

**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 5:01 p.m. on Tuesday, May 13, 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.

Agenda Item 15A was considered out of order at this time.

**15A. RESUMPTION OF HEARING ON STATUS OF PETITIONER'S REVIVED
INTEREST IN EMPLOYMENT**

Recommendation

Recommendation of the **City Manager** that City Council resume its hearing held on September 27, 2007 in order to comply with the writ of mandate issued by the Los Angeles Superior Court ordering the City to hold a hearing regarding the extent to which Petitioner, a former Torrance police officer, has a revived interest in employment. Specifically, the City Manager recommends:

- 1) That the City Council conduct a hearing to consider the findings of fact and conclusions as contained in the Police Department's background report;
- 2) That the Petitioner and the Department have the opportunity to argue their respective positions regarding the findings of fact and conclusions of the Police Department's background investigation to determine if the report represents legal cause to deny the Petitioner's reinstatement; and
- 3) That after considering the findings of fact and conclusions and arguments by both parties, the City Council makes a determination of the Petitioner's revived interest in employment, or to continue the matter for further consideration of additional evidence.

At 5:02 p.m., the City Council recessed to closed session to conduct the hearing.

At 6:08 p.m., the City Council returned to the Chambers where Mr. Wohlenberg, Counsel for the City announced that after consideration of the evidence, the arguments of the parties, and the briefs submitted, the City Council exercised Option number 1 as given in the staff report; has adopted the findings and recommendations contained in the Police Department's report and found that the City does, in fact, have legal cause for not reinstating the petitioner to employment and that the vote was unanimous.

The City Council took a recess from 6:10 p.m. to 7:00 p.m.

The City Council reconvened at 7:00 p.m. and the meeting resumed in regular agenda order.

2. FLAG SALUTE/INVOCATION

The flag salute was led by General Services Director Ballew.

Councilmember Witkowsky 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, May 8, 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. ANNOUNCEMENT OF WITHDRAWN OR DEFERRED ITEMS

City Manager Jackson announced that Item 8E was being withdrawn and the hearing on Item 13B would be opened and continued to the May 20 City Council meeting.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Mayor Scotto asked that the meeting be adjourned in memory of retired employees Ted Hasagawa and Phillip Wall.

Councilmember Sutherland asked that the meeting be adjourned in memory of his mother-in-law Blanche Campbell.

Councilmember Witkowsky noted that the Ad Hoc Legislative Committee had met earlier to discuss measures on the June 3 ballot with an item to be presented to the City Council at the May 20 meeting.

Councilmember Sutherland announced that the Ad Hoc Public Facility Naming Committee would meet on May 29 at 4:00 p.m. in the 3rd Floor Assembly room.

City Clerk Herbers announced that the final day to register to vote in the June 3 election was Monday, May 19. She noted that information about the election is available on the City Clerk page of the Torrance website and announced candidate forums on May 14, May 19, and May 22 with taped segments available on CitiCABLE.

City Clerk Herbers announced that a Torrance Commissioner certification class was scheduled for June 11 at the Toyota Meeting Hall, with information available at 310.618.2870 and at www.tornet.com.

City Clerk Herbers announced that oils by Torrance Artist Guild member Sam Rubiono were on view in the City Clerk's office for the month of May.

6. COMMUNITY MATTERS

6A. PROCLAMATION RE "OLDER AMERICANS MONTH"

Mayor Scotto presented a proclamation declaring the month of May as "**Older Americans Month**" in the City of Torrance to Commission on Aging Chairman Chet Craft.

6B. 2008 OLDER AMERICANS AWARDS

Recommendation

Recommendation of the **Commission on Aging** and the **Community Services Director** that City Council recognize Helen Dennis and Irene Griffith as recipients of the 2008 Older Americans Award and present them with plaques.

Mayor Scotto presented plaques to Helen Dennis and Irene Griffith. He noted that Ms. Dennis is a nationally known expert on aging, employment and retirement, who authors a weekly column in the *Daily Breeze* for older adults; and that Ms. Griffith has served on the Torrance Commission on Aging and the L.A. County Aging Advisory Council for the past 10 years and has been a tireless advocate for increased and improved services for seniors.

6C. RESOLUTION NO. 2008-55 RE 49TH ANNUAL ARMED FORCES DAY PARADE AND CELEBRATION

RESOLUTION NO. 2008-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DECLARING MAY 16 THROUGH MAY 18, 2008 FOR OBSERVANCE OF THE **49TH ANNUAL ARMED FORCES DAY PARADE AND CELEBRATION**

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-55. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

To be presented at a later date.

