

**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 6:35 p.m. on Tuesday, October 10, 2006 in City Council Chambers at Torrance City Hall.

**ROLL CALL**

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

Absent: None.

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

\*

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

**18. EXECUTIVE SESSION**

The Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 18A) Real Property – Conference with Real Property Negotiator, pursuant to California Government § 54956.8.

The Council reconvened in Council Chambers at 7:00 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 City Clerk Herbers.

Councilmember Sutherland 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, October 5, 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 Nowatka and passed by unanimous roll call vote.

**4. WITHDRAWN OR DEFERRED ITEMS**

None.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Mayor Scotto asked that the meeting be adjourned in memory of former planning commissioner Bob Ritchie.

Councilmember Brewer announced that the Ad Hoc Legislative Committee would meet on Wednesday, October 11, 2006 in the 3<sup>RD</sup> Floor Assembly Room to discuss Propositions on November 7 ballot.

Councilmember McIntyre announced that the Finance and Governmental Operations Committee would meet on Tuesday, November 14, 2006 in the City Council Chambers for the 1<sup>st</sup> Quarter Budget Review.

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, 2006 City Council meeting.

City Clerk Herbers announced that the second Commissioner Certification Training class was scheduled for October 25. She noted that registration can be made online by October 20 and that a commission application form is available on the City Clerk website.

City Clerk Herbers announced that October 23 was the deadline for registering to vote in the November 7 election and provided information about services on the Los Angeles County Registrar-Recorder/County Clerk website [www.lavote.net](http://www.lavote.net).

City Manager Jackson announced the appointment of John Neu as the new Chief of Police. Chief Neu made remarks and the City Council welcomed him to his position.

## **6. COMMUNITY MATTERS**

### **6A. PROCLAMATION RE "BREAST CANCER AWARENESS MONTH"**

Mayor Scotto presented a proclamation declaring the month of October as ***Breast Cancer Awareness Month*** in the City of Torrance to Mike Thomas, Vice President of Ancillary Services for Torrance Memorial Medical Center.

Mr. Thomas stressed the importance of the early detection of breast cancer through the use of mammography and noted plans for a new diagnostic center.

### **6B. PROCLAMATION RE "FAMILY HISTORY MONTH"**

Mayor Scotto presented a proclamation declaring the month of October as ***Family History Month*** in the City of Torrance to South Bay Cities Genealogical Society President Marlyce Chastain, and board members Doyle Chastain, Betty McIntyre, Oren Sheldon, and Janice Wheeler.

Agenda Item 6D was considered out of order at this time.

### **6D. CERTIFICATE OF APPOINTMENT TO COUNCILMEMBER DREVNO**

City Clerk Herbers presented a framed certificate of appointment to Councilmember Drevno.

### **6C. BLUE RIBBON COMMITTEE APPOINTMENTS**

#### **Recommendation**

The **City Manager** recommends that City Council appoint the eleven members of the Blue Ribbon Committee to study ethics and integrity in City Government.

The following appointments were made:

Councilmember Witkowsky appointed Jean Adelsman;

Councilmember Nowatka appointed Brian Benoit;

Councilmember McIntyre appointed Keri Botello;  
Councilmember Sutherland appointed Charles Payne;  
Councilmember Brewer appointed Dean Mayeda  
Councilmember Drevno appointed Patrick Furey, Sr.; and  
Mayor Scotto appointed Dee Hardison, Linda Gottshall-Sayed, Marty Gallagher,  
Steve Skoll and Keith Montoya.

City Clerk Herbers gave the oath of office members present.

\*

The Council recessed from 7:38 p.m. to 7:58 p.m.

**7. ORAL COMMUNICATIONS #1**

**7A.** Judy Brunetti, Torrance, voiced her opposition to rooftop decks, noting that there are no restrictions or review process for rooftop decks outside the Hillside Overlay District. Submitting photographs to illustrate, she expressed concerns about the impact on privacy and possible safety issues and asked that the City Council direct staff to study this matter.

**7B.** Catherine Modesih, Torrance, also asked the Council to consider a ban on rooftop decks as their usage could infringe upon the rights of others.

**7C.** Eileen Eagon, Torrance, expressed concern about Time Warner cable removing CSpan2 from basic cable and adding it to a tier of service that requires citizens to pay for viewing the coverage of the US Senate.

**7D.** Debbie Hays, President of the Torrance Historical Society, reminded the public of the biannual Home Tour on October 14 and 15, from 11:00 a.m. to 4:00 p.m.

