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TORRANCE CITY COUNCIL – AUGUST 10, 2010

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At 11:57 p.m., the meeting was adjourned to Tuesday, August 17, 2010 at 5:30 p.m. for an executive session, with regular business commencing at 7:00 p.m. in the Council Chambers.

August 10, 2010

**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 5:35 p.m. on Tuesday, August 10, 2010 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.

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

18. EXECUTIVE SESSION

The City Council immediately recessed to closed session to confer with the City Manager and City Attorney on agenda matters listed under 18A) Conference with Labor Negotiator, pursuant to California Government Code § 54957.6.

The City Council reconvened at 7:04 p.m. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/INVOCATION

The flag salute was led by Steve Polcari, president of Southwood Riviera Homeowners Association.

Councilmember Rhilinger gave the non-sectarian invocation.

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Mayor Scotto announced that subsequent to the posting of the agenda, City staff received information that allowed for the consideration of potential recipients of Recovery Zone Facility Bonds. He noted that a Plan of Issuance must be submitted to the State by August 15 in order to make use of the Recovery Zone Facility Bonds therefore, immediate action is necessary because of the timelines involved.

In order to take action on a matter that is not on the Agenda, the California Government Code requires a determination by a two-thirds vote of the Council that immediate action is necessary and that the need to take action arose subsequent to the posting of the Agenda.

MOTION: Councilmember Brewer moved to add the matter to the agenda as Item 10A pursuant to Government Code Section 54954.2(B)(2). The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote (absent Councilmember Barnett).

**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, August 5, 2010.

MOTION: Councilmember Numark 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 Sutherland and passed by unanimous roll call vote (absent Councilmember Barnett).

4. **WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS**

None.

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

City Clerk Herbers announced that a Commissioner Certification training class will be held on Wednesday, October 27, 2010. She noted that those interested in participating in the January commission/committee appointments must attend a class prior to submitting applications and they may contact the City Clerk's office at 310.618.2870 or email CityClerk@TorranceCA.gov to be placed on the list to receive additional information.

Mayor Scotto asked that the meeting be adjourned in memory of former city employee Billy Adams who passed away August 8.

6. **COMMUNITY MATTERS**

6A. **RECOGNITION OF TORRANCE SISTER CITY KASHIWA EXCHANGE STUDENTS**

Torrance Sister City President Jordan Thompson introduced exchange students and their adult leader from Kashiwa, Japan, as Mayor Scotto presented plaques to them: Mari Araya, Ayumi Ishikawa, Erina Katsuuma, Haruka Matsumaru, Kanae Matsuyama, Sakura Maurai, Sayuri Shinada, Yuki Taniguchi, and adult leader Yuko Ishibashi.

7. **ORAL COMMUNICATIONS #1**

7A. Debbie Hays announced that tickets for the Torrance Employee Variety Show on Saturday, September 11, at 7:00 p.m. were available for \$15.00, with proceeds to benefit the American Cancer Society Relay for Life – Torrance.

7B. Adrienne Brandriss, Torrance, requested that the shoulder on Palos Verdes Boulevard be repaved as the potholes are hazardous for bicyclists.

8. **CONSENT CALENDAR**

8A. **APPROVAL OF MINUTES**

Recommendation

Recommendation of the City Clerk that City Council approve the City Council minutes of June 7, June 15, and June 22, 2010.

8B. **ETHICS AND INTEGRITY COMMITTEE REPORT RE STATUS OF ETHICS TRAINING**

Recommendation

Recommendation of the City Manager that City Council accept and file a report from the Ethics and Integrity Committee concerning the status ethics training efforts within the City of Torrance.

8C. L.A. COUNTY DELINQUENCY PREVENTION PROGRAM CONTRACT

Recommendation

Recommendation of the Chief of Police that City Council accept and endorse the County of Los Angeles Delinquency Prevention Program contract (formerly AB90 funding), in the amount of \$28,198, so that the needed assistance to our children can continue.