6D. RESOLUTION NO. 2008-56 RE MAJOR GENERAL MICHAEL LEHNERT

RESOLUTION NO. 2008-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE EXPRESSING APPRECIATION TO **MAJOR GENERAL MICHAEL R. LEHNERT** OF THE UNITED STATES MARINE CORPS FOR SERVING AS GRAND MARSHAL OF THE 49TH ANNUAL ARMED FORCES DAY PARADE AND OBSERVANCE

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-56. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

To be presented at a later date.

6E. RESOLUTION NO. 2008-57 RE LOUIS S. ZAMPERINI

RESOLUTION NO. 2008-57

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE EXPRESSING APPRECIATION TO **LOUIS S. ZAMPERINI** FOR SERVING AS CELEBRITY GRAND MARSHAL OF THE 49TH ANNUAL ARMED FORCES DAY PARADE AND OBSERVANCE

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-57. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

To be presented at a later date.

6F. PROCLAMATION RE “BLUE RIBBON WEEK”

Mayor Scotto presented a proclamation declaring the week of May 11 through May 17 as “**Blue Ribbon Week**” in the City of Torrance, and further proclaiming May 14 as *California Peace Officers Memorial Day* to Police Services Officer Luz Aceves.

Officer Aceves highlighted major accomplishments of the Torrance Police Department over the past year; urged residents to show their support of law enforcement by wearing and/or displaying blue ribbons during the week of May 11-17; and invited attendance at the Police Memorial Ceremony on Wednesday, May 14, at 10:00 a.m. in front of the Torrance Police Department.

6G. PROCLAMATION RE “BIKE TO WORK WEEK”

Mayor Scotto presented a proclamation declaring the week of May 12 through May 16 as “**Bike to Work Week**” in the City of Torrance to Jill Crump, Transportation Planning Associate, Community Development; Kim Fuentes, Rideshare Program Manager; and Enny Chung, Staff Assistant, Transit.

Transportation Planning Associate Crump noted that a free breakfast will be offered to those biking to work on Thursday, May 15, from 6:00 a.m. to 8:00 a.m. in front of Torrance City Hall.

7. ORAL COMMUNICATIONS #1

7A. Ritas Smith and Kurt Weideman announced the 14th annual Torrance Cultural Arts Center Foundation Gala on June 27, honoring the Mayor and City Council and featuring Grammy award winner Christopher Cross, for tickets and information contact 310.787.1201 or info@torrancearts.com. Ms. Smith noted that flamingos to be decorated by the Council will be available for adoption at the Gala.

7B. Jim Tarvin, resident, reported that people are living in a trailer next door to his property in violation of Torrance Municipal Code Section 92.5.12 and repeated disturbances are depriving him of the enjoyment of his home and backyard. He requested that this code section be modified to make it easier to enforce. Mayor Scotto directed staff to look into this issue and report back to the Council.

7C. Gavin Wasserman, resident, voiced support for the previous speaker. He announced that a documentary regarding Ted Tanouye entitled *Citizen Tanouye* would be airing on PBS.

7D. Don Barnard, Save Historic Old Torrance, noted that SHOT does not have meetings scheduled for June, July, and August, but workshops are scheduled, with the first to be held June 21 on the restoration of double-hung windows.

8. CONSENT CALENDAR

8A. PURCHASE ORDERS FOR ANNUAL REQUIREMENT OF OFFICE SUPPLIES

Recommendation

Recommendation of the **Finance Director** that City Council award purchase orders in an aggregate amount not to exceed \$220,000 to Office Depot Business Services Division for the purchase of the City's annual requirement of office supply items. The term of these purchase orders will be from July 1, 2008 through June 30, 2009.

8B. SETTING OF PUBLIC HEARING FOR PROPOSED SKYPARK UNDERGROUND UTILITY DISTRICT

Recommendation

Recommendation of the **Community Development Director** that City Council set a Public Hearing for June 10, 2008 at 7:00 p.m. regarding the proposed Skypark Drive (between Garnier Street and Crenshaw Boulevard) Underground Utility District (UUD #17).

8C. ACQUISITION OF TECHNICAL SOFTWARE SERVICES FROM RADIO SATELLITE INTEGRATORS, INC.

Recommendation

Recommendation of the **Information Technology Director** and the **Fire Chief** that City Council authorize the acquisition of technical software services from Radio Satellite Integrators, Inc. (RSI) to modify their Site PrePlan On-Board Technology (SPOT) software to interface with the new Public Safety Computer Aided Dispatch (CAD) System in an amount not to exceed \$25,000.

