

May 6, 2008

**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 7:06 p.m. on Tuesday, May 6, 2008 in the City Council Chambers at Torrance City Hall.

**ROLL CALL**

Present: Councilmembers Barnett, Brewer, Drevno, Nowatka, Sutherland, Witkowsky, and Mayor Scotto.

Absent: None.

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

\*

Mayor Scotto announced that elected officials and department heads would be taking seats in the audience and Students and Government Day participants would be replacing them and conducting a portion of the meeting.

**STUDENTS AND GOVERNMENT DAY PARTICIPANTS**

Present: Alex Baumgartner, Will Bingemann, Jasmine Galvan, Mavrick Gaunt, Amanda Goodwin, Aubree Graham, Richard Herrada, Gina Hong, Jenna Hoover, Grace Huang, Hunter Johnson, Jonathan MacNeil, Makenna Martin, Nicholas Mata, Rebecca Miller, Amie Morales, Leila Northington, Caitlyn Pacina, Ashley Poh, Cassidi Ruggeri, Chad Simon, Michiko Sugimoto, and Nikki Windisch.

Student Mayor **Cassidi Ruggeri** called the meeting back to order.

**2. FLAG SALUTE/INVOCATION**

Flag salute was led by Student Councilwoman **Alex Baumgartner**.

Student Councilman **Jonathan MacNeil** read a quote by former President John F. Kennedy.

\*

Agenda Items 5 and 6 were considered out of order at this time.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS (Students)**

Student Councilman **Hunter Johnson** announced that there will be a Fire Safety Fair and Open House on May 10 from 10:00 a.m. to 4:00 p.m. at all six fire stations, with live demonstrations in the SCROC south parking lot at 11 a.m., 1:00p.m., and 3:00 p.m.

Student Councilwoman **Amie Morales** announced that the Torrance Education Foundation dinner would be held May 10 at 6:30 p.m. at the Torrance Marriott.

Student Councilwoman **Caitlyn Pacina** announced that the Torrance Area Chamber of Commerce will present the State of Education address on Friday, May 22, at the Doubletree Hotel from 11:30 a.m. to 1:30 p.m., featuring TUSD Superintendent Dr. George Mannon.

Student Councilman **Richard Herrada** reported that in an effort to be more responsive to the public, the City has made available postage paid customer service cards on which residents can note any concerns and drop them in the mailbox.

Student City Clerk **Jasmine Galvan** provided information about the June 3 municipal election, noting that candidate forums will be held May 12, 14, 19 and 22 and that additional information was available at [www.smartvoter.org](http://www.smartvoter.org) as well as on the City's website.

Student City Treasurer **Nikki Windisch** provided parking ticket payment information, noting that payment can be made in the City Treasurer's office from 7:30 a.m. to 5:30 p.m., Monday through Thursday and alternate Fridays when City Hall is open.

Student City Manager **Rebecca Miller** reported that the City will be installing electronic speed indicators at locations on Newton Street, Entradero, 235<sup>th</sup> Street, and the intersection of 168<sup>th</sup> Street and Van Ness.

Student Assistant City Manager **Makenna Martin** invited everyone to attend the 49<sup>th</sup> Annual Armed Forces Parade and Celebration on May 16-18, 2008. She noted that this year's celebration pays tribute to the U.S. Marine Corps and includes static displays at Del Amo Fashion Center.

Student CIT Director **Will Bingemann** reported that the City recently installed a wireless local area network linking City Hall with Torrance Airport allowing the City to save substantial monthly charges from AT&T.

Student Human Resources Director **Amanda Goodwin** reported on upcoming charitable campaigns for United Way and the American Red Cross.

Student Finance Director **Michiko Sugimoto** announced that the first budget workshop/public hearing on the 2007-09 Operating Budget will be held this evening followed by a second one at the May 13 City Council meeting.

Student Public Works Director **Ashley Poh** announced that residents may exchange 64-gallon recycling bins for 96-gallon bins by contacting the Public Works Department at 310.781.6900.