8D. APPROPRIATION OF FUNDS FOR ARMSTRONG THEATRE SOUND EQUIPMENT

Recommendation

Recommendation of the General Services Director that City Council approve an appropriation of \$38,500 from the Cultural Arts Center fund balance, to be used for sound equipment at the James R. Armstrong Theatre.

8E. AGREEMENT AMENDMENT RE STUDIO SET REPLACEMENT

Recommendation

Recommendation of the City Manager that City Council approve the first amendment to the contract services agreement with Siren Arts Productions (C2010-65) for the design and construction of replacement studio sets extending the term from July 31, 2010 to December 31, 2010.

8F. PURCHASE ORDER FOR READY MIX CONCRETE AND SLURRY MIX

Recommendation

Recommendation of the Public Works Director that City Council authorize a purchase order with A & A Ready Mix 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 (B2010-16), on an as needed basis for a one (1) year period from August 13, 2010 to August 12, 2011.

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

9. COMMUNITY SERVICES

9A. NAMING OF LOMITA RIGHT-OF-WAY- CORRIDOR PARK

Recommendation

Recommendation of the Parks and Recreation Commission and the Community Services Director that City Council approve a name for the park located on the Lomita Right of Way Corridor.

Sr. Business Manager Minton reviewed the process by which potential names for the park were compiled.

Mayor Scotto noted that this topic has generated a great deal of correspondence, including several emails suggesting that the park be named in honor of the three South High graduates, Joseph Anzac, Matthew Ferrara and Micah Gifford, who were killed in action in the Iraq and Afghanistan wars.

Mayor Scotto invited public comment.

Dee Dee Madrid-Anzac, wife of Joseph Anzac, Sr., read a letter from Marsha Gifford, mother of Micah Gifford (supplemental material), in support of naming the park after her son and the two other fallen soldiers.

Dawn Ayers, aunt of Joseph Anzac, expressed appreciation for all Torrance has done to preserve Joseph's memory and suggested that naming the park "Heroes Park" would honor all those who serve in the military as well as first responders.

June Lee, Torrance, urged the Council to name this small neighborhood park after Joseph, Matthew and Micah, who grew up in this area. She noted that she circulated a petition that has been signed by over 400 people in support of this idea. As an alternative she suggested including "heroes" in the name of the park and erecting a tile wall in honor of the fallen soldiers.

Pat Alviso expressed support for naming the park after Joseph, Matthew and Micah, suggesting that this would be more tangible than a memorial plaque which someone would have to walk into the park to see.

Melissa Wright, Torrance, reported that there is widespread support for honoring Joseph, Matthew and Micah at this neighborhood park in some manner, although some felt using the three names was too cumbersome and too limiting in the unfortunate event that another local soldier is lost. She suggested that the following tag line be included whatever name is selected, "where the spirit of our heroes (or soldiers) lives on."

Jeff Merrick, Long Beach, stated that as a veteran and a stepfather of a current Marine, he felt compelled to come to the meeting to express support for naming the park after these three fallen heroes.

Ann Brown, Torrance, voiced her opinion that it would be fitting to name the park after these local heroes, relating her observation that politicians and wealthy donors are often honored in this fashion.

Barbara Clutter, Torrance, suggested that naming this park in honor of these three young men would aid in the healing process for their family and friends.

Marge Miller, Torrance, expressed support for naming the park after the three fallen heroes, noting that the City has a history of naming buildings and parks after notable residents and these young men were no less deserving.

Mahroo Malek, Torrance, voiced support for naming the park after Joseph, Matthew and Micah, suggesting that it would serve as a way to teach children about our history.

Don Ferrara, Rancho Palos Verdes, stated that he supports honoring these three young men in some form at this park. He noted that he was part of the effort to raise funds for the Torrance Airport sign on Zamperini Way and he felt a similar effort could be made to raise funds for a monument honoring these soldiers.

A brief discussion ensued, and Councilmembers indicated that they all favored honoring the three young men in some form at this park.