8D. CHANGE ORDER TO PURCHASE ORDER FOR PARAMEDIC SUPPLIES

Recommendation

Recommendation of the **Fire Chief** that City Council authorize a change order to the existing purchase order with Bound Tree Medical, LLC in an amount not to exceed \$10,000 (includes sales tax) to furnish paramedic supplies on an as

requested basis for a period of one (1) year. This change order will increase the total purchase order amount to \$77,000. Reference City of Arcadia price agreement #PA05-002.

**8E. CONTRACT WITH CEDARS ENGINEERING AND AP CONSTRUCTION/
EXTENSION OF CONTRACT WITH BOA ARCHITECTURE**

Recommendation

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

- 1) Award a contract with Cedars Engineering for \$658,000 with a 5% contingency of \$32,900 and \$5,000 in engineering services for the Fire Station #3 Renovation (FEAP # 002);
- 2) Award a contract with AP Construction for \$34,486.17 with a 5% contingency of \$1,725 for the purchase and installation of a 2 unit shower and restroom trailer;
- 3) Approve a 10% project management fee of \$65,800 and \$7,500 for communications and \$5,000 for leasing of sleeping quarters;
- 4) Approve a contract amendment with BOA Architecture (C2006-178), to extend the contract term to March 31, 2009; and
- 5) Appropriate \$228,701 from FEAP #302 Fire Station #4 Renovation.

Item was withdrawn.

**8F. CONTRACT SERVICES AGREEMENT AMENDMENT FOR PROFESSIONAL
STAFFING SERVICES**

Recommendation

Recommendation of the **Information Technology Director** that City Council approve the contract services agreement amendment increasing the expenditure dollar amount with Sapphire Technologies by \$70,000 for a new not to exceed total of \$140,000 for a temporary technical network contractor.

**8G. MEMORANDUM OF UNDERSTANDING RE PROPOSITION C
DISCRETIONARY FUNDS**

Recommendation

Recommendation of the **Transit Director** that City Council approve the Memorandum of Understanding with the Los Angeles County Metropolitan Transportation Authority (LACMTA) for the allocation of Proposition C 40% Discretionary funds for the Municipal Operator Service Improvement Program (MOSIP). (*Supplemental material*)

**8H. PROPOSED REVISED CLASS SPECIFICATION FOR CIVIL SERVICE
MANAGER**

Recommendation

Recommendation of the **Human Resources Director** and the **Civil Service Commission** that City Council approve the proposed revised class specification for Civil Service Manager.

8I. CONSULTING SERVICES AGREEMENT WITH THE PLANNING CENTER

Recommendation

Recommendation of the **Community Development Director** that City Council award a two year Consulting Services Agreement to The Planning Center in the amount of \$176,955 plus a 5% contingency of \$8,848 for a total not to exceed contract in the amount of \$185,803 , to prepare an Environmental Impact Report for the General Plan Update.

MOTION: Councilmember Nowattka moved for the approval of Consent Calendar Items 8A through 8I, with the exception of 8E. The motion was seconded by Councilmember Barnett and passed by unanimous roll call vote.

12. ADMINISTRATIVE MATTERS

12A. PUBLIC WORKS AGREEMENT FOR CONSTRUCTION/ INSTALLATION OF ENTRY AND ADVANCED STREET SIGNAGE

Recommendation

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

- 1) Approve the plans and specifications for the construction and installation of entry and advanced street name signage, A-1 and A-2 (B2008-11);
- 2) Award a public works agreement to Fluoresco Lighting and Signs in the amount of \$232,334; and
- 3) Authorize a 5% contingency in the amount of \$11,616.70 for this project. (*Supplemental material*)

Transportation Planning Manager Semaan reported that the project includes the installation of 10 entry monument signs, 5 of which are replacements for damaged signs, and 27 advanced street signs.

Councilmember Brewer questioned whether the City seeks compensation from insurance companies for signs damaged by motorists, and Planning Manager Semaan explained that is only possible when a police report is taken identifying the motorist.

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

12B. ADOPTION OF ORDINANCE CREATING AN ETHICS AND INTEGRITY COMMITTEE

Recommendation

Recommendation of the **City Council Ad Hoc Ethics Committee** that City Council adopt an Ordinance creating a five-member Torrance Ethics and Integrity Committee.

