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**TORRANCE CITY COUNCIL – JULY 19, 2011**

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At 9:52 p.m. the meeting was adjourned to Tuesday, July 26, 2011 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

**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 7:03 p.m. on Tuesday, July 19, 2011 in City Council Chambers at Torrance City Hall.

**ROLL CALL**

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

Absent: Councilmember Barnett.

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

**2. FLAG SALUTE/INVOCATION**

The flag salute was led by City Attorney Fellows.

The non-sectarian invocation was given by Councilmember Rhilinger.

**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, July 14, 2011.

**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 Numark and passed by unanimous roll call vote (absent Councilmember Barnett).

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 WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS – None.**

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Police Chief Neu announced that the Torrance Police Department is offering a burglary prevention workshop on Wednesday, August 24, at 6:00 p.m. and people may register by calling 310.618.6392 or online at [www.facebook.com/TorrancePD](http://www.facebook.com/TorrancePD).

Community Services Director Jones announced that the Katy Geissert Civic Center Library and the Bartlett Senior Center have been set up as local cooling centers, with additional information available at 310.618.2930.

Councilmember Brewer announced that the Citizen Development and Enrichment Committee will meet on Tuesday, August 2, at 4:00 p.m. in the City Manager Assembly Room to discuss installing a Christmas tree in El Prado Park and the enhancement of the Torrance Boulevard bridge.

Councilmember Rhilinger announced that the Transportation Committee will meet on Tuesday, August 9, at 4:30 p.m. in the City Manager Assembly Room to discuss the South Bay Bicycle Master Plan.

Mayor Scotto asked that the meeting be adjourned in memory of retired Home Improvement Coordinator Fred Griffin who passed away on July 7.

Mayor Scotto asked that the meeting also be adjourned in memory of retired Community Services employee Maggie Bakovic, who passed away on July 13 at the age of 90.

**7. ORAL COMMUNICATIONS #1**

**7A.** Flo Stapleton, Torrance Library Commission, thanked businesses and organizations that have donated to Torrance Library's summer reading program.

**7B.** Debbie Hays, Torrance Historical Society, reminded the public that the Rock Around the Block event will be held on Thursday, July 21, in downtown Torrance.

**7C.** Janet Payne, Torrance Historical Society, announced that a free walking tour of Downtown Torrance would be held on Sunday, July 24, beginning at 1:30 p.m. at the museum located at 1345 Post Avenue.

**8. CONSENT CALENDAR**

**8A. APPROVAL OF MINUTES**

**Recommendation**

Recommendation of the City Clerk that City Council approve the City Council minutes of June 28, 2011.

**8B. PURCHASE ORDER FOR READY MIXED CONCRETE AND SLURRY MIX**

**Recommendation**

Recommendation of the Public Works Director that City Council authorize a second year renewal purchase order with A & A Ready Mixed Concrete, Inc. of Newport Beach, CA, in an amount not to exceed \$250,000, for ready mix concrete, class "A", class "C" and slurry mix, on an as requested basis for a one year period from August 13, 2011 to August 12, 2012.

**8C. CHANGE ORDER FOR NEPTUNE BRAND WATER METERS**

**Recommendation**

Recommendation of the General Services Director and the Public Works Director that City Council authorize a change order to existing sole source purchase order (PO #2011-01) with Measurement Control Systems, Inc. of Santa Ana, CA, extending the term of service to August 14, 2011 for Neptune Brand water meters.

**8D. PURCHASE ORDER FOR 2012 FORD FUSION HYBRID SEDANS**

**Recommendation**

Recommendation of the General Services Director that City Council authorize a purchase order to Wondries Fleet Group of Alhambra, CA in the amount of \$142,653.01 (includes sales tax, tire, and delivery fees) for the purchase of five (5) model year 2012 Ford Fusion Hybrid Sedans (B2011-26) for the Torrance Police Department.

**8E. CONTRACT FOR REBUILDING OF PARADISE PARK PICNIC SHELTER**

Considered separately, see below.

**MOTION:** Councilmember Rhlinger moved for the approval of Consent Calendar Items 8A through 8D. The motion was seconded by Councilmember Furey and passed by unanimous roll call vote (absent Councilmember Barnett).

Consent Calendar Item 8E was considered separately at this time.