Student Community Development Director **Aubree Graham** reported on the Community Development Department's efforts to encourage green building, noting that staff will be bringing forward proposed green building guidelines for commercial, industrial and multi-family developments, as well as voluntary programs for single-family homeowners.

Student Transit Director **Jenna Hoover** announced Bike to Work Week, May 12 through May 16, and invited those biking to work on May 15 to a "Pit Stop" at Torrance City Hall, with refreshments and giveaways.

Student General Services Director **Gina Hong** invited everyone to attend the City Yard Open House on Saturday, June 7, from 10:00 a.m. to 2:00 p.m. at 20500 Madrona Avenue, with displays of City equipment, crafts and giveaways.

Student Community Services Director **Mavrick Gaunt** invited the community to support the Special Olympics track meet at West High School on Saturday, May 10, from 9:00 a.m. to 4:00 p.m.

Student Fire Chief **Nicholas Mata** reminded everyone that ExxonMobil would be conducting their monthly community siren alert testing on Wednesday, May 7, at approximately 11:30 a.m.

Student Police Chief **Leila Northington** announced Blue Ribbon Week, May 11 through May 17, with a Police Memorial Ceremony to be held in front of the Torrance Police Department on Wednesday, May 14, at 10:00 a.m.

Student City Attorney **Chad Simon** announced that new legislation effective July 1, 2008 makes it illegal to use a wireless telephone or cell phone while driving unless using a hands-free device.

## **6. COMMUNITY MATTERS**

Items 6B and 6C were considered out of order.

### **6B. PROCLAMATION RE “FIRE SERVICE DAY”**

Student Councilman Hunter Johnson read the proclamation declaring May 10, 2008 as **“Fire Service Day”** in the City of Torrance.

Student Mayor Cassidi Ruggeri presented the proclamation to Fire Captain Howard Schneider and Firefighter/Paramedic Paul Vuoso.

### **6C. PROCLAMATION RE “LETTER CARRIER FOOD DRIVE DAY”**

Student Councilwoman Caitlyn Pacina read the proclamation declaring May 10, 2008 as **“Letter Carrier Food Drive Day”** in the City of Torrance.

Student Mayor Cassidi Ruggeri presented the proclamation to Willie Ann Hawkins; Kevin Gardiner, Supervisor/Manager; Kim Utzinger, Supervisor/Manager; and Steve Kelley, President, National Association of Letter Carriers. Residents were encouraged to leave non-perishable food items near their mailbox for pick-up by their letter carrier on Saturday, May 10.

### **6A. PROCLAMATION RE “STUDENTS AND GOVERNMENT DAY”**

Student Councilwoman Alex Baumgartner read the proclamation declaring Tuesday, May 6, 2008 as **Students and Government Day** in the City of Torrance.

Student Mayor Cassidi Ruggeri presented the proclamation to Dee Hardison and Cindy Scotto, co-chairs of the event.

Student Mayor Ruggeri thanked Mayor Scotto, Councilmembers and City staff for a fun and enlightening day, which provided an opportunity for students to experience the crucial role public servants and local government play in the community.

Mayor Scotto commended the students for doing an exceptional job and thanked TUSD Superintendent Dr. George Mannon and all the teachers involved for their assistance.

The City Council recessed from 8:13 p.m. to 8:27 p.m.

**The meeting returned to regular order.**

**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, May 1, 2008.

**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 Witkowsky and passed by unanimous roll call vote.

**4. WITHDRAWN OR DEFERRED ITEMS – None.**

**7. ORAL COMMUNICATIONS #1**

**7A.** Titus Henry requested that the City send a representative to his court hearing on May 14.

**7B.** John Bailey, president of Southeast Torrance Homeowners Association, announced that a fund has been established to benefit the family of Tyler Pick, who was killed along with his grandmother on April 28, and donations may be sent to the Pick Family Assistance Fund, 1880 W. Carson Street, Suite F-282, Torrance, CA.

**7C.** Pat Furey, president of Torrance Education Foundation, announced the foundation's "Celebrate Education" dinner at the Torrance Marriott on May 10, which will include a raffle of a Toyota Prius donated by Toyota Motor Sales USA.