Councilmember Rhilinger related her preference for "Esperanza Park" because Esperanza means "hope" in Spanish and she felt this was a positive and unifying message and these soldiers fought and died to bring hope to the Middle East. She pointed out that Esperanza also includes "Anza" at the end for those who believe the

name should be tied to the location. She also favored including a suitable memorial for the three young men, with a plaque listing their names and possibly including others who have been killed in action in the past who are from this neighborhood.

Councilmember Furey indicated his preference for "Heroes Park" because it was all encompassing. He reported that he was originally receptive to the idea of naming the park after Joseph, Matt and Micah because his wife became acquainted with them while working at South High, however he was concerned about singling out these three young men when there are others who have been killed in action from West Torrance and North Torrance.

Noting that the Seaside area is a close-knit community, Councilmember Brewer related his preference for the name "Seaside Park" or "Spirit Park" with a tag line like the one proposed by Ms. Wright.

Councilmember Sutherland indicated that he strongly supported naming the park in honor of Joseph, Matthew and Micah, whether by including each of their names or collectively. He stated that the City's heroes have been and will be recognized in other ways, but since the park is being built at this particular time in the neighborhood where these young men grew up he felt it was fitting to name it after them.

Councilmember Numark proposed naming the park "Seaside Heroes Park," and dedicating it to Joseph, Matthew and Micah. He applauded Ms. Lee for her efforts to rally the community to honor the memory of these three young men.

A straw vote was taken and it was the consensus of the Council to name the park "Seaside Heroes Park," with a plaque dedicating the park to Joseph Anzac, Matthew Ferrara and Micah Gifford.

MOTION: Councilmember Furey moved to approve the name of Seaside Heroes Park. The motion was seconded by Councilmember Rhlinger and passed by unanimous roll call vote (absent Councilmember Barnett).

Community Services Director Jones reported that staff will work with the Parks and Recreation Commission on the design of the monument for the park.

10. PLANNING AND ECONOMIC DEVELOPMENT

10A. RESOLUTION AUTHORIZING RECOVERY ZONE FACILITY BOND ALLOCATIONS

Recommendation

Recommendation of the City Manager that the City Council adopt a Resolution authorizing Recovery Zone Facility Bond allocations to Providence Health and Services-Southern California and Torrance Health Association in an amount not to exceed \$11,970,000. *Addendum Item*

Economic Development Manager Fulton reported that the projects being considered for Recovery Zone Facility Bond allocations involve Providence Little Company of Mary and Torrance Memorial hospitals and both projects will generate a high number of new jobs, which is the main goal of Recovery Zone funding. She noted that the \$11,970,000 will provide adequate funding for only one of the projects, so the City will have to seek additional funds from other cities that can't use their allocation if both projects are approved or the funds will be split equally between the two hospitals if additional funding cannot be secured. She emphasized that the City will incur no liability if the bonds are issued.

Councilmember Numark announced that he was abstaining from consideration of this item due to a potential conflict of interest involving his employment.

RESOLUTION NO. 2010-76

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING RECOVERY ZONE FACILITY BOND ALLOCATIONS TO PROVIDENCE HEALTH AND SERVICES-SOUTHERN CALIFORNIA AND TORRANCE HEALTH ASSOCIATION IN THE AMOUNT NOT TO EXCEED \$11,970,000

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-76. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote, with Councilmember Numark abstaining (absent Councilmember Barnett).

12. ADMINISTRATIVE MATTERS

12A. RESOLUTION SUPPORTING EXPANSION OF LOS ANGELES COUNTY RECYCLING MARKET DEVELOPMENT ZONE

Recommendation

Recommendation of the City Manager that City Council adopt a Resolution supporting the expansion of the Los Angeles County Recycling Market Development Zone as designated by the California Integrated Waste Management Board.

Economic Development Manager Fulton reported that seven cities wish to join the L.A. County Recycling Market Development Zone and staff believes it would be beneficial to allow them to do so.