- 1) Review Requests for Proposals (RFP's) and make recommendations to the City Council on the contracting with and/or use of consultants to assist in aspects of the Citywide Ethics and Integrity Program;

- 2) Receive and review status reports and recommendations, and develop status reports to the City Council on the development of the Ethics and Integrity Program. Status reports will include quarterly updates on implemented training, the types of marketing and outreach taking place, and the status on achieving the goals and objectives of the Ethics and Integrity Program;
- 3) Provide a forum to accept community input, conduct discussion and assist in the development and tracking of the citywide ethics program inclusive of training, marketing and outreach;
- 4) Establish and maintain an Ethics/Integrity phone program to accept questions from the public and to provide guidance and assistance on issues of ethics and integrity; and
- 5) Review the development and implementation of training programs concerning ethics and integrity in government.

Councilmember Nowatka, chair of the City Council Ad Hoc Ethics Committee, reviewed the committee's recommendation that a five-member committee be established to oversee the City's Ethics and Integrity Program at a cost of approximately \$50,000 per year. He noted that committee members will be appointed to three-year terms in the same manner as City commissioners and terms will be staggered to provide for continuity.

Councilmember Sutherland suggested deferring this item until after the June 3 election because of potential budget issues should Measure T fail to pass.

City Manager Jackson clarified that Measure T affirms the City's current practice of collecting Utility User's Tax for telecommunications and there would be changes in this revenue source only if the measure fails to pass and the City's position is challenged legally. He noted that funding for the committee is not included in the 2008-09 Operating Budget at this time and staff would return with funding options upon approval of the Ordinance.

Dee Hardison, chair of the Blue Ribbon Committee on Ethics and Integrity, voiced support for the Ad Hoc Committee's recommendation.

Martin Gallagher, member of the Blue Ribbon Committee on Ethics and Integrity, reported that most of the elements in Blue Ribbon Committee's final report have been covered in this recommendation and commended the City Council for taking on this subject. He stressed the need for accountability for ethical breaches.

Mayor Scotto thanked the Blue Ribbon Committee for doing an outstanding job.

Janet Payne, resident, requested clarification regarding the committee's purpose.

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

ORDINANCE NO. 3710

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE
ADDING ARTICLE 20 TO CHAPTER 3 OF DIVISION 1 OF THE TORRANCE
MUNICIPAL CODE ESTABLISHING AN ETHICS AND INTEGRITY
COMMITTEE

MOTION: Councilmember Brewer moved for the adoption of Ordinance No. 3710. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

MOTION: Councilmember Brewer moved to approve an ordinance summary for publication. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

The City Council recessed from 8:24 p.m. to 8:40 p.m.

12C. PARTICIPANT AGREEMENT WITH L.A. COUNTY FOR UPDATED AERIAL PHOTOGRAPHY

Recommendation

Recommendation of the **Community Development Director** that City Council approve a participant agreement by and between the County of Los Angeles and the City of Torrance and authorize expenditure of \$44,057 for updated digital aerial photography.

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

12D. SALE/ISSUANCE OF 2008-09 TAX REVENUE ANTICIPATION NOTES

Recommendation

Recommendation of the **Finance Director** that City Council adopt a Resolution approving the sale and issuance of Fiscal Year 2008-2009 Tax Revenue Anticipation Notes (TRANS) not to exceed \$28,000,000.

Finance Director Tsao advised that the TRANS provide for consistent cash flow throughout the year.

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

RESOLUTION NO. 2008-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
PROVIDING FOR THE BORROWING OF FUNDS FOR FISCAL YEAR
2008-09 AND THE ISSUANCE AND SALE OF 2008-09 TAX AND
REVENUE ANTICIPATION NOTES IN AN AMOUNT NOT TO EXCEED
\$28,000,000 THEREFOR

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-58. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

12E. PROCEEDINGS TO LEVY ASSESSMENTS FOR FY2008-09 TORRANCE LIGHTING DISTRICT NO. 99-1

Recommendation

Recommendation of the **Finance Director** that City Council:

- 1) Adopt a Resolution initiating proceedings to levy assessments within the City of Torrance Lighting District No. 99-1 for Fiscal Year 2008-2009;
- 2) Adopt a Resolution approving the Fiscal Year 2008-2009 Engineer's Report for the City of Torrance Lighting District No. 99-1; and,
- 3) Adopt a Resolution of Intention to levy assessments within the City of Torrance Lighting District No. 99-1 for Fiscal Year 2008-2009.
Expenditure: \$2,828,784.

