stations, which are permitted. She advised that the ordinance would be enforced on a complaint basis and property owners would be given 30 days to remove the offending structure.

Councilmember Witkowsky noted that recreation vehicles are sometimes parked in side yards with canopies to protect them from the elements so that their owners do not have to pay expensive storage fees and expressed concerns that the proposed ordinance, which prohibits canopies in any area visible from the street, could be counterproductive to the City's efforts to discourage the parking of RVs on residential streets. She suggested that this ordinance be considered in tandem with proposed regulations regarding the parking of RVs on City streets.

Administrator Cessna stated that the building and safety issues the ordinance is meant to address would still exist whether the canopy is covering an RV or used for some other purpose, therefore, staff would not recommend an exception for this use.

Councilmember Guyton voiced support for the ordinance, noting that recreation vehicles are made to withstand the elements so this should not be a problem.

Martin Cerna, Torrance Fire Fighters Association, questioned whether the ordinance will apply to structures on City properties, such as canopies used to store fire trucks and other equipment.

Community Development Director Gibson advised that it is not the intention of the ordinance to interfere with the fire department's storage of equipment and that staff will work with the fire department to ensure that any structures are in compliance.

In response to Councilmember Witkowsky's inquiry, Administrator Cessna confirmed that the proposed ordinance prohibits canopies in any driveway area used for parking.

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

Councilmember Guyton noted that a waterproof cover can be purchased to protect a recreation vehicle for about the same price as a canopy.

Voicing support for the ordinances, Councilmember Mauno stressed the importance of maintaining an attractive, orderly community, as this is one of the hallmarks of Torrance.

MOTION: Councilmember Mauno moved to concur with the staff recommendation. The motion was seconded by Councilmember Guyton and passed by a 5-2 roll call vote, with Councilmembers Nowatka and Witkowsky dissenting.

ORDINANCE NO. 3679

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
ADDING A NEW SECTION 7 TO ARTICLE 32 OF CHAPTER 2 OF
DIVISION 9 OF THE TORRANCE MUNICIPAL CODE REGULATING
THE USE OF CANOPIES

MOTION: Councilmember Mauno moved for the adoption of Ordinance No. 3679. The motion was seconded by Councilmember Guyton and passed by a 5-2 roll call vote, with Councilmembers Nowatka and Witkowsky dissenting.

ORDINANCE NO. 3680

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING A NEW SECTION 8 TO ARTICLE 32 OF CHAPTER 2 OF DIVISION 9 OF THE TORRANCE MUNICIPAL CODE REGULATING THE USE OF THE PUBLIC RIGHT OF WAY

MOTION: Councilmember Mauno moved for the adoption of Ordinance No. 3680. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

RESOLUTION NO. 3681

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 5 TO ARTICLE 1 OF CHAPTER 5 OF DIVISION 7 OF THE TORRANCE MUNICIPAL CODE REQUIRING A PERMIT TO PRUNE OR REMOVE TREES ON PUBLIC PROPERTY AND SECTION 13 OF ARTICLE 1 OF CHAPTER 5 OF DIVISION 7 REGULATING THE MAINTENANCE AND REPLACEMENT OF TREES IN PARKWAYS

MOTION: Councilmember Mauno moved for the adoption of Ordinance No. 3681. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

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

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The Council recessed from 8:51 p.m. to 9:06 p.m.

12B. PRE05-00032: MR. & MRS. CHRIS BENOIT – 2710 RIDGELAND ROAD

Recommendation

Recommendation of **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 to allow the construction of first and second story additions to an existing single family residence on property located in the Hillside Overlay District in the R-1 zone at 2710 Ridgeland Road.

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

With the aid of slides, Planning Manager Isomoto reviewed the revisions made to the project to address concerns discussed at the December 13, 2005 Council meeting. She reported that one bedroom was eliminated, thereby reducing the Floor Area Ratio (FAR) from .58 to .56; that plate heights were reduced on both floors to lower the overall height of the structure by 21 inches; and that the second-story setback was increased on the front of the home from 17 to 22 feet.

Chris Benoit, applicant, read a letter previously submitted explaining why he believes denial of this application would result in an unreasonable hardship for him and his family.

Pat Maki, 2714 Ridgeland Road, stated that she appreciated the reduction in the size of the second story because it will allow more sunlight into her home. She requested that the outdoor light fixture be moved to face her home so it would not bother the elderly resident on the other side of the Benois and that no construction begin before 8:00 a.m. She asked that consideration be given to further lowering the height of the structure and shifting the project forward to provide more relief for rear neighbors on Grand Summit. She thanked Councilmember Mauno for visiting her home and discussing the Hillside Ordinance with her. She proposed that every home in Torrance be limited to an FAR of .50 to prevent the overbuilding that has become so prevalent in beach cities.