**7E.** Debbie Hays also announced that the new Historical Society calendar was available for purchase.

**8. CONSENT CALENDAR**

**8A. APPROVAL OF MINUTES – AUGUST 15, 2006 AND AUGUST 22, 2006**

**8B. AGREEMENT RE TORRANCE SEASONS AND CALENDAR**

**Recommendation**

The **City Manager** recommends that City Council approve a two year consulting services agreement with Clearsite Design, Inc. of Torrance, CA for design and layout services for the Torrance Seasons and pull-out calendar in the amount of \$44,000.

**8C. PURCHASE ORDER FOR VEHICLES**

**Recommendation**

The **General Services Director** recommends that City Council award a purchase order to Maurice J. Sopp and Son of Huntington Park, CA, in the amount of \$82,297.05 (includes sales tax) to furnish five (5) 2007 Chevrolet Malibu midsize sedans (B2006-34).

**8D. SALE OF SURPLUS/OBSOLETE VEHICLES**

**Recommendation**

The **General Services Director** recommends that City Council authorize Ken Porter Auctions, of Gardena, CA to facilitate the sale of thirteen (13) surplus/obsolete vehicles and miscellaneous items of equipment.

**8E. PURCHASE AGREEMENT RE CUSTODIAL PAPER GOODS**

**Recommendation**

The **General Services Director** recommends that City Council authorize an annual purchase agreement with Gale Supply Co., of Los Angeles, CA, in an amount not to exceed \$107,600 to furnish custodial paper goods on an as needed basis (B2006-35), effective November 1, 2006 through October 31, 2007.

**8F. PURCHASE AGREEMENT RE FORD BRAND REPAIR PARTS**

**Recommendation**

The **General Services Director** recommends that City Council authorize an annual purchasing agreement with Power Ford of Torrance, CA, in an amount not to exceed \$40,000.00, to purchase Ford brand repair parts for passenger vehicles, light trucks, and emergency vehicles on an as needed basis, effective October 20, 2006 through October 19, 2007.

**8G. AMENDMENTS TO CONTRACT WITH GENSOURCE**

**Recommendation**

The **Information Technology Director and Human Resources Director** recommends that City Council authorize amendments to contract with GenSource, a division of Stratacare, Inc. (C2006-045) for workers compensation software maintenance from November 1, 2006 to October 31, 2009.

**8H. APPROPRIATION AND ALLOCATION OF INTEREST FROM 2004 BJA LOCAL LAW ENFORCEMENT BLOCK GRANT**

**Recommendation**

The **Interim Chief of Police** recommends that City Council appropriate and allocate any interest from the 2004 Bureau of Justice Assistance (BJA) Local Law Enforcement Block Grant to fund the Cadet Program.

**MOTION:** Councilmember Drevno 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.

**12. ADMINISTRATIVE MATTERS**

**12A. CONSIDERATION OF CITY COUNCIL DARK NIGHTS**

**Recommendation**

The **City Manager** recommends that City Council declare November 28, 2006 and December 5, 2006 as City Council dark nights.

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

**12B. REPORT ON PUBLIC SAFETY COMMITTEE MEETING**

**Recommendation**

The **Public Safety Committee** recommends that City Council accept and file the report of the committee on the September 28, 2006 meeting.

Councilmember Witkowsky, Chair of the Public Safety Committee, provided a brief summary of the September 28, 2006 meeting, which focused on helping residents to become better prepared in the event of a disaster and to be self-sustaining for 72 hours.

**MOTION:** Councilmember Witkowsky moved to accept and file the report. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

**12C. REINSTATEMENT OF AUTOMOBILE ALLOWANCE**

**Recommendation**

The **Finance Director and City Attorney** recommend that City Council adopt the a Resolution reinstating automobile allowance rates at \$446 a month for the legislative body and amend Resolution No. 2006-14, "Seminar, Conference and Travel Reimbursement" and Resolution No. 2006-15, "Routine Monthly Expenses."

