

October 3, 2006

**MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY COUNCIL**

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 6:00 p.m. on Tuesday, October 3, 2006 in City Council Chambers at Torrance City Hall.

ROLL CALL

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

Absent: Councilmember Drevno.

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

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Mayor Scotto announced that subsequent to the posting of the agenda, the City received notice of a charge of discrimination being filed with the California Department of Fair Employment and Housing and the Equal Employment Opportunity Commission (CASE No. 4800-2006-04348) and the City Attorney believes the City faces significant exposure to litigation and needs to take immediate action. 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 the need to take action arose subsequent to the posting of the agenda.

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

The matter was added and considered as item 18C in closed session pursuant to GC Sections 54954.2 (b)(2) and 54956.9 (b)(1). Councilmember Nowatka did not attend the deliberations on this item.

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

18. EXECUTIVE SESSION

At 6:05 p.m., the Council recessed to closed session to confer with the City Manager and the City Attorney on the above-mentioned item and agenda matters listed under 18A) Conference with Labor Negotiator and 18B) Conference with Legal Counsel – Existing Litigation, pursuant to California Government § 54957.6 and 54956.9(a).

The Council reconvened in Council Chambers at 7:07 p.m. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Public Works Director Rob Beste.

Councilmember Nowatka 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, September 28, 2006.

MOTION: Councilmember Sutherland 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 (absent Councilmember Drevno).

4. **WITHDRAWN OR DEFERRED ITEMS**

None.

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Mayor Scotto asked that the meeting be adjourned in memory of Edward Estrada of the Public Works Department.

Councilmember McIntyre announced a meeting of Finance and Governmental Operations Committee on Tuesday, November 14, at 5:30 p.m. in the City Council Chambers to review the 1st Quarter Budget.

Fire Chief Bongard reminded the public that ExxonMobil would be conducting their monthly siren testing on Wednesday, October 4, at approximately 11:30 a.m.

Councilmember Brewer announced that the City Council ad hoc Legislative Committee would meet on Wednesday, October 11, at 4:30 p.m. to consider the Propositions on the November 7 ballot.

City Clerk Herbers announced that voters must be registered by October 23 to vote in the November 7 election. She invited voters to go to www.lavote.net to view related election information from the Los Angeles County Registrar-Recorder.

City Clerk Herbers announced that the second Commissioner Certification Training class was scheduled for Wednesday, October 25, and that registration can be completed online.

City Clerk Herbers announced that applications were being accepted to fill the vacancy on the Planning Commission, with the appointment to be made at the November 7 City Council meeting. She noted that a revised commission application form is posted on the City Clerk website.

6. **COMMUNITY MATTERS**

6A. **PROCLAMATION RE “GERMAN REUNIFICATION DAY”**

Mayor Scotto presented a proclamation declaring October 3, 2006 as **German Reunification Day** in the City of Torrance to Hugo Bakos, German American League General Secretary.

6B. **PROCLAMATION RE “FIRE PREVENTION WEEK”**

Mayor Scotto presented a proclamation declaring October 8 through October 14, 2006 as **Fire Prevention Week** in the City of Torrance to James Duarte, Fire Public Education Officer.

Officer Duarte noted that the theme for the 2006 Fire Prevention Week is “Prevent Cooking Fires, Watch What You Heat” as cooking is the leading cause of house fires.

6C. PROCLAMATION RE “NATIONAL ARTS AND HUMANITIES MONTH”

Mayor Scotto presented a proclamation declaring October 2006 as ***National Arts and Humanities Month*** in the City of Torrance to Debbie Stadler, Cultural Arts Commission Chair.

6D. PROCLAMATION RE HEALTHCARE AND ELDER LAW PROGRAMS CORPORATION

Mayor Scotto presented a proclamation commending and congratulating ***Healthcare and Elder Law Programs Corporation*** for ten years of dedicated service to the citizens of our community to Ed Long, Founder of H.E.L.P.

7. ORAL COMMUNICATIONS #1

7A. Joni Gang, Friends of Torrance Animals, commended the Police Department for its operation of the Animal Control Program. She noted the need for volunteers to care for animals on a temporary basis as Torrance does not have its own shelter, with information available at Animal Control 310.618.3850, www.FTA.org or 877.571.4189.

7B. Bonnie Mae Barnard, Save Historic Old Torrance, invited the public to attend SHOT meetings, which are held on the second Thursday of the month at the West Presbyterian Church, and announced a Christmas Tea and Tour, with information on the website or at 310.320.0269.

7C. Debbie Hays, Torrance Historical Society, reminded the public of the fall tour of historic homes being held on October 14 and October 15. She noted that a special Sunnysdale Tour was also scheduled both evenings, with information available at 310.328.5392 or a www.TorranceHistoricalSociety.org.