**8E. CONTRACT FOR REBUILDING OF PARADISE PARK PICNIC SHELTER**

**Recommendation**

Recommendation of the Community Services Director that City Council:

- 1) Appropriate \$33,426 from the Park Equipment Replacement Fund, and
- 2) Approve a contract with Rettro Builders Inc. for \$31,835 with a 5% contingency of \$1,591 for the rebuilding of the Paradise Park picnic shelter for a not to exceed amount of \$33,426.

At Councilmember Furey's request, City Manager Jackson explained the rationale for using an outside contractor for this project.

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

**12. ADMINISTRATION MATTERS**

**12A. CITY OF TORRANCE PUBLIC AGENCY RETIREMENT SERVICES REPLACEMENT BENEFIT PLAN AND REPLACEMENT BENEFIT TRUST AGREEMENT**

**Recommendation**

Recommendation of the City Treasurer that City Council:

- 1) Adopt a Resolution approving the City of Torrance Public Agency Retirement Services (PARS) Replacement Benefit Plan and Replacement Benefit Trust,
- 2) Authorize the City Treasurer to execute the appropriate documents; and
- 3) Take all necessary actions on behalf of the City to maintain full participation in Public Agency Retirement Services (PARS) and to ensure that retirees who participate in PARS receive the full retirement benefits to which they would otherwise be eligible.

City Treasurer Cortez reported that the proposed Resolution is necessary to comply with Internal Revenue Service regulations and does not make any changes to the PARS Benefit Plan, which is fully funded by employee contributions.

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

#### **RESOLUTION NO. 2011-80**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE  
AUTHORIZING THE ESTABLISHMENT OF THE INTERNAL REVENUE CODE  
SECTION 415 REPLACEMENT BENEFIT PROGRAM IN CONNECTION WITH  
THE CITY OF TORRANCE PARS RETIREMENT ENHANCEMENT PLAN

**MOTION:** Councilmember Sutherland moved to adopt Resolution No. 2011-80. The motion was seconded by Councilmember Numark and passed by unanimous roll call vote (absent Councilmember Barnett).

#### **12B. ANNUAL CLAIM FOR TRANSPORTATION DEVELOPMENT ACT AND STATE TRANSIT ASSISTANCE FUNDS FOR FY 2011-2012**

##### **Recommendation**

Recommendation of the Transit Director that City Council approve the submittal of the annual claim to the Los Angeles County Metropolitan Transportation Authority (LACMTA) for \$4,644,999 in Transportation Development Act funds and \$878,094 in State Transit Assistance funds for the Torrance Transit System fiscal year 2011-2012.

Ian Dailey, Torrance Transit Department, reported that these transit subsidies are allocated annually on a formula basis.

Charles Deemer, Torrance, requested clarification regarding various equipment/projects to be paid for with these funds.

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

#### **12C. VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM**

##### **Recommendation**

Recommendation of the City Manager that City Council adopt an Ordinance authorizing the City to participate in ABX1 27 the Voluntary Alternative Redevelopment Program (VARP) and approve an ordinance summary for publication.

Assistant to the City Manager Sunshine provided background information about new State legislation ABX 1 26, which requires the dissolution of redevelopment agencies and the sale of their assets with the proceeds to be remitted to the State; and ABX 1 27, which provides for a Voluntary Alternative Redevelopment Program (VARP) and exempts participating redevelopment agencies from dissolution. He reported that

the proposed Ordinance will allow the City to reactivate its Redevelopment Program in compliance with ABX1 27, but it will require a payment of approximately \$1.633 million from the Housing Set Aside Fund and smaller payments will be required in future years from the General Fund. He advised that adopting the Ordinance does not preclude the City from participating in the California Redevelopment Association lawsuit challenging this legislation or require the City to remain in VARP if the lawsuit is successful.

Councilmember Rhilinger voiced her opinion that the City had no choice but to go forward with the Ordinance and that the State's action would be correctly termed "extortion."

Councilmember Sutherland expressed disappointment that the State legislature continues to balance its budget by taking money away from cities, which is contrary to the will of constituents. He suggested that a more appropriate term for this legislation is "blackmail."

Councilmember Furey noted that voters passed a Proposition last year that prohibits the State's seizure of redevelopment agency funds, which is the basis of the lawsuit.