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

RESOLUTION NO. 2010-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING THE LOS ANGELES COUNTY RECYCLING MARKET DEVELOPMENT ZONE TO INCLUDE THE CITIES OF AZUSA, BALDWIN PARK, COVINA, CULVER CITY, EL SEGUNDO, HUNTINGTON PARK, MONROVIA, SANTA FE SPRINGS, AND WHITTIER

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-74. The motion was seconded by Councilmember Rhilinger and passed by unanimous roll call vote (absent Councilmember Barnett).

12B. PURCHASE ORDER CANCELLATION/APPROVAL OF NEW PURCHASE ORDER FOR STREET SWEEPERS

Recommendation

Recommendation of the General Services Director that City Council:

- 1) Cancel City of Torrance PO #2009-00001075 in the amount of \$236,225.90 to Haaker Equipment Company of La Verne, CA for one (1) propane-fueled street sweeper;
- 2) Authorize issuance of a purchase order to Haaker Equipment Company in the amount of \$827,003.57 including sales tax and tire fees, to furnish two (2) new propane-fueled Elgin "Crosswind J" street sweeper trucks and one (1) new CNG-fueled Elgin "Crosswind J" street sweeper truck as a cooperative purchase with the City of Glendale, CA;

- 3) Appropriate and transfer \$48,206.60 from the Sanitation Enterprise Fund to the Fleet Services Vehicle Replacement Fund Vehicles Acquisition account; and
- 4) Appropriate and transfer \$778,796.97 from the Fleet Services Vehicle Replacement Fund to the Fleet Services Vehicle Replacement Fund Vehicles Acquisition account.

Fleet Services Manager Winnett reported that the propane-fueled street sweeper authorized for purchase by the Council in July 2009 was mistakenly built with a conventional cab and chassis instead of the cab-over style that was ordered; that the vendor has agreed to redo the order, therefore staff was recommending that the original purchase order be cancelled and a new one issued; and that the new purchase order will cover the purchase of two additional street sweepers - a propane-fueled model, which is the last one available in California, and a CNG-fueled model, which the vendor is offering for the same price as the propane-fueled model, a cost savings of \$7,000.

Noting that the street sweepers cost approximately \$275,000 each, Councilmember Sutherland questioned why the vendor was not held to the agreed upon price of \$236,000 for the vehicle that was built incorrectly.

Fleet Services Manager Winnett related his understanding that the cab-over model costs approximately \$40,000 more, which accounts for the price differential. He explained that the original purchase was a cooperative purchase with the City of Arcadia and the paperwork involved was lengthy and convoluted and there is some question as to which party was responsible for the mistake.

Mayor Scotto asked about the City's ability to require that the vendor honor the agreed upon price for the vehicle that was originally ordered, and City Attorney Fellows indicated that he could not offer a legal opinion without review the documents involved.

Mayor Scotto doubted that there could be a \$40,000 price differential between a conventional cab and chassis and a cab-over model, noting his experience with this type of equipment.

A brief discussion ensued, and it was the consensus of the Council to delay taking action on this item so that staff could provide additional information regarding the pricing of the street sweepers and whether the vendor was liable for the error.

MOTION: Councilmember Numark moved to continue this item. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote (absent Councilmember Barnett).

12C. CONSULTING AGREEMENT RE NORTH TORRANCE WELL FIELD PROJECT

Recommendation

Recommendation of the Public Works Director that City Council award a consulting services agreement to AECOM USA, Inc., in the amount of \$437,416, for engineering services for the pre-design of the North Torrance Well Field Project.

Public Works Director Beste reviewed the selection process for the consulting services agreement for the pre-design of the North Torrance Well Field Project.

Responding to questions from the Council, Public Works Director Beste explained that the pre-design process was necessary due to the scope of the project and the complexity of the systems involved.

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

12D. AGREEMENT AMENDMENT RE SECURITY SERVICES

Recommendation

Recommendation of the City Manager and the Community Services Director that City Council:

- 1) Approve a third amendment with Security Patrol Management (C2008-182) for an additional \$50,000 for a total not to exceed amount of \$113,450 to provide security coverage at City Hall and the Katy Geissert Civic Center Library; and
- 2) Appropriate \$30,000 from the General Fund Budget Balancing Reserve.