**7D.** Don Barnard, president of Save Historic Old Torrance, invited the public to attend a free presentation on wood windows at their May 8 meeting at the West Presbyterian Church and also announced SHOT's Mother's Day Tea on May 10, with seatings at 11:00 a.m. and 2:00 p.m.

**7E.** Rick Marshall, resident, noted his opposition to Measure T and challenged proponents to a debate. He expressed concerns that some of the materials distributed by the City about Measure T violate campaign regulations.

City Attorney Fellows advised that the information put out by the City about Measure T was factual in nature and complies with all regulations.

**8. CONSENT CALENDAR**

**8A. INVESTMENT REPORTS FOR MARCH 2008**

**Recommendation**

Recommendation of the **City Treasurer** that City Council accept and file the investment reports for the month of March 2008.

**8B. CONTRACT FOR 4<sup>TH</sup> OF JULY FIREWORKS SHOW AT WILSON PARK**

**Recommendation**

Recommendation of the **Community Services Director** that City Council award a contract to Pyro Spectaculars Inc. for \$25,500 for the annual 4th of July fireworks show at Wilson Park.

**8C. APPROVAL OF FINAL PARCEL MAP NO. 64494**

**Recommendation**

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

- 1) Approve Final Parcel Map No. 64494;
- 2) Accept a 2.5' wide street easement along the westerly property line for the width of the property; and
- 3) Accept a 5' wide street easement along Madison Street for the width of the property frontage.

**8D. REJECTION OF ALL BIDS FOR WILSON PARK MAINTENANCE BUILDING**

Considered separately, see page 7-8.

**8E. CONTRACT FOR WALL REPLACEMENT AT BARTLETT SENIOR CENTER**

**Recommendation**

Recommendation of the **General Services Director** that City Council award a contract to Accordion Door Distributors, Inc. for \$11,052 with \$2,000 contingency for the replacement of the partition wall at the Barlett Senior Center and appropriate \$13,052 from the Building Maintenance Capital Project Fund.

**8F. CONTRACT FOR SUR LA BREA RECREATION CENTER REPAIRS**

Considered separately, see page 8.

**8G. PURCHASE ORDER FOR 2009 TOYOTA CAMRY HYBRID SEDANS**

**Recommendation**

Recommendation of the **General Services Director** that City Council authorize the purchase of five (5) 2009 Toyota Camry Hybrid Sedans from West Covina Toyota/Scion of West Covina, CA (B2008-14), in the amount of \$128,812.35 including sales tax and tire fees.

**8H. CONTRACT AMENDMENT WITH ENVIROCON INC.**

**Recommendation**

Recommendation of the **General Services Director** that City Council approve an additional funding of \$6,761 and a contract amendment with Envirocon Inc. (C2008-008) for the CIT Radio Shop Renovation (FEAP #493) for a total contract amount of \$109,143.

**8I. AMENDMENT TO POST-RETIREMENT AT-WILL EMPLOYMENT CONTRACT**

**Recommendation**

Recommendation of the **City Attorney** that City Council approve an amendment to the post-retirement at-will employment agreement with Robert Acciani for an additional \$50,000 for a total contract amount not to exceed \$74,000.

**8J. APPROPRIATION OF ASSET FORFEITURE FUNDS FOR TASERS**

**Recommendation**

Recommendation of the **Police Chief** that City Council:

- 1) Appropriate and allocate \$180,000 of asset forfeiture funds for the purchase of Tasers; and
- 2) Authorize a purchase order not to exceed \$180,000 to Pro Force Law Enforcement of Prescott, AZ for X26 Tasers and accessories.

**8K. REFURBISHMENT OF RESTROOM BUILDING AT TORRANCE PARK**

**Recommendation**

Recommendation of the **Community Services Director** that City Council approve the funding in the amount of \$130,000 for refurbishment of the restroom building at Torrance Park.

**8L. FIRE SPRINKLER AND ALARM PANEL INSPECTION AND REPAIRS**

**Recommendation**

Recommendation of the **General Services Director** that City Council approve an appropriation of \$18,000 from the Building Maintenance Capital Project Fund for the inspection and repairs to fire sprinkler systems and fire alarm panels at various City Buildings.