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

RESOLUTION NO. 2008-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE CITY OF TORRANCE LIGHTING DISTRICT NO. 99-1 FOR FISCAL YEAR 2008-2009 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE STREETS AND HIGHWAYS CODE AND AS PROVIDED BY ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-59. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

RESOLUTION NO. 2008-60

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING THE REPORT OF THE ENGINEER IN CONNECTION WITH THE LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE CITY OF TORRANCE LIGHTING DISTRICT NO. 99-1 FOR FISCAL YEAR 2008-2009 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE STREETS AND HIGHWAYS CODE AND AS PROVIDED BY ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-60. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

RESOLUTION NO. 2008-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DECLARING ITS INTENTON TO LEVY AND COLLECT ASSESSMENTS WITHIN THE CITY OF TORRANCE LIGHTING DISTRICT NO. 99-1 FOR FISCAL YEAR 2008-2009 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISON 15 OF THE STREETS AND HIGHWAYS CODE AND AS PROVIDED BY ARTICLE XIID OF THE CALIFORNIA CONSTITUTON, APPOINTING A TIME AND PLACE FOR PUBLIC HEARING

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-61. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

12F. AMENDMENT TO RESOLUTION FOR EXECUTIVE AND MANAGEMENT EMPLOYEES RE SALARY RANGE FOR CIVIL SERVICE MANAGER

Recommendation

Recommendation of the **Human Resources Director** that City Council adopt a Resolution amending Resolution No. 2007-67 regarding compensation for Executive and Management Employees to implement the recommended salary range for Civil Service Manager.

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

RESOLUTION NO. 2008-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2007-67 SETTING FORTH CHANGES REGARDING THE HOURS, WAGES, AND WORKING CONDITIONS FOR EXECUTIVE AND MANAGEMENT EMPLOYEES

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-62. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

12G. ACCEPTANCE OF PROPOSITION 1B SECURITY FUNDS FOR CAMERA SYSTEM

Recommendation

Recommendation of the **Transit Director** that City Council adopt a Resolution authorizing the Transit Department to receive Proposition 1B Security Funds. Expenditure: \$115,470.

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

RESOLUTION NO. 2008-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
AUTHORIZING THE TRANSIT DIRECTOR TO EXECUTE ALL DOCUMENTS
FOR THE CALIFORNIA TRANSIT SECURITY GRANT PROGRAM

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-63. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

The Council convened as the Redevelopment Agency at 8:53 p.m. and Agenda Item 13A was considered concurrently with Redevelopment Agency Agenda Item 5A.

13. **HEARINGS**

13A. **SECOND PUBLIC HEARING/ BUDGET WORKSHOP AND APPROPRIATIONS FOR 2008-09 OPERATING BUDGET AND THE THIRD YEAR OF 2006-11 CAPITAL BUDGET**

Recommendation

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

- 1) Open the second public hearing and budget workshop; upon completion;
- 2) Adopt Resolutions approving the annual appropriations for the 2nd year (2008-2009 fiscal year) of the 2007-2009 two year Operating Budget and for the 3rd year (2008-2009 fiscal year) of the 2006-2011 five year Capital Budget.

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 Barnett asked about a remark at a recent candidate forum that the City was facing a \$19-20 million budget deficit.

Finance Director Tsao reported that the 2008-09 Operating Budget as submitted is a balanced budget, however, the City could potentially lose \$6-8 million in annual revenues should Measure T fail to pass and the City's ability to collect Utility User's Tax on telecommunications is legally challenged. He noted that the City's budget could also be impacted by the State budget, which is not expected to be finalized until August.

As no one from the public came forward to speak, the public hearing was closed.

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

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

RESOLUTION NO. 2008-64

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADOPTING REVISIONS TO THE SECOND YEAR OF THE TWO-YEAR OPERATING BUDGET PLAN; AND ESTABLISHING THE ANNUAL APPROPRIATION FOR THE 2008-09 FISCAL YEAR

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-64. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

RESOLUTION NO. 2008-65

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ESTABLISHING THE ANNUAL APPROPRIATION FOR THE THIRD YEAR (2008-09) OF THE CITY'S 2006-11 CAPITAL BUDGET

MOTION: Councilmember Brewer moved for the adoption of Resolution No. 2008-65. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote.

13B. ORDINANCE AMENDING SPEED LIMITS

Recommendation

Recommendation of the **Community Development Director** and the **Police Chief** that City Council adopt an Ordinance amending Article 10 (Speed Limits) of the Torrance Municipal Code (TMC) Sections 61.10.1, 61.10.2, 61.10.3, 61.10.4, and 61.10.5 modifying speed limits on certain streets in the City of Torrance. (*Supplemental material*)

The public hearing was opened and continued to May 20, 2008.