In response to Councilmember Numark's inquiry, Finance Director Tsao provided clarification regarding the legislation's impact on debt incurred in conjunction with past redevelopment projects.

City Manager Jackson expressed concerns that the State legislature has taken away an extremely powerful tool for cities to encourage economic development and eliminate blight, noting the success of the Meadow Park, Skypark, Industrial, and Downtown Redevelopment Project Areas.

Mayor Scotto voiced objections to the State's practice of balancing the budget by taking money away from cities rather than making the necessary budget cuts. He encouraged residents to make their views known to State legislators.

Charles Deemer, Torrance, requested information about Torrance Redevelopment Agency assets.

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

#### **ORDINANCE NO. 3748**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE DETERMINING IT WILL COMPLY WITH THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM PURSUANT TO PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE IN ORDER TO PERMIT THE CONTINUED EXISTENCE AND OPERATION OF THE REDEVELOPMENT AGENCY OF THE CITY OF TORRANCE

**MOTION:** Councilmember Sutherland moved to adopt Ordinance No. 3748. The motion was seconded by Councilmember Numark and passed by unanimous roll call vote (absent Councilmember Barnett).

13. **HEARINGS**

13A. **PRE08-00011: 22221 WARMSIDE AVENUE – CRAIG AND YOKO RICHMOND**

**Recommendation**

Recommendation of the Community Development Director that City Council consider request for approval of a Precise Plan of Development and adopt a Resolution to allow first and second story additions to an existing one-story single family residence on property located within the Hillside Overlay District, in the R-1 Zone at 22221 Warmside Avenue. **PRE08-00011: Craig and Yoko Richmond**

Mayor Scotto 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.

Planning Manager Lodan reported that this project was originally denied by the Planning Commission in February 17, 2010; that this decision was appealed to the City Council and the project was subsequently denied on August 10, 2010; and that the City Council agreed to reconsider its decision on August 24, 2010 and schedule a new public hearing in response to a request from the applicant. With the aid of slides, he briefly reviewed the proposed project and shared photographs of the silhouette taken from various vantage points in the neighborhood.

Councilmember Brewer asked about the outcome of mediation efforts, and Planning Manager Lodan advised that participants signed non-disclosure agreements so staff was not privy to this information.

Gary Maxwell, Huntington Beach, architect, reported that he was hired to assist the applicants and attended mediation meetings so he would have a better idea of concerns about the project. He discussed revisions that were made to address privacy and view impacts, including shifting the second story to the south and modifying windows and balconies.

Barry LeQuire, 22220 Warmside Avenue, voiced objections to the proposed project, citing view and privacy impacts using photographs to illustrate. He also offered a photograph showing what he believes is a surveillance camera the applicant has aimed at his property as a form of harassment. He stated that the community is strongly opposed to the project and urged the Council to deny it.

Councilmember Sutherland noted that there is a two-story house next to the subject property that has a balcony with a view into Mr. LeQuire's home and questioned whether Mr. LeQuire objected when that addition was built, and Mr. LeQuire indicated that he did not.

In response to Mayor Scotto's inquiry, Mr. LeQuire reported that he added the second story to his house approximately 20 years ago and he had no view before that time other than slight view from his front door. He indicated that the only acceptable solution to him was a one-story design.

Mayor Scotto noted that almost all the homes surrounding the subject property are two-story and Mr. LeQuire responded that 21 homes on Warmside Avenue are one-story, including the one next door to him.

Lawrence Roman, 22209 Warmside Avenue, reported that he has tried to remain neutral with regard to this project, but Mr. Richmond has created such a climate of fear and intimidation that he is now opposed to any design that includes a second story because it would provide a vantage point for Mr. Richmond to look into his backyard and more opportunities for his intimidation tactics. He contended that the project violates Hillside Ordinance §91.41.6(e) because it would be materially detrimental to the public welfare due to the applicant's conduct.

Councilmember Sutherland asked if the Council could deny a project based on an applicant's conduct, and Assistant City Attorney Sullivan advised that the Council should focus on the merits of the application and whether or not the project complies with the Hillside Ordinance.

Karen Kim, 22225 Warmside Avenue, voiced objections to the proposed project, citing view and privacy impacts. She stated that Mr. Richmond has not been a good neighbor and has created many problems since he moved in 10 years ago.