**8M. CONTRACT RE GROUNDWATER MONITORING WELLS AT TORRANCE AIRPORT**

**Recommendation**

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

- 1) Award a contract services agreement with Environmental Applications Inc., in the amount of \$49,078 for the installation and sampling of groundwater monitoring wells at Torrance Municipal Airport - Zamperini Field; and
- 2) Appropriate \$49,078 from the Airport Aeronautical Fund Balance.

**8N. PURCHASE ORDER FOR AUTOMATED CURBSIDE REFUSE AND RECYCLING CONTAINERS**

**Recommendation**

Recommendation of the **Public Works Director** that City Council:

- 1) Appropriate \$66,485.24 from the Sanitation Enterprise Fund for the purchase of automated refuse and recycling containers; and
- 2) Authorize a purchase order with Toter Incorporated of Statesville, NC in the amount of \$66,485.24 for the sole source purchase of 1,272 Toter automated curbside refuse and recycling containers.

**8O. EMERGENCY WATER SYSTEM REPAIR WORK**

**Recommendation**

Recommendation of the **Public Works Director** that City Council approve the appropriation of \$42,649 to pay for emergency water system repair work performed by Stephen Doreck Equipment Rentals, Inc.

**8P. CIVIL AIR PATROL USE OF CITY-OWNED HANGAR**

**Recommendation**

Recommendation of the **City Manager** that City Council:

- 1) Approve the use of a half size hangar 2735-A, located in the City-owned East T-Hangar area, for use by the Civil Air Patrol for meetings and training of their squadron; and
- 2) Appropriate \$35,000 from the Airport Fund for improvements to the unit.

**8Q. SUBLEASE AGREEMENTS FOR CELL SITES**

**Recommendation**

Recommendation of the **City Manager** that City Council consent to subleases with Royal Street Communications and Los Angeles SMSA Limited Partnership, a California limited partnership, dba Verizon Wireless for the placement of rooftop cell sites at Torrance Towne Center located at the Northwest corner of Pacific Coast Highway and Crenshaw Boulevard.

**MOTION:** Councilmember Nowatka moved for the approval of Consent Calendar Items 8A through 8Q, with the exception of Items 8D and 8F. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

Consent Calendar Items 8D and 8F were considered separately at this time.

**8D. REJECTION OF ALL BIDS FOR WILSON PARK MAINTENANCE BUILDING**

**Recommendation**

Recommendation of the **General Services Director** that City Council reject all bids received for the Wilson Park Maintenance Building bid B2007-42.

In response to Councilmember Barnett's inquiry, City Manager Jackson reported that bids were rejected because the exterior of maintenance building was being redesigned to provide a more unified look with existing buildings at Wilson Park.

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

**8F. CONTRACT FOR SUR LA BREA RECREATION CENTER REPAIRS**

**Recommendation**

Recommendation of the **General Services Director** that City Council award a contract to A-1 All American Roofing Inc. for \$15,200 with \$2,000 contingency for exterior repairs to Sur La Brea Recreation Center and appropriate \$17,200 from the Building Maintenance Capital Project Fund.

Councilmember Barnett asked about the status of security lighting at Sur La Brea Park, and Community Services Director Jones related his understanding that the lighting has been repaired.

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

**12. ADMINISTRATIVE MATTERS**

**12A. APPOINTMENT OF AD HOC LEGISLATIVE COMMITTEE**

**Recommendation**

Recommendation of the **City Manager** that the Mayor appoint an Ad Hoc Legislative Committee to address the City's position on upcoming ballot measures.

Mayor Scotto appointed Councilmembers Brewer, Sutherland and Witkowsky to the Ad Hoc Legislative Committee, with Councilmember Witkowsky to serve as Chair.

Councilmember Witkowsky announced that the committee would meet on May 13, 2008 at 3:00 p.m. in the 3<sup>rd</sup> Floor Assembly Room and that the public was invited.

**12B. APPROVAL OF REVISED CLASS SPECIFICATIONS FOR FIRE CHIEF**

**Recommendation**

Recommendation of the **Human Resources Director** and the **Civil Service Commission** that City Council approve the proposed revised class specification for Fire Chief and approve conducting the examination on a promotional basis provided that a minimum of eight City employees file applications that are accepted.