Jean Thompson, 2721 Grand Summit Road, expressed disappointment that the limitation on the Floor Area Ratio was not being enforced and voiced her opinion that the proposed project was too massive and out of character with the country atmosphere of the Victoria Knolls neighborhood.

John Brubacher, 2734 Ridgeland Road, stated that he believed the Benois had done their best to address the concerns of neighbors and urged approval of the project as submitted. He indicated that he was opposed to limiting homes to an FAR of .50 because it could limit their marketability, noting the increasing demand for larger homes. He maintained that Hillside Overlay Ordinance was meant to provide guidelines for development, not hard and fast rules, and disputed the idea that Torrance was in danger of becoming overbuilt like beach cities where FARs over 1.0 are permitted. He called for the City to continue its practice of considering projects on case-by-case basis, noting that there are factors other than Floor Area Ratio that impact view, light, air and privacy.

Mark Ryan, 2702 Grand Summit Road, stated that the impact on his view has been discounted by both Community Development Department staff and the City Council despite the undisputable fact that the project would block his only remaining vista of the San Gabriel Mountains. He contended that he and his neighbors were being denied the protection of property rights that is supposed to be afforded by the Hillside Overlay Ordinance and that there has been a lack of due diligence because Community Development Department staff visited his home only after the appeal was filed. Submitting a photograph to illustrate, he maintained that the photographs used to depict the impact on his view were misleading and suggested that staff was pushing for approval of the project far in advance of any public hearings. He stated that contrary to staff's claim, the lot is not undersized for the neighborhood, therefore, this should not be used to justify a higher FAR. He urged the Council to enforce the Hillside Overlay Ordinance and deny the project.

Dustin Sauter, 2730 Ridgeland Road, voiced support for the project, contending that it would help sustain high property values in the neighborhood and areas with higher home values tend to be safer and have less crime. He stated that while neighbors have expressed concerns about the loss of country atmosphere, there is a difference between quaint and antiquated, and the demands of the marketplace should not be ignored. He maintained that the petition presented at the December 13, 2005 meeting calling for the strict enforcement of the .50 FAR limitation does not reflect the view of the majority of residents in the area as evidenced by the small percentage who signed it. He noted that the applicants have made numerous revisions to the project to address neighbors' concerns and suggested that they have been victimized by the current obsession with the FAR, which is only one aspect of a project. He pointed out that the question of what constitutes an unreasonable hardship is subjective and requires judgment calls to be made. He indicated that he supported allowing people to develop their property to the fullest extent possible in order to expand their private space in an increasingly overcrowded world.

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

Mayor Walker voiced his opinion that the revisions to the project had addressed the concerns of neighbors to the extent possible; disputed Mr. Ryan's claim that staff had pushed for the approval of the project in advance of public hearings; and reported that he did not observe any significant blockage of Mr. Ryan's view. Responding to claims that the Hillside Overlay Ordinance was not being enforced, he noted that no two projects are alike, therefore, the ordinance was designed to allow each project to be considered on an individual basis and both staff and the Planning Commission had determined that the proposed project meets all requirements.

Noting that he served on the Planning Commission for several years, Commissioner Mauno stated that after considering other options, he came to the conclusion that the Hillside Ordinance works best because it's virtually impossible to come up with a set of rules that would apply in all cases and the ordinance provides a process, which allows neighbors to have input on a project. With regard to the proposed project, he reported that he visited the site and affected properties and believed it complied with requirements of the Hillside Ordinance in terms of the impact on view, light, air and privacy. He stated that while he did observe some view blockage in one room of Mr. Ryan's home, he did not feel it was significant enough to deny the project. He recalled that during his years on the Planning Commission, it was not uncommon for projects to be approved with an FAR in excess of .50 as long as hardship was demonstrated, and noted that the issues cited by the applicant – sloping lot and need for a backyard area for children to play – were consistent with what was found to be sufficient demonstration of hardship in the past. He indicated that he did not favor strictly limiting this project's FAR to .50 because it was contrary to how the Hillside Ordinance has been applied for decades.

MOTION: Councilmember Mauno moved for the approval PRE05-00032, adding the following conditions: 1) That no more than one outdoor light fixture shall be installed to the satisfaction of the Community Development Director; and 2) That no construction shall begin before 8:00 a.m. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

RESOLUTION NO. 2006-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW FIRST AND SECOND STORY ADDITIONS TO AN EXISTING SINGLE FAMILY RESIDENCE IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 2710 RIDGELAND ROAD

MOTION: Councilmember Witkowsky moved for the adoption of Resolution No. 2006-16 as amended. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

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The Council met as the Redevelopment Agency from 9:56 p.m. to 9:57 p.m.

16. ORAL COMMUNICATIONS

16A. Councilmember Guyton commented on Jane Isomoto's upcoming retirement.