Mayor Scotto recalled that there have been issues involving multiple additions to the Kim property, and Alfred Kim, 22225 Warmside Avenue, responded that they have constructed only one addition which they pulled a permit for in 1990 and completed in 1993.

Councilmember Rhilinger noted that the Kims' home was one-story at the time they purchased it and their second-story addition impacted the subject property in the same way they are complaining that this project will impact them.

Councilmember Numark asked about the privacy impact to the balcony off the Kims' master bedroom, and Planning Manager Lodan advised that staff did not observe a privacy impact since the balcony is on the front of the house facing the street where there is no expectation of privacy.

Tracy Attwood, 22220 Shadycroft Avenue, expressed concerns about privacy impact, noting that she recently added a swimming pool to her backyard and has a teenage daughter and a son nearing this age. She also expressed concerns about the project's impact on the value of her property.

Councilmember Brewer noted that there are two-story homes on either side of the subject property that appear to have views in Ms. Attwood's home, and Ms. Attwood responded that there are trees blocking the view from the Kims' home and the neighbors on the other side tend to keep their drapes drawn.

Councilmember Rhilinger related her understanding that the applicant opted for a two-story design because a one-story home of similar size would be much closer to the rear property line and have an even greater impact on Ms. Attwood's privacy.

Mayor Scotto stated that he understood Ms. Attwood's privacy concerns, however, it is impossible to have complete privacy when you build a pool on a lot with homes above it at a higher elevation. He voiced his opinion that a one-story project would have an even greater impact on her backyard privacy and that the project would increase rather than decrease the value of her property since the existing home on the subject property is an eyesore.

Mike Stadler, 22215 Warmside Avenue, noted that he purchased his property in April 2011 and moved in last month so he was not aware of the history of this project. He reported that he has discussed the project with staff and has requested the following changes to address privacy impact: 1) Construction of a 6-foot high privacy wall along the north side of the family room balcony; and 2) Modification of north-facing windows in the dining room because they would look directly into his master bedroom. He related his understanding that the applicant intends to build the project himself and asked about time limitations on completion of the project.

Planning Manager Lodan advised that building permits are good for 6 months but can be extended as long as progress is being made. He confirmed that the modifications requested by Mr. Stadler have been included as conditions of approval, including a requirement that dining room windows be transom windows with a sill height of at least 5'6".

Mayor Scotto noted that the Council had expressed concerns at the previous hearing about the applicant's plan to build the project himself, but related his understanding that he cannot be required to hire a construction company. He indicated that he would be inclined to support enforcement action if the building permit expires and significant progress was not being made on the project.

Councilmember Furey asked about restrictions on hours of construction. Planning Manager Lodan suggested that the Council might wish to include a condition restricting hours of construction since property owners working on their own homes are not subject to the same restrictions as contractors.

In response to Councilmember Sutherland's inquiry, Mr. Stadler reported that the condition of the subject property was not a factor in his decision to purchase his property.

Dean Cummings, 22214 Warmside Avenue, expressed concerns that the proposed project will complete a virtual wall of two-story structures across the street from him blocking sunlight and creating a wind-tunnel effect in this already windy area. He questioned whether the living area is on the second floor, contending that this would exacerbate privacy issues since people spend more time in these areas.

Planning Manager Lodan advised that the kitchen, dining and family rooms, and master bedroom suite are on the second floor, with three bedrooms and two bathrooms downstairs.

Councilmember Rhilinger pointed out that the design should not create privacy issues because there are no windows in the kitchen, the windows in the dining room will be transom windows, and the master bedroom faces the street.

Yoko Richmond, 22221 Warmside Avenue, applicant, stated that she and her husband have been working on this project for five years and they have tried very hard to accommodate their neighbors, but mediation attempts have failed because neighbors are unwilling to give up anything even though they all have large two-story homes. She

expressed concerns about the animosity in this neighborhood and the impact on her two young children and urged that neighbors act respectfully regardless of the outcome of tonight's hearing.

Returning to the podium, Mr. Maxwell noted that privacy issues have been addressed by requiring the tree in the front yard to be preserved (Condition No. 15); requiring a privacy wall on the north side of the balcony (Condition No.10); and requiring windows in the dining room and stairwell to be transom windows (No. 13). He related his understanding that the applicant intends to hire a contractor to build the project because he is eager to get it done.