7D. Mary P. Miller commended the City for its support of the arts.

8. CONSENT CALENDAR

8A. INVESTMENT REPORT FOR AUGUST 2006

Recommendation

The **City Treasurer** recommends that City Council accept and file the monthly investment report for the month of August 2006.

8B. CONTRACT WITH NEC UNIFIED SOLUTIONS RE TELEPHONE/VOICEMAIL SYSTEMS

Recommendation

The **Information Technology Director** recommends that Council authorize a contract renewal with NEC Unified Solutions, Inc. for the repair and maintenance of telephone and voicemail systems from October 12, 2006 through October 11, 2007 in the amount of \$110,124.

8C. APPROVAL OF FINAL TRACT MAP NO. 53319

Recommendation

The **Community Development Director** recommends that City Council approve Final Tract Map No. 53319, creating 5 lots, subdivided by Toyota Motor Sales USA, Inc., and located south of 195th Street, between Van Ness Avenue and Western Avenue, which substantially conforms to and meets all conditions of approval of the Tentative Map.

8D. APPROVAL OF FINAL TRACT MAP NO. 53955

Recommendation

The **Community Development Director** recommends that City Council approve the release of three subdivision bonds for Tract Map No. 53955, which was subdivided by Centex Homes and located at 3520 Torrance Boulevard.

8E. CULTURAL ARTS COMMISSION 2005-06 ANNUAL REPORT

Recommendation

The **Community Services Director** recommends that City Council accept and file the Cultural Arts Commission 2005-2006 Annual Report.

8F. TRANSFER OF UNCLAIMED FUNDS RE STRUCTURE FOR POLICE MOBILE COMMAND VEHICLE

Recommendation

The **City Treasurer** and the **Interim Chief of Police** recommend that City Council transfer unclaimed funds in the amount of \$153,522.90 from the Trust and Agency Fund to reimburse the State Unappropriated Asset Forfeiture account (project 2905010) for a capital outlay in connection with the construction of the structure to house the Police Mobile Command Vehicle (FEAP #464).

8G. APPROPRIATION TO SUBSIDIZE RENTAL FEES FOR SOUTH BAY FOSTER CHILDREN HOLIDAY PARTY

Recommendation

The **City Manager** recommends that City Council appropriate \$882.25 to subsidize rental fees for the Toyota Meeting Hall at the Torrance Cultural Arts Center for the South Bay Foster Children Holiday Party.

8H. CONSULTING SERVICES CONTRACT WITH JOHN POWERS

Recommendation

The **Community Services Director** recommends that City Council approve a contract with John Powers, Consultant, in an amount not to exceed \$60,000 for the following services: \$22,000 for Multidisciplinary Programs; \$13,000 for Wild Wednesdays; and \$25,000 for Special Projects.

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

12. ADMINISTRATIVE MATTERS

12A. APPROPRIATION OF FUNDS FOR DEL AMO BOULEVARD EXTENSION

Recommendation

The **City Manager** and **Finance Director** recommend that City Council appropriate funds for the Del Amo Boulevard extension (\$1,000,000).

With the aid of slides, Public Works Director Beste provided background information about the proposed extension of Del Amo Boulevard, reviewed the timeline for completion of the project, and discussed the benefits of the project, including improved public safety and reduced traffic congestion. He outlined the budget for the project and potential sources of funding.

In response to Councilmember Sutherland's inquiry, Public Works Director Beste reported that the cost of the project was estimated to be \$19 million in 1999 and due to rising construction costs, approximately \$10 million in additional funding will be needed to complete the project.

Mayor Scotto asked about the possibility of building a pedestrian overpass for students at West High. Project Manager Bilezarian advised that an overpass was out of the scope of this project but could be considered separately.

Councilmember Witkowsky suggested that funding for the synchronization of traffic signals on Del Amo Boulevard be included in the project.

Mayor Scotto invited public comment.

Melanie Drieke, representing West Torrance Homeowners Association, stated that members are opposed to this project by a 2:1 ratio due to concerns that it will eliminate the buffer between residential areas and the ExxonMobil refinery and turn Del Amo Boulevard into a speedway, thereby endangering students at nearby schools. She further stated that the association opposes the appropriation of \$1 million for this project because even with matching funds from the Metropolitan Transit Authority (MTA), there would still be a gap in funding of approximately \$8 million, which could become the responsibility of Torrance residents should Proposition 1B fail to pass in the November election.

Public Works Director Beste clarified that the \$1 million will go toward the required 35% matching funds should the MTA award additional funding for the project; that the money is not needed at this time but will be reserved for this use; and that while the completed project is estimated to cost \$29 million, only approximately \$5 million will come from City funds.

City Manager Jackson advised that should Proposition 1B fail to pass, staff would return in January with a reassessment of funding for the project.