Assistant to the City Manager Chaparyan reported that the amendment would extend the term of the agreement to June 30, 2011.

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

The Council briefly recessed from 9:13 p.m. to 9:37 p.m.

13. HEARINGS

13A. CONDUIT FINANCING FOR TORRANCE MEMORIAL MEDICAL CENTER

Recommendation

Recommendation of the Finance Director that Council conduct a public hearing regarding the tax exempt financing and the issuance of revenue bonds by the City of Torrance for Torrance Memorial Medical Center (the Borrower). The hearing is solely for the purposes of satisfying the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and the Internal Revenue Code.

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.

Finance Director Tsao advised that the tax-exempt financing will be used by Torrance Memorial to construct a new seven-story tower, with the amount not to exceed \$260,000,000. He noted that repayment of the bonds is the sole responsibility of the borrower and the City will incur no indebtedness by issuing the bonds.

Responding to questions from the Council, Finance Director Tsao clarified that the City's involvement was necessary for Torrance Memorial to take advantage of tax-exempt financing and confirmed that no taxpayer money was involved in the transaction.

Councilmember Numark announced that he was abstaining from voting on this item due to a potential conflict of interest involving his employment.

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

MOTION: Councilmember Rhilinger moved to close the public hearing. The motion was seconded by Councilmember Sutherland and passed by unanimous roll call vote, with Councilmember Numark abstaining (absent Councilmember Barnett).

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

13B. PRE08-00011: 22221 WARMSIDE AVENUE – CRAIG RICHMOND

Recommendation

Recommendation of the **Planning Commission** that City Council deny the appeal and take the following action on property located in the R-1 Zone at 22221 Warmside Avenue:

- 1) Adopt a Resolution denying a Precise Plan of Development to allow first and second story additions to an existing one-story single family residence.

Recommendation of the **Community Development Director** that City Council uphold the appeal and take the following action on property located in the R-1 Zone at 22221 Warmside Avenue:

- 1) Adopt a Resolution approving a Precise Plan of Development to allow first and second story additions to an existing one-story single family residence.

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 reviewed the project and shared photographs taken from various vantage points in the neighborhood. He reported that the Planning Commission voted unanimously to deny the project on February 17, 2010 citing concerns that it would obstruct views and block sunlight from neighboring properties.

Councilmember Sutherland disclosed that he had met with Mr. Richmond and three of the neighbors.

Councilmember Rhilinger disclosed that she visited the site twice, once to observe the area and once to view the impact from 22220 Warmside Avenue, but did not converse with anyone about the project.

Councilmember Numark disclosed that he had visited 22220, 22214 and 22225 Warmside Avenue to assess the project's impact.

Councilmember Furey disclosed that he visited the site twice and observed the project from various vantage points but did not discuss the project with any of the parties involved.

Councilmember Brewer disclosed that he had met with the applicant Craig Richmond and also Barry LeQuire, the owner of 22220 Warmside Avenue.

Mayor Scotto disclosed that he visited 22220 Warmside Avenue and had met with the applicant.

In response to Mayor Scotto's inquiry, Planning Manager Lodan provided the following information about neighboring properties:

- 22215 Warmside – 3598 square feet/ 0.60 FAR, constructed in 2005-06;
- 22225 Warmside – 3617 square feet/ 0.64 FAR, originally constructed in 1990 with a series of additions, some of which were permitted only after the fact;
- 22220 Warmside – 2800 square feet/ 0.48 FAR, constructed in 1991.

Yoko Richmond, 22221 Warmside Avenue, reading from a prepared statement, reported that she and her husband have done everything possible to lessen the impact on neighbors and have revised the project several times. She explained that a one-story design was not feasible because it would result in an awkward design with very little remaining yard and neighbors to the rear have indicated that they favor a two-story design as it allows for more separation thereby enhancing privacy. She suggested that they would have had more design options if the home at 22225 Warmside (Alfred Kim) had been constructed in conformance with the Hillside Ordinance and they believe this home has caused neighbors to scrutinize their project more closely. She disputed the claim that there has been a lack of outreach to neighbors, explaining that they have attempted to share their plans, but neighbors have not been receptive.