13C. PRE07-00030: 602 PASEO DE LA PLAYA – MICHAEL GUZMAN

Recommendation

Recommendation of the **Planning Commission** that City Council deny the appeal and adopt a Resolution denying a Precise Plan of Development to allow first and second story additions to an existing two-story single family residence on property located within the Hillside Overlay District, in the R-1 Zone at 602 Paseo de la Playa.

Recommendation of the **Community Development Director** that City Council uphold the appeal and adopt a Resolution approving a Precise Plan of Development to allow first and second story additions to an existing two-story single family residence on property located within the Hillside Overlay District, in the R-1 Zone at 602 Paseo de la Playa.

PRE07-00030: JAMES MEYER (MICHAEL GUZMAN)

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, Planning Manager Lodan briefly described the proposed project, noting that it incorporates recycled and energy efficient materials, as well as environmentally friendly building concepts, including solar panels and a green roof. He shared photographs taken from various vantage points in the neighborhood and reported that the Planning Commission denied the project by a vote of 6-1.

Michael Guzman, 602 Paseo de la Playa, applicant, stated that he grew up in the Riviera area and would like to raise his family there and specifically purchased this property because the large lot and existing second story make it possible to expand without impacting neighbors. With the aid of slides, he detailed revisions made to the project to address concerns about view and privacy impact since the initial Planning Commission hearing in August 2007.

Referring to photographs to illustrate, Mr. Guzman reported that his neighbor at 606 Paseo de la Playa, with whom he is involved in a property line dispute, cut down trees on his property without his permission on April 8 opening up a view corridor that never existed since the inception of this project.

Mr. Guzman explained that the "green roof" is simply an environmentally friendly roofing system and contrary to neighbors' claims, it cannot be converted into a deck, garden or putting green without City approval. He disputed claims that the project was out of character with the neighborhood, noting that there are a variety of architectural styles in this area and a house with a similar contemporary design is currently under construction at 504 Paseo de la Playa. With regard to concerns about "mansions," he pointed out that the Hillside Ordinance restricts the floor area ratio (FAR) to address this issue and the proposed project complies with this limit.

Councilmember Witkowsky asked about staff's position on the trimming of the trees and whether the view corridor that it opened up is an "acquired view."

Community Development Director Gibson advised that the Hillside Ordinance does not address the impact of trees or the issue of acquired view and it is up to the Council to weigh all the evidence and determine whether or not a project complies with the ordinance.

In response to Councilmember Brewer's inquiry, Mr. Guzman confirmed that he made an effort to discuss the project with neighbors at the beginning of the process.

In response to Mayor Scotto's inquiry, Mr. Guzman reported that no one has ever asked him to trim the trees on his property since he purchased it in January 2007 and neighbors to the rear actually asked that the lush growth be maintained to preserve their privacy.

Diane Miltimore, 621 Camino de Encanto, submitted photographs taken from inside her residence showing the restoration of view since the trimming of the trees. She urged denial of the project, citing the Planning Commission's 6-1 vote for denial; the applicant's failure to discuss the project with neighbors before the design process; and the cumulative effect on views.

Roberta Blowers, 621 Camino de Encanto, contended that the trees that were trimmed are on Mr. Kadlick's property (606 Paseo de la Playa), submitting photographs

showing a survey mark to illustrate and a copy of a receipt for the work. She explained that the trimming was paid for by a group of neighbors; that the work was done by Mr. Guzman's longtime gardener; and that the trimming restored the view she had when she purchased the property in 2002. She stated that there is widespread opposition to the project, as evidenced by the petition submitted, which is indicative of the impact it would have. She reported that her ocean view would be impacted from the living room, dining room and master bedroom, therefore, the project should be denied because this is a violation of the Hillside Ordinance.

Councilmember Brewer stated that he visited Mr. Guzman's property and clearly saw a tree on his side of the fence that had been topped, not trimmed.

Mayor Scotto related his understanding that the survey mark shown in the photograph represents Mr. Guzman's rear property line, not the side property line.

Councilmember Sutherland pointed out a discrepancy in the copy of the receipt concerning the date when the work was done. Dr. Blower explained that the gardener, who is also her gardener, wrote out the receipt yesterday and put down the wrong date.

Daniel Meyer, 132 Via la Circula, urged approval of the project, stating that Mr. Guzman has made every effort to reach out to his neighbors and has made numerous concessions to try to address their concerns.