Human Resources Manager Lawrence reported that the Fire Chief has announced his intent to retire effective July 2008 and the class specification has been updated to reflect the current responsibilities of the position.

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

The Council convened as the Redevelopment Agency at 8:56 p.m. and Agenda Item 13A was considered concurrently with Redevelopment Agency Agenda Item 5A.

**13. HEARINGS**

**13A. FIRST PUBLIC HEARING/BUDGET WORKSHOP ON PROPOSED REVISIONS TO THE SECOND YEAR OF THE 2007-2009 OPERATING BUDGET**

**Recommendation**

Recommendation of the **Finance Director** that City Council open the first public hearing and budget workshop on the proposed budget revisions for the 2nd year of the City's two-year 2007-2009 operating budget and hold the second public hearing on May 13, 2008. (Companion item to Redevelopment Agency Item 5A.)

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

With the aid of slides, Finance Director Tsao provided an overview of the City's financial situation and reviewed proposed revisions to the 2008-2009 Operating Budget. He reported that the Operating Budget remains balanced, however, there are concerns due to the slowing of the economy, the State budget deficit, and the uncertainty over whether the City will be able to continue to collect utility users' tax on telecommunications. He noted that the City has deferred consideration of the five-year Capital Budget until the State budget has been resolved because there will likely be cuts and delays in funding. He advised that the Operating Budget may also be affected because the State can borrow up to 8% of property tax revenues and shift certain costs to cities and counties.

Finance Director Tsao reviewed the proposed Program Modifications to the Community Services Department, the City Manager's office and Public Works Department per written material of record.

In response to Councilmember Brewer's inquiry, Finance Director Tsao reported that Torrance is the third highest sales tax producer in Los Angeles County, behind the City of Los Angeles and Long Beach, and cities/counties throughout California have experienced a similar 3-4% reduction in sales tax revenues.

In response to Councilmember Witkowsky's inquiry, Finance Director Tsao clarified that the City would lose approximately \$6-8 million in revenues annually should Measure T not pass and the City's ability to collect the utility users' tax on telecommunications is challenged in court and the City loses.

Responding to Councilmember Sutherland's inquiry, Public Works Director Beste reported that the proposed addition of two sewer maintenance workers will cost \$170,000 annually and confirmed that they will use existing trucks and equipment.

Councilmember Barnett noted that residents who live in condominiums/apartments served by private trash haulers that do not pick-up recyclables have asked about the possibility of the City providing this service. Public Works Director Beste reported that this is something the City is exploring.

Councilmember Drevno questioned whether the school district has a recycling program, and Steve Hara, resident and teacher, confirmed that classrooms at Torrance High recycle.

**MOTION:** Councilmember Brewer moved to close the 1<sup>st</sup> public hearing and budget workshop and to hold the second hearing and workshop on Tuesday, May 13, 2008 as part of the regularly scheduled Council meeting. The motion was seconded Councilmember Sutherland and passed by unanimous roll call vote.

The Council recessed from 9:24 p.m. to 9:36 p.m.

**13B. PRE07-00018, WAV07-00018: 109 VIA LA SEVILLA – BOB & PAT HOFFMAN**

**Recommendation**

Recommendation of the **Community Development Director** that City Council review the design modifications proposed at the March 25, 2008 City Council meeting, and should the Council determine to approve the request to deny the appeal and take the following actions on property located within the Hillside Overlay District of the R-1 Zone at 109 Via Sevilla:

- 1) Adopt a Resolution approving a Precise Plan of Development to allow the construction of a new one-story single family residence; and
- 2) Adopt a Resolution approving a Waiver to allow a reduction of the average front, front facing garage, and exterior side yard setback requirements.

**PRE07-00018 & WAV07-00018 / TOMARO ARCHITECTURE (BOB & PAT HOFFMAN)**

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

Councilmember Drevno announced that she was abstaining from consideration of this item because she had not had an opportunity to visit the site and exited Council Chambers.