Councilmember Sutherland asked about the timeframe for building the project since Mr. Richmond intends to build it himself, and Mr. Richmond estimated that framing and wrapping the exterior would take approximately two months. He reported that he no longer makes paddleboards in his garage, which was a source of concern for neighbors.

Barry LeQuire, 22220 Warmside Avenue, voiced objections to the proposed project, contending that it would obstruct his ocean view, intrude on the privacy of his master bedroom/bath, block the afternoon sun from the west side of his house, and diminish the value of his property.

Responding to questions from the Council, Mr. LeQuire explained that he did not object when the two-story homes on either side of the subject property were built because the view was already blocked by vegetation and contended that this project has a greater impact because it is directly across the street. He confirmed that the distance between his house and the project would be over 110 feet, but related his belief that there would still be a privacy impact.

Alfred Kim, 22225 Warmside Avenue, reported on various complaints Mr. Richmond has filed with the City about his property since moving next door in 2000. He contended that his home was built exactly according to plans and all the construction was ultimately permitted. He explained that he planted a row of trees blocking the view after Mr. Richmond poisoned the soil at the southwest corner of his property.

Councilmember Sutherland asked about the project's impact on his house, and Mr. Kim reported that it would block his view and intrude on his privacy.

Todd Horton, 22215 Warmside Avenue, stated that he worked with his neighbors on the design of his home before it was approved in 2005, however, in this case there has been a complete lack of communication. He voiced objections to project, citing the impact on his view, light and privacy and suggested that some of the impact could be mitigated if the plan was reversed.

Commissioner Brewer suggested that a one-story addition might have an even greater impact on his view because it would extend further into the backyard, and Mr. Horton responded that the view in question is already obstructed by trees the applicant has planted and a one-story project would not cast a large shadow over his property.

In response to Mayor Scotto's inquiry, Mr. Horton confirmed that he had no second story until building the addition in 2005 and that his home is larger than the one being proposed.

Dean Cummings, 22214 Warmside Avenue, stated 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 expressed concerns that Mr. Richmond's estimated timeframe for the project's completion was overly optimistic.

Responding to audience members' comments, Craig Richmond expressed his willingness to trim vegetation so that it does not obstruct Mr. LeQuire's and Mr. Horton's view corridors. With regard to the project's timeframe, he estimated that his project would be completed in 18 months or less, noting that Mr. Horton's project took over a year to build.

Yoko Richmond stressed the need to enlarge the home to accommodate her family, which includes five children.

In response to Councilmember Rhilinger's inquiry, Mr. Richmond maintained that it was impossible to design a one-story project of the same size that works on this small lot. He reported that he drafted several different versions of a two-story design, but had never actually drafted plans for a one-story design. He explained that he is not an architect, but is experienced in construction and confirmed that the plans have been reviewed by an architect.

Councilmembers asked about staff's assessment of the view impact at 22220 Warmside Avenue and whether it was possible to build a one-story project of the same size on this lot. Planning Manager Lodan reported that staff observed an impact on a distant ocean view from the second floor of 22220 Warmside, which they did not feel was significant. He explained that it was technically possible to build the project as a one story, but there would be a much smaller backyard and the large setback on south side would have to be reduced to the five-foot minimum.

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

Councilmember Sutherland commented on the animosity Hillside cases can provoke and related his belief that much of it could be avoided if the parties involved would work together. He related his belief that Mr. Richmond should not have waited until this hearing to offer to trim vegetation that is blocking neighbors' views.

Indicating that he was inclined to support the project, Councilmember Brewer stated that he did not believe the project would have any impact on light or air; that he believed view corridors would be restored if view-obstructing vegetation is removed; and that he felt a one-story design would not leave an adequate-sized backyard for a family with five children. He pointed out that the houses of the three immediate neighbors objecting to the project dwarf the existing home on this property.