Tim Youngern, 536 Paseo de la Playa, voiced objections to the project. He contended that second floor windows and the oversized deck would intrude on his privacy; that noise from the deck would seep through skylights and echo throughout his home; and that the deck would set a precedent and encourage the building of other large rooftop decks. He maintained that the proposed project was out of character with the neighborhood in both size and its boxy modern design; expressed disappointment that staff recommended approval of the project rather than supporting the Planning Commission's decision; and called for the strict enforcement of the Hillside Ordinance.

Nancy Valentine, 638 Paseo de la Playa, related her experience that the Guzmans are a wonderful family and considerate neighbors and stated that she has been saddened by the hostility shown to them and the lynch-mob mentality. She urged the Council to approve the project.

Athena Concialdi, 606 Paseo de la Playa, reported that Mr. Kadlick trimmed the trees because they were interfering with his telephone service and he needs access to 911 because of a medical condition. She voiced objections to the project, citing the impact on privacy and the loss of natural light, submitting photographs to illustrate. She expressed concerns that the project would cause a drastic reduction in the value of Mr. Kadlick's property.

In response to Councilmember Brewer's inquiry, Ms. Concialdi clarified that the tree trimming she was referring to, which was necessary to restore telephone service, took place several months ago and not the more recent trimming.

The Council recessed from 10:26 p.m. to 10:39 p.m.

Chuck Valentine, 638 Paseo de la Playa, expressed concerns about the toll this process has taken on a neighborhood that was known for its friendliness. He suggested that it was unrealistic to expect complete privacy in this urban setting and related his belief that the project would be a welcome addition to this neighborhood which has a diversity of architectural styles.

Martin Burke, 533 Paseo de la Playa, contended that the project was not designed to cause the least intrusion, as required by the Hillside Ordinance, because the extra space Mr. Guzman desires could be added on to the first level. Urging denial, he stated that it was obvious that the project would have an adverse impact on neighbors' views and that this view loss would cause a substantial reduction in their property values.

Sam Sandt, 614 Palos Verdes Boulevard, noted that the proposed project is located within the State designated Local Coastal Zone and expressed concerns that Torrance does not have an approved Local Coastal Zone Plan. He also expressed concerns about the ongoing problem of the blockage of views by trees and noted that tree-shaded homes require more energy to heat them.

Marjorie Hill, 539 Camino de Encanto, contended that the proposed two-story home violates the Hillside Ordinance and should be denied.

Robert Hill, 539 Camino de Encanto, noted that large multi-story residences across the street that Mr. Guzman has used to justify his project are on lots that are zoned R-3. He reported that Mr. Guzman failed to share his plans with him and other adjacent neighbors and suggested that some of the animosity could have been avoided if he had done so. He related his belief that Mr. Guzman had not exhausted all other options and had simply pared down the original proposal to comply with FAR limitations.

Vahik Gregorian, 625 Camino de Encanto, reported that Mr. Guzman did discuss plans to expand with him early in the process. He voiced objections to the project, stating that it would obstruct 30% of his white water view and decrease the value of his property. He explained that he plans to add a window in his kitchen to take advantage of the view, which would also be impacted by the project.

Referring to a photograph in staff's slide presentation taken from Mr. Gregorian's backyard, Mayor Scotto pointed out that he had no white water view until the trees were trimmed and suggested that any view gained from the new kitchen window would be an acquired view and therefore not entitled to the same degree of protection.

Armando Montoya, 526 Palos Verdes Boulevard, stated that he was opposed to any project that would lessen the value of anyone's property.

Molly Gregorian, 625 Camino de Encanto, voiced her opinion that the project was not in harmony with the neighborhood and would decrease the value of her property, which was purchased two years ago specifically for the view. She reported that there was a white water view at that time because the trees were smaller.

Jim Delurgio, 209 Via El Toro, expressed support for the project, noting that it complies with all requirements of the Hillside Ordinance and Mr. Guzman has made every effort to address the valid concerns of neighbors. He explained that he was

initially put off by the project's contemporary design but subsequently noticed that there are similar homes in the neighborhood. He reported that the president of Riviera Homeowners Association has written a newsletter grossly misstating the requirements of the Hillside Ordinance and maintained that the vague ordinance and conduct surrounding hearings was destroying the neighborhood. He voiced his opinion that the illegal trimming of trees on the applicant's property to enhance opponents' position should not be tolerated.