The Council briefly recessed from 9:07 p.m. to 9:25 p.m.

Councilmember Numark asked about the possibility of including a condition limiting the height of trees to avoid blocking view corridors. Planning Manager Lodan advised that staff would not recommend imposing a condition that regulates the trimming/maintenance of vegetation because it would be extremely difficult to enforce.

In response to Mayor Scotto's inquiry, Planning Manager Lodan confirmed that staff supports the revised project as conditioned and believes it addresses the majority of concerns expressed by neighbors.

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

Noting that Craig Richmond had indicated his willingness to trim vegetation so that it does not obstruct view corridors at an earlier hearing, Councilmember Numark expressed the hope that he would do so regardless of the outcome of tonight's hearing.

Councilmember Sutherland related his belief that neighbors' opposition to this project stems from Mr. Richmond's behavior rather than the project itself because he seems to have alienated the entire neighborhood, which speaks to one's character. He expressed disappointment that Mr. Richmond failed to attend this hearing and chose instead to ignore the Council.

Councilmember Furey stated that it was in everybody's best interest for this property to be improved since the existing home is an eyesore and expressed concerns about the acrimony that has festered in this neighborhood. He stated that he appreciated that the applicant had hired an architect because Mr. Maxwell's plans have addressed many of the concerns about the project, however, he was very concerned that Mr. Richmond would attempt to build this project by himself and potentially create a public nuisance.

Councilmember Rhilinger voiced her opinion that the revised plans mitigate privacy impacts as much as possible and related her observation that the entire neighborhood has air and light issues, which were created by the residents as they each added second stories. She expressed disappointment that neighbors have not been able to work out their differences, but noted that planning decisions cannot be based on personalities.

Mayor Scotto expressed concerns about the atmosphere in the neighborhood after the decision and challenged Mr. Richmond to be a good neighbor whatever the outcome. He reiterated his concerns that Mr. Richmond would attempt to build the project himself.

Assistant City Attorney Sullivan advised that the City may not require an applicant to hire a contractor, however, the City could potentially revoke the building permit and declare the property uninhabitable if the applicant fails to complete the project and even have the house torn down if it becomes a public nuisance.

**MOTION:** Councilmember Brewer moved to approve PRE08-00011, adding a condition that the applicant must adhere to the City's permitted hours of construction for contractors. The motion was seconded by Councilmember Numark, and discussion briefly continued.

In response to Councilmember Rhilinger's inquiry, Assistant City Attorney Sullivan confirmed that the Council could restrict the hours of construction due to the history of problems at this property.

Mayor Scotto called for a vote, and the motion passed as reflected in the following vote:

AYES: Councilmembers Brewer, Numark, Rhilinger and Mayor Scotto  
NOES: Councilmembers Furey and Sutherland  
ABSENT: Councilmember Barnett

#### **RESOLUTION NO. 2011-81**

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 RESIDENCE ON PROPERTY LOCATED WITHIN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 22221 WARMSIDE AVENUE.  
**PRE08-00011: CRAIG AND YOKO RICHMOND**

**MOTION:** Councilmember Numark moved to adopt Resolution No. 2011-81 as amended. The motion was seconded by Councilmember Rhilinger and passed as reflected in the following vote:

AYES: Councilmembers Brewer, Numark, Rhilinger and Mayor Scotto  
NOES: Councilmembers Furey and Sutherland  
ABSENT: Councilmember Barnett

**17. ORAL COMMUNICATIONS #2**

**17A.** Councilmember Numark, with the concurrence of Council, requested that staff look into honoring the Japanese Business Association, which will be celebrating its 50<sup>th</sup> anniversary this year.

**17B.** Councilmember Rhilinger announced that the annual Aquacade will be held on August 19 and 20 at the Benstead Plunge with the theme "Welcome to the Jungle."

**17C.** City Manager Jackson shared remembrances of Fred Griffin, noting the welcome assistance he provided to local homeowners.

**18. EXECUTIVE SESSION** – None.

**19. ADJOURNMENT**

At 9:52 p.m., the meeting was adjourned to Tuesday, July 26, 2011 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

***Adjourned in Memory of  
Fred Griffin and Maggie Bakovic***

Attest:

/s/ Frank Scotto

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers, CMC  
City Clerk of the City of Torrance

Approved on August 9, 2011