Walt Warner, Palos Verdes Boulevard, asked about the budget for landscaping in conjunction with this project.

Project Manager Bilezarian estimated that 3-4% of the funding would be spent on landscaping and streetscape.

Travis Nation, Lesserman Street, expressed concerns about the project's impact on Maricopa Street, which has been reconfigured from a four-lane to a two-lane road.

City Manager Jackson advised that the Del Amo extension would reduce traffic on Maricopa Street.

Steve Fechner, Surf Management, voiced support for the extension of Del Amo Boulevard, stating that it would remove the biggest roadblock in Torrance, relieve traffic congestion, save fuel, reduce air pollution, and provide an alternate route when other east/west thoroughfares are blocked by trains. He commented on the economic impact of traffic congestion in terms of the loss of time and productivity.

Councilmember Witkowsky voiced support for the Del Amo Boulevard extension, noting that it would provide a rare opportunity to reduce traffic congestion and benefit the city as a whole.

In response to Councilmember Brewer's inquiry, Project Manager Bilezarian confirmed the public hearings have already been held on this project and it was approved by the City Council in 2004 following review of the Environmental Impact Report.

Councilmember Brewer stated that while he has had some reservations about the project, he supports allocating the \$1 million as a means of securing funding from the MTA.

Councilmember Sutherland also voiced support for the allocation, noting that costs will continue to escalate the longer it takes to complete this project.

Mayor Scotto indicated that he supports the project with the addition of a pedestrian overpass for West High students, but he would be less inclined to support it should outside funding not become available.

Councilmember Nowatka stressed the importance of reducing traffic congestion wherever possible because of deteriorating air quality in the area, noting that idling vehicles are considerably more polluting than moving vehicles.

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

13. HEARINGS

13A. PRE06-00013: 210 VIA EL TORO

Recommendation

The **Planning Commission** and **Community Development Director** recommend that City Council deny the appeal and adopt a Resolution to approve a Precise Plan of Development for the construction of first and second-story additions to an existing one-story residence on property located in the Hillside Overlay District in the R-1 Zone at 210 Via El Toro. **PRE06-00013: MILES PRITZKAT (EUGENE KWON)**

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 and reviewed photographs taken from different vantage points in the neighborhood. He reported that the Planning Commission voted to approve the project by a vote of 4-2 on June 21, 2006 after the project was revised to address view and privacy impacts following the original hearing on June 7, 2006.

Miles Pritzkat, project architect, noted that the design of the project was confined by the extreme pie-shaped lot, the rear slope, and the existing pool in the northeast corner. He pointed out that the project meets all setback requirements and the Floor Area Ratio and height are considerably under the maximum allowed. He discussed efforts to minimize the impact on neighbors and urged the Council to deny the appeal and approve the project.

Cameron Faber, 524 Camino de Encanto, appellant, stated that he was disappointed by the Planning Commission's decision to approve the project despite Planning staff's admission that they had been unable to determine the full extent of the impact at 527 and 528 Camino de Encanto due to weather conditions at the time of their visit. He further stated that the proposed project would block his view and the view of other neighbors and detract from the value of their properties in violation of the Hillside Overlay Ordinance (TMC §91.41.6).

Patricia Roderick, 528 Camino de Encanto, appellant, reported that the proposed project would block her view of the ocean and the mountains and that the revised silhouette has not resulted in any improvement to her view.

Ronald Smith, 527 Camino de Encanto, appellant, stated that the revisions failed to restore his view and he continues to object to the project.

Danna Weidner, 531 Camino de Encanto, voiced objections to the proposed second story as it would block the ocean view from her guest bedroom and suggested that the Kwons could gain the space they desire by expanding on the first floor.

Gene Kusion, representing his mother, the owner of 523 Camino de Encanto, appellant, stated that the project does not comply with TMC §91.41.6, subsections (a) through (d), because it would adversely impact the view, light, air and privacy of neighbors; it was not designed to cause the least intrusion; it was not in harmony with other properties in the vicinity; and it would reduce the value of neighboring properties. Using photographs to illustrate, he contended that the new second story would block light and air to his mother's property and intrude on privacy and that it would also adversely impact views from 524 and 528 Camino de Encanto. He maintained that denial of this application would not constitute an unreasonable hardship, as required by TMC Section §91.41.6, subsection (e), because there is plenty of room to expand into the backyard on the first level and Mr. Kwon and his architect have admitted that the only reason for building the second story was to gain a view.

The Council recessed between 8:48 p.m. and 9:03 p.m.

Deputy City Attorney Whitham clarified that TMC §91.41.6 was modified approximately five years ago deleting subsection (e), the hardship provision.