Ruth Vogel, 114 Via la Soledad, stated that she is not directly impacted by the project but was present to support the Hillside Ordinance, noting that the ordinance does not address the issue of acquired views. She related her understanding that the trees that were trimmed are on Mr. Kadlick's property and reported that there is growing support for a tree ordinance. She indicated that her primary objection to the proposed project was the expansion of the existing second story, which was built prior to the enactment of the Hillside Ordinance and would not be approved today, and the precedent this would set.

Richard Maddox, 627 Camino de Encanto, urged the Council to uphold the Planning Commission's denial of the project, stressing the need for strict adherence to the Hillside Ordinance to preserve the unique character of the Riviera area.

Pamela Maran, 5501 Via del Valle, contended that original views should be protected whether or not trees have grown to block them. She maintained that the Planning Commission's denial of the project should stand, because Mr. Guzman had offered no evidence to rebut the commission's finding that it did not comply with the Hillside Ordinance. She voiced her opinion that the project's modern design was not compatible with the neighborhood.

Bob Hoffman, 109 Via Sevilla, expressed concerns that the Hillside Ordinance was being abused by a group of activists and voiced his opinion that homeowners associations should not take positions on individual projects. He related his experience that the approval process can cause great rifts among neighbors and stressed the need to find a way to promote better communication in the early stages to avoid confrontational hearings. With regard to the issue of harmony, he noted that the original tract homes in this neighborhood have evolved into a variety of architectural styles, which he believes is part of the beauty of the area.

Returning to the podium, Mr. Guzman wanted to clarify that he did make an effort to discuss the project with adjacent neighbors. He explained that Mr. Kadlick was in favor of the project until the property line dispute arose and his attempts to discuss the project with the Youngerns ended when he received a letter from their attorney directing him not to approach them about the project. He further explained that he did not contact the two neighbors directly behind him on Camino de Encanto because they are not impacted by the project. He voiced objections to the trimming of trees by neighbors who did not have the legal authority to do so.

Asked about the sequence of events, Mr. Guzman reported that he delivered a set of plans to the Youngerns in May 2007; that attempts to meet with them were rebuffed and he subsequently received the letter from their attorney; and that he first learned of their concerns in a hostile letter sent to the Community Development Department shortly before the original hearing in August 2007. He reported that he also

wrote letters to everyone who spoke at the hearing, inviting them to discuss their concerns, and no one responded except for Ruth Vogel, who was unable to meet with him.

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

Councilmember Witkowsky voiced support for the project, stating that she did not observe a significant impact on neighbors and thought the applicant had done a good job of redesigning it. She noted that there is only a slight change to the footprint of the existing home and that there is a dense hedge along the back of the property that makes it impossible to see the homes to the rear on Camino de Encanto, which are at a higher elevation.

Councilmember Barnett expressed concerns about the trimming of the trees, which clearly were blocking views as evidenced by the staff photograph, and about the animosity this project has created among neighbors.

Councilmember Sutherland stated that he was inclined to deny the project because even though he was disappointed by the actions of neighbors, now that the view is there he felt it must be protected. He pointed out that Mr. Guzman, as a longtime resident, should be well aware of the Hillside Ordinance and the challenges involved in remodeling a residence.

Councilmember Brewer noted that that this project has gone through three iterations with almost no input from neighbors despite Mr. Guzman's offers to meet with them, as evidenced by letters in the record, and related his belief that it could have been a much different project if neighbors had been more receptive to his efforts.

Councilmember Drevno reported that she observed a whitewater view that she initially thought should be protected, however she was disturbed that a group of neighbors conspired to hire Mr. Guzman's gardener to chop off the trees.

Mayor Scotto commented on his experience in judging view impact, noting that he lives in the Hillside Overlay area and has participated in numerous hearings during his years on the Council. He explained that it was impossible to eliminate the subjectivity in the Hillside Ordinance because the importance of a particular view and the degree to which it is impacted is open to debate. He expressed disappointment about the rift this project has caused in the neighborhood. He suggested that if trees on someone else's property were obstructing his view, he would offer to pay to have them trimmed, therefore, he questioned how important the white water view really is when neighbors never did anything to reclaim it until after Mr. Guzman proposed this project. He related his experience that the Hillside Ordinance has worked very well over the years and is the best ordinance of its kind.

Councilmember Brewer voiced support for the project, relating his belief that Mr. Guzman had acted in good faith to address the concerns of neighbors. With regard to concerns about mansionization, he noted that the project complies with FAR restrictions and setback requirements put in place to address this issue.