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

**RESOLUTION NO. 2006-76**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE REINSTATING AUTOMOBILE ALLOWANCE RATES AT \$446 PER MONTH FOR THE LEGISLATIVE BODY

**MOTION:** Councilmember Nowatka moved for the adoption of Resolution No. 2006-76. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

**RESOLUTION NO. 2006-77**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ESTABLISHING POLICY FOR SEMINAR, CONFERENCE, AND TRAVEL REIMBURSEMENT

**MOTION:** Councilmember Nowatka moved for the adoption of Resolution No. 2006-77. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

**RESOLUTION NO. 2006-78**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ESTABLISHING POLICY FOR ROUTINE MONTHLY EXPENSE REIMBURSEMENT

**MOTION:** Councilmember Nowatka moved for the adoption of Resolution No. 2006-78. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

**13. HEARINGS**

**13A. PRE06-00008, PRE06-00009: JEFFREY DAHL**

**Recommendation**

The **Planning Commission** and **Community Development Director** recommend that City Council deny the appeal and adopt Resolutions to approve Precise Plan of Development and Precise Plan of Development for the construction of two new two-story residences on two existing lots on property located in the Hillside Overlay District in the R-1 Zone at 3874 Newton Street.

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

Councilmember Witkowsky announced that she was abstaining from consideration of this item because she lives within 500 feet of the subject property and exited the dais.

With the aid of slides, Planning Manager Lodan briefly reviewed the proposed project, which consists of two new two-story residences. He reported that the Planning Commission voted unanimously to approve the project as revised on July 19, 2006, with the addition of conditions requiring a reduction in the height of both residences and the elimination of a second-floor deck.

Councilmember Brewer asked staff to comment on concerns raised about the history of soil instability in this area.

Community Development Director Gibson advised that while there have been a few localized incidents, this area does not have a history of major slope failure. He reported that the Building and Safety Department has not identified any soil issues related to the subject property, however, a soils analysis will be required should the project be approved to ensure that construction will not create an unsafe condition.

Responding to questions from the Council, Planning Manager Lodan provided clarification regarding the project's Floor Area Ratio (FAR), explaining that the basement is not included in the calculation of the FAR because it does not contribute to the project's bulk.

Deputy City Attorney Whitham reviewed the findings necessary for the approval of a project with an FAR in excess of .50 in the Hillside Overlay District: 1) that denial of the application would constitute an unreasonable hardship and 2) that the project would not be detrimental to other properties in the vicinity.

Steve Nordel, 3874 Newton Street, applicant, reviewed the revisions that have been made to the project to address the concerns of neighbors, including lowering the height of both structures, eliminating rooftop decks, and enlarging setbacks. He reported that a soils investigation has been conducted, which revealed no potential problems. He explained that as compared to homes built in this area over the past 30 years, the proposed residences have less square footage and a lower FAR. He pointed out that 90% of those who signed the petition in opposition to the project cannot see the silhouette; maintained that reducing the FAR to .50 would not change the impact on the view, light, air or privacy of neighbors; and noted that the project complies with all City codes and requires no variances.

Gary Hart, 3868 Newton Street, stated that while he appreciates the revisions that have been made, the proposed structures are still too big and too close to his property and he remains concerned about the impact on his privacy and the stability of the hillside.

Jeffrey Dahl, project architect, reported that side yard setbacks adjacent to Mr. Hart's property were increased to mitigate the impact on his privacy and offered his assurance that the basement would have no impact on soil stability. He disputed the claim

that proposed structures were overly large and clarified that two-thirds of the basement would be used for storage.

Charles Thacker, Redondo Beach, urged approval of the project, noting that it has been thoroughly reviewed by Planning staff and the Planning Commission.

Neil McFarlane, 3832 Bluff Street, voiced objections to the proposed project, maintaining that its approval would be detrimental to the area.

Jim Perry, 4009 Bluff Street, voiced his opinion that the project was still too large and called for a reduction in its FAR.

Cheryl Gutierrez, 3869 Bluff Street, appellant, stated that she specifically moved to this neighborhood because of its rural atmosphere; contended that the proposed project would detract from the character of the area; and expressed concerns about the precedent it would set. She reported that homes on Bluff Street with an FAR in excess of .50 do not impact the view, light, air or privacy of neighbors because of the topography. She maintained that the project would intrude on her privacy due to the loss of mature trees on the subject property that shield her home and backyard from view. She explained that neighbors are concerned about the stability of the hillside because there was a landslide at 3868 Bluff Street two years ago.

Bob Hoffman, 109 Via Sevilla, noted that he is a friend of Mr. Nordel and a member of the Riviera Homeowners Association but was speaking on his own behalf. He related his experience that the Hillside Overlay Ordinance works very well, especially when neighbors work together, and suggested that opponents of the project were misusing the ordinance to address issues not covered by it, including landscaping, slope stability, and "mansionsization." He noted that Ms. Gutierrez's home is considerably larger than the proposed homes, and that a 6,000 square foot home could be built on the subject property if the existing two lots were joined.