Councilmember Furey stated that he was not impressed by the plans for the project and felt a professional architect could have done a better job of arranging the space, however, he did not observe that it would impact the view, light, air or privacy of neighbors. He suggested that it would be better for an applicant to cut down view-obstructing vegetation before these hearings to avoid the perception that it was planted to obscure the silhouette or for spite.

Councilmember Rhilinger noted that the Hillside Ordinance requires that every effort be made to minimize a project's impact on neighbors and she was concerned that this has not been done. She stated that she believed the applicant has been hampered

by not using a professional architect who could recommend things such as shifting the living space from the front of the house to the back to avoid impacting neighbors' privacy.

Mayor Scotto stated that he gave little credence to Mr. Horton's objections given the size of his home and the fact that the second story was added in 2005, which means that the view is acquired. He also felt that Mr. Kim's objections had little merit since he enclosed the back part of his house making it even more massive and planted huge spite trees that obliterate neighbors' views. He stated that he did not believe the project would intrude on the privacy of the home at 22220 Warmside due to the distance between the homes and he also did not believe it would affect air and light to the home at 22214 Warmside, which is even further away. He voiced his opinion that even though it may have been a mistake to allow surrounding neighbors to build large two-story homes, the applicant should be allowed to build his home, which is 600-800 square feet smaller, since they are already there.

Councilmember Numark noted that this Council would likely not have approved the projects on either side of the subject property, which adds to the complexity of this case. He pointed out that the Hillside Ordinance does not distinguish between original and acquired views, however it does require that a project be designed to cause the least intrusion and he was not sure that was done in this case because a one-story design was not fully explored.

Councilmember Rhilinger related her belief that the privacy impact on 22220 Warmside could be addressed by rearranging the rooms on the second floor.

Referring to photographs submitted for the record, Mayor Scotto pointed out that the house at 22215 Warmside looks directly into 22220 Warmside thereby negating the claim of privacy impact.

Councilmember Sutherland voiced his opinion most of the objections associated with the project could have been addressed by reversing the plans, which is something a professional architect could have easily done.

Mayor Scotto related his understanding that the plans cannot be reversed because the second floor is being built over the existing home.

MOTION: Councilmember Brewer moved to uphold the appeal and approve the project. The motion died for lack of a second.

MOTION: Councilmember Rhilinger moved to deny the appeal and deny the project. The motion died for lack of a second.

The Council briefly recessed from 11:14 p.m. to 11:20 p.m. due to technical issues.

Councilmember Numark questioned whether there was a way to redesign the second story so it would have less view impact on 22220 Warmside, which he believes is the home most affected. Planning Manager Lodan indicated that it might be possible to narrow the second story to create more of a view corridor.

Mayor Scotto questioned why the second floor was oriented north/south instead of east/west to preserve the view corridor for 22220 Warmside, and Planning Manager Lodan reported that the applicant did this to address view impact at 22215 Warmside.

Councilmember Furey stated that he would support Councilmember Rhilinger's motion because he believed the project could be redesigned to lessen the impact on neighbors by enlarging the first floor and shifting the second floor to the south.

Expressing support for Councilmember Rhilinger's motion, Councilmember Sutherland noted that this Council has been very consistent in trying to protect everyone's views regardless of when the homes were constructed.

Noting that this project has been in the Planning process since May of 2008 and has undergone at least three revisions, Councilmember Brewer stated that he would not want this to drag on for another two years and encouraged neighbors to work with the applicant if the project is denied.

Planning Manager Lodan advised that there is a definite lack of communication in this neighborhood due to several years of charges and counter-charges concerning illegal/un-permitted construction and un-permitted businesses.

Councilmember Rhilinger noted her agreement with Councilmember Brewer's comments, relating her belief that it would benefit all parties involved to work together.

Councilmember Numark stressed the need for each of the neighbors to give a little because obviously this project will have some impact.

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

At Mayor Scotto's request, Mr. Richmond reviewed the various revisions that were made to address neighbors' concerns.