Councilmember Brewer noted that he was absent from the March 25, 2008 hearing, but had reviewed the videotape and minutes from the meeting, therefore he would be participating in this hearing.

With the aid of slides, Planning Manager Lodan reviewed the revisions made to the project at the direction of the Council at the previous hearing and shared photographs of the revised silhouette taken from various vantage points in the neighborhood. He reported that the resident at 305 Via Colusa remains concerned about view impact.

Councilmember Witkowsky expressed concerns that staff continues to recommend denial of the project despite the fact that the revisions have opened up significant view corridors for neighbors.

Community Development Director Gibson explained that the recommendation was based on the original proposal and staff agrees that the majority of view concerns have been addressed.

Bob Hoffman, 109 Via Sevilla, applicant, reported that the house was shifted 5 feet south toward the front property line as suggested by Mayor Scotto at the previous hearing to mitigate the impact on views at 305 and 309 Via Colusa. He reported that the remaining front setback is 12 feet to the property line and 20 feet to the curb, which will still allow room for someone to walk around a vehicle parked in the driveway without having to walk in the street. He stated that he has done everything possible to accommodate his neighbors and urged approval of the project.

Steve Hara, 309 Via Colusa, appellant, wanted to clarify that Jo Anne Milligan, 305 Via Colusa was a co-appellant. He stated that while he was satisfied with the revisions, he felt there was still a definite impact on Ms. Milligan's view.

Jo Anne Milligan, 305 Via Colusa, urged denial of the project. She contended that the project would block the view from her bedroom and backyard; reduce natural light to her home; impair the flow of air; and decrease the value of her property. She expressed concerns about the domino effect of allowing large homes to be built on small lots and the cumulative impact on views.

In response to Councilmember Witkowsky's inquiry, Mr. Hoffman confirmed that he planned to replace the deteriorated wood fence separating his and Ms. Milligan's property.

Councilmember Witkowsky noted that the new fence could have a view impact. Deputy City Attorney Whitham advised that it was within the Council's purview to impose height restrictions on the new fence in conjunction with the project.

Joan de Vries, 300 Via Colusa, reported that the revised project along with the tree in Mr. Hoffman's yard would block approximately one-third of her city view and reduce the value of her property.

Referring to photographs of the revised silhouette, Councilmember Witkowsky stated that she did not observe a major impact on the view from Ms. de Vries' property. Ms. de Vries explained that her view of Pacific Coast Highway would be blocked.

Councilmember Brewer stated that he believed the tree was more of a view obstruction than the proposed project and related his understanding that Mr. Hoffman plans to remove it.

Pat Hoffman, 209 Via Sevilla, applicant, confirmed that the tree blocking Ms. de Vries' view will be removed.

Robert Mills, 308 Via Colusa, voiced objections to the project due to the impact on Ms. Milligan's view and reported that the Riviera Homeowners Association also opposes the project. Noting that he is a realtor, he offered his opinion that the view loss would decrease the value of Ms. Milligan's property and related his experience that downstairs views from living areas are more valuable than upstairs views because they are more accessible.

Mayor Scotto noted that the impacted view in Ms. Milligan's home is from a first-floor bedroom, not a living area and the view is only visible when standing.

Returning to the podium, Mr. Hoffman noted that the proposed single-story home is modest in size and well under the maximum floor area ratio (FAR) allowed. He reported that he has trimmed the tree Ms. de Vries is concerned about on a regular basis; related his belief that the City should not get involved in the regulation of trees; and, referring to a photograph to illustrate, pointed out that a tree on Ms. de Vries' property blocks the views of several neighbors behind her. He voiced his opinion that the impact on Ms. Milligan was not significant because the view is from a bedroom, noting that she will continue to have an expansive view from the second story.

Councilmember Witkowsky recalled that when Pamela Maran, the president of Riviera Homeowners Association (RHA), spoke in opposition to the project, she was speaking on her own behalf.

Mr. Hoffman reported that Ms. Maran indicated at the hearing that she was speaking on behalf of RHA, however, the general membership was not consulted.