Gina Stunkard, 3889 Bluff Street, expressed concerns about the precedent the proposed project would set for future development on Newton Street.

Harvey Nash, 3888 Bluff Street, echoed concerns about the stability of the hillside, explaining that there have been numerous slides in the area, including the one at 3868 Bluff Street and one on his property before his home was built 30 years ago. He contended that the two proposed homes were disproportionately large and not in harmony with the neighborhood. He expressed concerns that approving the project could be a tipping point and lead to the building of equally massive structures.

Responding to comments from the audience, Mr. Nordel noted that only three of those who had spoken could even see the project's silhouette, Mr. Hart, Ms. Gutierrez and Ms. Stunkard. He related his understanding that Ms. Stunkard no longer has any concerns about the project itself and is only concerned about the precedent it would set. He explained that Ms. Gutierrez's privacy will be protected because most of the large trees on his property will remain and additional trees will be planted to replace those that must be removed. He pointed out that the proposed homes are lower in height than Mr. Hart's home and the adjacent side yard setback exceeds Code requirements. He stated that reducing the FAR to .50 would be a serious hardship, as it would require the elimination of approximately 250 square feet from the house he plans to live in and 400 square feet from the other house, which he plans to sell. He expressed frustration that he has been unable to satisfy his neighbors despite numerous revisions, noting the expense involved in redrawing plans and re-silhouetting.

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

Councilmember Sutherland stated that he could not support the project because he did not believe being limited to an FAR of .50 on a house being built for sale qualifies as a hardship and he felt it was important to enforce the Code in keeping with his campaign promises.

Councilmember Drevno noted that she was a member of the Planning Commission at the time this project was considered and related her belief that Mr. Nordel had done everything possible to address the concerns of his neighbors. Voicing support for the project, she stated that she did not believe the project would have any impact on the view, light, air or privacy of neighboring properties.

Councilmember Brewer also voiced support for the project, stating that he did not believe it would impact the view or privacy of neighbors and noted that some of the neighbors who are opposing project have larger homes than the ones being proposed.

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

**RESOLUTION NO. 2006-79**

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 THE CONSTRUCTION OF A NEW TWO-STORY SINGLE FAMILY RESIDENCE ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 3874 NEWTON STREET

**MOTION:** Councilmember Nowatka moved for the adoption of Resolution No. 2006-79. The motion was seconded by Councilmember Brewer and passed by a 4-2 roll call vote, with Councilmember Sutherland and Mayor Scotto dissenting (absent Councilmember Witkowsky).

**RESOLUTION NO. 2006-80**

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 THE CONSTRUCTION OF A NEW TWO-STORY SINGLE FAMILY RESIDENCE ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 3874 NEWTON STREET

**MOTION:** Councilmember Nowatka moved for the adoption of Resolution No. 2006-80. The motion was seconded by Councilmember Brewer and passed by a 4-2 roll call vote, with Councilmember Sutherland and Mayor Scotto dissenting (absent Councilmember Witkowsky).

\*

The Council met as the Redevelopment Agency from 9:35 p.m. to 9:39 p.m.

**17. ORAL COMMUNICATIONS #2**

**17A.** Councilmember Witkowsky encouraged the public to attend the Torrance Historical Society Tour of Historic Homes on October 14 and 15, 2006.

**17B.** Councilmember Drevno thanked Deputy Chief Browne for doing a great job in the interim position as police chief.

**17C.** Councilmember McIntyre commended Deputy Chief Browne for his work during the past three months.

**17D.** Councilmember Nowatka also commended Deputy Chief Browne.

**17E.** Councilmember Sutherland asked that the City Attorney set up a two-hour class on AB1234 for Councilmembers who have not taken the course and asked that it be made available to any department head or commissioner interested in learning about AB1234.

**17F.** Mayor Scotto expressed appreciation to Deputy Chief Browne for his efforts as interim police chief.

**18. EXECUTIVE SESSION**

Considered earlier in the meeting, see page 1.

**19. ADJOURNMENT**

At 9:46 p.m., the meeting was adjourned to Tuesday, October 17, 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  
Bob Ritchie***

Attest:

/s/ Frank Scotto

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers

City Clerk of the City of Torrance

Approved on December 19, 2006