Councilmember Numark questioned whether Mr. Richmond considered shifting or reversing the second story to provide more of a view corridor for 22220 Warmside. Mr. Richmond reported that the original plans maintained the existing 10-foot setback on the north side of the house, but Mr. LeQuire made no comment on these plans and they were subsequently changed in response to other neighbors' concerns. He noted that the design is constrained due to the need to incorporate a stairway from the existing first floor to the new second story.

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 Barnett).

MOTION: Councilmember Rhilinger moved to deny the appeal and deny the project without prejudice. The motion was seconded by Councilmember Furey and passed as reflected in the following roll call vote:

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

RESOLUTION NO. 2010-75

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DENYING AN APPEAL AND DENYING 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 ONE-STORY RESIDENCE IN THE R-1 ZONE AT 22221 WARMSIDE AVENUE
PRE08-00011: CRAIG RICHMOND

MOTION: Councilmember Furey moved to adopt Resolution No. 2010-75. The motion was seconded by Councilmember Rhilinger and passed as reflected in the following roll call vote:

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

*

The City Council met as the Redevelopment Agency from 11:49 p.m. to 11:50 p.m.

17. ORAL COMMUNICATIONS #2

17A. Noting that last Thursday the Environmental Quality and Energy Conservation Commission acknowledged residents on 187th Street for organizing a work party that enabled a neighbor whose house had been red-tagged to return home to his home, Councilmember Furey requested that staff arrange for these residents to be recognized at a future City Council meeting.

17B. Councilmember Furey announced that the Friends of the Torrance Library will hold their annual meeting and program on Saturday, August 14, at 2:00 p.m. at the Katy Geissert Civic Center Library, which will include an opportunity to meet astronaut Dick Richards.

17C. Councilmember Numark announced that the next "Seniors Don't Be Scammed" seminar focusing on telemarketing and internet fraud will be held on Tuesday, August 17, at 10:00 a.m., at the Katy Geissert Civic Center Library.

17D. Councilmember Rhilinger congratulated Shirley Turner on receiving the National Conservation Medal from the Daughters of the American Revolution in recognition of her work at the Madrona Marsh Nature Preserve.

17E. Councilmember Rhilinger announced that Southern California Edison, in conjunction with the South Bay Environmental Services Center, will be offering a free lamp exchange at the K-Mart, located at 19330 Hawthorne Boulevard, on September 18 and 19, from 8:00 a.m. – 1:00 p.m., and people may exchange up to 10 lamps for more energy efficient models.

17F. Councilmember Sutherland encouraged everyone to attend the Employee Variety Show on Saturday, September 11, with proceeds to benefit the American Cancer Society Relay for Life.

17G. Councilmember Brewer announced that Friday, August 13, will be opening night for the Torrance Theatre Company's performance of *Pirates of Penzance*, which will include special activities and reduced ticket prices, with additional information at www.torrancetheatrecompany.com .

17H. Councilmember Brewer invited the public to attend a workshop to create ceramic tiles for the new Seaside Heroes Park on Saturday, August 14, from 11:00 a.m. – 3:00 p.m. at the Sea-Aire Golf Course community room.

17I. Mayor Scotto, with the concurrence of Council, directed staff to review the City's Massage Establishment Ordinance to determine if it is working as intended or if any changes are needed.

17J. Mayor Scotto announced that recent media coverage has highlighted the unusual compensation provisions of a Southland city in relationship to its City Council and certain key staff and since the Mayor and City Council realize that residents may have developed an interest about compensation provisions of Torrance's own elected officials and executive staff, they directed staff to make this information more accessible by posting a summary online and it is now available at www.torranceca.gov/21117.htm. He noted that, as always, compensation information for all City of Torrance elected officials and employees can be accessed in the compensation resolutions found at www.TorranceCA.Gov/10032.htm.

18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

19. ADJOURNMENT

At 11:57 p.m., the meeting was adjourned to Tuesday, August 17, 2010 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

Attest:

/s/ Frank Scotto

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers
City Clerk of the City of Torrance

Approved on September 21, 2010