In response to Councilmember Witkowsky's inquiry, Deputy City Attorney Whitham advised that the City does not request proof that someone has the authority to represent an organization when speaking before the City Council.

**MOTION:** Councilmember Sutherland moved to close the public hearing. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote (absent Councilmember Drevno).

**MOTION:** Councilmember Witkowsky moved to deny the appeal and approve the project, adding a condition that the tree on the Hoffman's property shall be removed. Discussion continued.

Councilmember Sutherland commented on the difficulty of deciding hillside cases because oftentimes it is a lose/lose situation. He reported that he did observe some impact to Ms. Milligan's view, but he also felt it was important to allow older homes to be renovated.

Councilmember Sutherland seconded the motion and it failed to pass as reflected in the following roll call vote:

AYES: Councilmembers Sutherland, Witkowsky and Mayor Scotto.  
NOES: Councilmembers Barnett, Brewer and Nowatka.  
ABSENT: Councilmember Drevno.

Deputy City Attorney Whitham advised that since the motion failed, the Planning Commission's approval of the project as it was before it was revised will stand, unless further action is taken by the Council.

A brief discussion ensued, and Councilmember Brewer expressed his preference for the revised project because it would have less view impact on neighbors.

**MOTION:** Councilmember Brewer moved to reconsider the Council's action on this item. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote, absent Councilmember Drevno.

**MOTION:** Councilmember Witkowsky moved to deny the appeal and approve the project, adding a condition that the tree on the Hoffman's property shall be removed. Discussion continued and the motion died for lack of a second.

Councilmember Brewer stated that he was opposed to including the condition requiring the removal of the tree because regulating trees is not part of the Hillside Ordinance.

Councilmember Barnett echoed comments about the difficulty of deciding hillside cases, noting that he observed view impacts to both Mr. Hara and Ms. Milligan's properties but he felt there was no way to eliminate this impact unless the Hoffmans do nothing.

Councilmember Nowatka stated that he believed Mr. Hoffman had done everything possible to mitigate the impact on views, however, he observed that the project would have an adverse impact on Ms. Milligan's view, therefore, he could not support it.

**MOTION:** Councilmember Witkowsky moved to deny the appeal and approve the project. The motion was seconded by Councilmember Brewer and passed by a 4-2 roll call vote, with Councilmembers Barnett and Nowatka dissenting (absent Councilmember Drevno).

Planning Manager Lodan noted that resolutions reflecting the Council's action would be brought back for approval at a later date.

\*

The Council reconvened as the Redevelopment Agency from 10:58 p.m. to 11:00 p.m.

## **17. ORAL COMMUNICATIONS**

**17A.** Councilmember Nowatka commented on his enjoyment of Students and Government Day and thanked the community for supporting the Relay for Life the previous weekend.

**17B.** Councilmember Sutherland commended the Fire Department and the Public Works Department for their rapid response to a trench failure at a Shell gas station on April 30, which resulted in the rescue of two people.

**17C.** Councilmember Witkowsky congratulated the El Camino debate team for finishing 5<sup>th</sup> place in a nationwide competition.

**17D.** Councilmember Witkowsky thanked all involved in the Relay for Life.

**17E.** Brian Sunshine, Assistant to the City Manager, reported that the Torrance Relay for Life raised approximately \$195,000 for the American Cancer Society.

**17F.** Councilmember Brewer reported that residents are concerned about whether Torrance Airport's noise abatement system is fully functional and, with the concurrence of Council, requested that staff provide an information item on this issue.

**17G.** Council Brewer also requested that staff provide an information item on future plans for the City's bus system.

**17H.** Mayor Scotto thanked his colleagues and City staff for making the participants in Students and Government Day feel welcome.

**18. EXECUTIVE SESSION**

At 11:12 p.m., the City Council recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 18A) Real Property – Conference with Real Property Negotiator, pursuant to California Government Code §54956.8.

The Council reconvened in open session at 11:22 p.m. No action was taken on any matter considered in closed session.

**19. ADJOURNMENT**

At 11:23 p.m., the meeting was adjourned to Tuesday, May 13, 2008 at 5:00 p.m. for a closed personnel hearing, 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 August 5, 2008