Cindy Constantino, 513 Camino de Encanto, stated that she supports her neighbors in their opposition of this project and urged the strict enforcement of the Hillside Overlay Ordinance.

James Delurgio, 209 Via El Toro, voiced support for the project, stating that he believes it would be a significant improvement to the neighborhood.

Linda Ahn, 210 Via El Toro, owner of subject property, explained that she and her husband resisted suggestions that they propose a massive addition so that there would be some "wobble room" and had instead proposed what they believe to be a very reasonable project that is well within the guidelines in the Hillside Overlay Ordinance.

Eugene Kwon, 210 Via El Toro, owner of subject property, noted that the existing pool, which he hopes to renovate in the future, limits the amount of space that can be added on the first level so a second story is needed to accommodate his growing family. He noted that the same issues brought up at this hearing were brought up at the Planning Commission hearings and commissioners felt these issues had been adequately addressed.

Responding to questions from the Council, Mr. Pritzkat provided clarification regarding rear yard setbacks and ridge heights. Planning Manager Lodan reviewed previous revisions made to the project.

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

Councilmember Witkowsky noted that she visited 527 and 523 Camino de Encanto and observed that the affected view was of the sky and not the ocean or coastline and questioned whether views of the sky were protected by the Hillside Overlay Ordinance.

Deputy City Attorney Whitham advised that the Hillside Overlay Ordinance does not distinguish between types of views, however, historically more weight has been given to ocean and city-light views recognizing that the ordinance was designed to protect the exceptional views in the Hillside area and not views of sky and greenery typical throughout the rest of the City. She noted that it was within each councilmember's discretion to determine the amount of protection a view should be afforded.

Voicing support for the project, Councilmember Witkowsky noted that she observed a large tree at 206 Via El Toro, which appeared to have a greater impact on the view of 531 and 535 Camino de Encanto than the proposed project, and that she did not believe there would be any view impact to the appellants at 201 Via El Toro and 528 Paseo de la Playa, which are to the west of the subject property.

Councilmember Sutherland stated that residents pay a premium for views in this area and he would not support the project because he believes these views should be protected as the Hillside Overlay Ordinance guarantees.

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

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

Mayor Scotto suggested that the project be denied without prejudice, which would allow the applicant to return with modified plans without having to wait six months.

Councilmember Sutherland offered the following amended motion:

MOTION: Councilmember Sutherland moved to approve the appeal and deny the project without prejudice. The motion was seconded by Councilmember Brewer and passed by a 5-1 roll call vote, with Councilmember Nowatka dissenting (absent Councilmember Drevno).

Mayor Scotto noted that a resolution denying the project would be brought back for adoption at a later date.

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The Council met as the Redevelopment Agency from 9:35 p.m. to 11:17 p.m.

17. ORAL COMMUNICATIONS

17A. Councilmember Sutherland commented on a recent tour of the City of Torrance Animal Control facility, noting that it has become a model for other cities.

17B. In response to Councilmember Witkowsky's inquiry, Interim Police Chief Browne reported that the Torrance Police Department is in discussions with the Redondo Beach Police Department about the possibility of sharing a SWAT vehicle.

17C. Councilmember Witkowsky commended Jim Mills and Enny Chung of the Transit Department for providing sensitivity training for taxi drivers who participate in the Senior Ride and Dial-A-Taxi programs so they are better able to deal with elderly and disabled passengers.

17D. Councilmember Brewer noted that he had discussed a resident's concerns about crosswalks that don't have wheelchair ramps on both sides of the street with staff and this problem is scheduled to be corrected. He also noted that police will be patrolling the intersection of Crenshaw Boulevard and Jefferson in response to a complaint that motorists were not yielding to people in crosswalks.

17E. Councilmember Nowatka requested that staff look into whether the hangar at Zamperini Field formerly occupied by the Curtiss-Wright Historical Association could be used by the Western Museum of Flying and/or the Civil Air Patrol.

17F. Mayor Scotto asked that staff look into staggering the street sweeping schedule on Nadine Circle so that both sides of the street are not done at the same time.

17G. Mayor Scotto requested that staff bring back information regarding the possibility of creating a dog park in Torrance.

17H. Mayor Scotto requested that staff bring forward information regarding the possibility of combining the Parks and Recreation Commission and the Community Services Commission.

17I. Interim Police Chief Browne invited the public to attend the Police Department Open House on Saturday, October 7, from 10:00 a.m. to 4:00 p.m.

18. **EXECUTIVE SESSION**

Considered earlier in the meeting, see page 1.

19. **ADJOURNMENT**

At 11:30 p.m. City Council and Redevelopment Agency adjourned to Tuesday, October 10, 2006 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
Edward Estrada***

Attest:

/s/ Frank Scotto

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers

City Clerk of the City of Torrance

Approved on November 14, 2006