16B. Councilmember Guyton reported that he attended the Torrance Rose Float Association dinner and expressed appreciation for their efforts.

- 16C.** Councilmember Mauno announced that the Ad Hoc Armed Forces Committee would meet on Tuesday, February 21, at 4:30 p.m. at the Police Department.
- 16D.** Councilmember Mauno congratulated the West High School Academic Decathlon team on their success.
- 16E.** Councilmember Mauno reported on his attendance at a meeting with the Governor's office on a proposed infrastructure program, which includes a \$68 billion bond issue. He stated that the selection process for projects will be criteria based and outcome driven; that the public will be able to vote "cafeteria style," picking and choosing from among the proposed projects; and that the 710 Freeway is one of the projects Los Angeles County will be focusing on due to the impact of truck traffic from the harbor area.
- 16F.** Councilmember McIntyre also commented on the Rose Float Association dinner.
- 16G.** Councilmember McIntyre noted that prescription drug prices can vary significantly from pharmacy to pharmacy and suggested that the public consider membership stores as some offer prescription drugs at reduced prices without the need to be a member.
- 16H.** Councilmember Nowatka echoed comments regarding Jane Isomoto's retirement, noting that she will be greatly missed.
- 16I.** Councilmember Nowatka commented on the required ethics training component of AB1234 and asked again that the Council consider adopting an ethics policy for City officials, including councilmembers and commissioners, noting his two previous requests.
- 16J.** Councilmember Scotto echoed comments regarding Jane Isomoto's retirement, noting her long history with the City.
- 16K.** Councilmember Scotto also expressed appreciation to Torrance Rose Float Association volunteers.
- 16L.** Councilmember Scotto asked that West High School Academic Decathlon Team members receive recognition from City Council for their first place finish.
- 16M.** Councilmember Scotto noted that next year would be Louis Zamperini's 90th birthday and asked that the City consider beginning preparations for a special event to commemorate it.
- 16N.** Councilmember Scotto wished everyone a Happy Valentine's Day.
- 16O.** Councilmember Witkowsky echoed comments regarding the Rose Float Association dinner and thanked those who rode on the float and the rest of the volunteers.
- 16P.** Councilmember Witkowsky also wished everyone a Happy Valentine's Day.
- 16Q.** Councilmember Witkowsky expressed condolences to Gesuina Paras on the loss of her grandmother.
- 16R.** Mary P. Miller, on behalf of the Torrance Performing Arts Consortium, asked the City Council to consider an agenda item to place a cap on the rising costs of facilities rental fees.
- 16S.** Dale Korman, President of Torrance Symphony, expressed concerns that quality music will not be available to the public if organizations are not able to afford rental fees.

16T. Ray Roulette, Los Cancioneros Master Chorale, noted that the chorale holds four concerts a year at the Armstrong Theatre; reported on the sizeable increase in rental fees over the past four years; and requested that the Council consider a five-year cap on rental fees for members of the Torrance Performing Arts Consortium.

16U. Diane Lauridsen, South Bay Ballet, commented on the hardship caused by the increase in theatre rental fees.

16V. Mary P. Miller reiterated her request that the City Council place an item on a future Council agenda regarding the increase in rental fees.

16W. Newt Young, resident, commented on the attempt by Los Angeles Mayor Villaraigosa to take over the Metropolitan Water District, of which Torrance has been a member since 1931. He noted that El Segundo was the only South Bay city to oppose this move and questioned why the matter was not on the City Council agenda for discussion.

16X. Julie Frank, Victoria Knolls, commented on the removal of old growth trees in that area and asked that the City find a way to save the remaining trees as water and sewer lines are repaired.

16Y. Tom Brewer, resident, congratulated Jane Isomoto on her retirement, stating that it has been a pleasure to work with her and she will be missed.

16Z. Tom Brewer spoke about the dismissal of an unfair labor practice charge filed against the City of Torrance by TME AFSCME Local 1117 and stated that he felt that AFSCME owes an apology to the City and the Brewer family for false accusations.

16AA. Gary LaCharite, resident, discussed his concerns regarding RV parking on City streets.

16BB. Raymie McCoy, resident, reported that the railroad crossing at Torrance Boulevard and Madrid was blocked by a Burlington Northern Santa Fe train for 23 minutes the previous Saturday, and asked that the City look into this matter.

16CC. Raymie McCoy invited the public to the Save Historic Old Torrance 2nd Annual Preservation Extravaganza on February 26 at the Depot restaurant with information available at www.shot.com.

17. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

18. ADJOURNMENT

At 10:39 p.m., the meeting was adjourned to Tuesday, February 28, 2006 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/ Dan Walker

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers, CMC
City Clerk of the City of Torrance

Approved on March 28, 2006

Sue Sweet
Recording Secretary