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TORRANCE CITY COUNCIL – NOVEMBER 6, 2012

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At 9:47 p.m., the meeting was adjourned to Tuesday, November 20, 2012 at 5:30 p.m. for an executive session, with regular business commencing at 7:00 p.m. in the Council Chamber. **Tuesday, November 13 will be a Council dark night.**

**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 5:32 p.m. on Tuesday, November 6, 2012 in the Council Chamber at Torrance City Hall.

ROLL CALL

Present: Councilmembers Barnett, Brewer, Furey, Numark, Rhilinger, Sutherland 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 City Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 18A) Conference with Labor Negotiator pursuant to California Government Code §54957.6.

The City Council reconvened at 7:01 p.m. with all members present. No formal action was taken on any matter considered in closed session.

2. FLAG SALUTE/ INVOCATION

The flag salute was led by Youth Council Chairperson Joo Hee Pak.

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, November 1, 2012.

MOTION: Councilmember Rhilinger 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 Furey and passed by unanimous vote.

4. WITHDRAWN, DEFERRED OR SUPPLMENTAL ITEMS

Item 12A was withdrawn and deferred to a later date, Item 6A was added November 5.

Mayor Scotto announced that subsequent to the posting of the agenda on Thursday, November 1, the City Manager was informed that Councilmember Rhilinger would be on the East Coast in late November and available to attend the National League of Cities Conference in Boston, Massachusetts, from November 28 through December 1, and the City Council needs to take action to formally designate a voting delegate in order for Councilmember Rhilinger to participate. To take action on an item not on the posted agenda, the California Government Code requires a determination by a two-thirds vote that immediate action is required and that the need to take action arose subsequent to the posting of the agenda.

MOTION: Councilmember Sutherland moved to add the item to the agenda. The motion was seconded by Councilmember Brewer and passed by unanimous vote.

The matter was added as Item 12E and considered under GC Section 54954.2(B)(2).

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

City Clerk Herbers reminded the public there was still time to vote as the polls will remain open until 8:00 p.m., with polling locations and sample ballots available at www.lavote.net. She noted that all vote-by-mail ballots must be received either at the polls or at the LA County Registrar's office no later than 8:00 p.m.

City Clerk Herbers invited staff and public to view the works of Torrance Artist Guild member Mercedes Guzman on display in the City Clerk's office for the month of November.

Fire Chief Racowski announced that ExxonMobil would be conducting their monthly Community Alert Siren testing on Wednesday, November 7, at approximately 11:30 a.m., with additional information available at 310.212.1852.

Councilmember Brewer announced that the City Council Citizen Development and Enrichment Committee will hold a joint meeting with the Torrance Unified School District on Thursday, November 8, at 4:00 p.m. in the TUSD board room located at 2336 Plaza Del Amo.

Councilmember Sutherland announced that the Finance and Governmental Operations Committee will meet on Tuesday, December 4, at 5:30 p.m. in the Council Chamber.

Councilmember Barnett announced that a City Council Community Outreach meeting will be held on Tuesday, December 11, at 7:00 p.m. in the Dee Hardison Sports Center at Wilson Park located at 2400 Jefferson Street.

Mayor Scotto asked that the meeting be adjourned in memory of City of Torrance crossing guard and volunteer Robert O'Neill who passed away October 19 at the age of 86.

6. COMMUNITY MATTERS

6A. RESOLUTION NO. 2012-78 RE EZEKIEL HILL

RESOLUTION NO. 2012-78

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
HONORING EZEKIEL HILL UPON HIS RETIREMENT FROM THE CITY
OF TORRANCE AFTER TWENTY-TWO YEARS OF SERVICE

MOTION: Councilmember Barnett moved to adopt Resolution No. 2012-78. The motion was seconded by Councilmember Brewer and passed by unanimous vote.

Mayor Scotto presented the resolution to Ezekiel Hill, who accepted with appreciation.

Community Development Director Gibson commended Mr. Hill for his ability to work with people in his role as an Environmental Quality Officer and wished him well in his retirement.

6B. PROCLAMATION RE “TORRANCE EDUCATION FOUNDATION MONTH”

Mayor Scotto presented a proclamation declaring the month of November as **Torrance Education Foundation Month** in the City of Torrance to Torrance Education Foundation President Tom Brewer and Executive Director Trish Pietrzak.

6C. PROCLAMATION RE TORRANCE BAKERY

Mayor Scotto presented a proclamation commending and expressing sincere appreciation to **Torrance Bakery** for outstanding service and numerous contributions to the City of Torrance and the South Bay community to Torrance Bakery president Kirk Rossberg.

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

6E. RESOLUTION NO. 2012-79 RE TORRANCE FIRE DEPARTMENT

RESOLUTION NO. 2012-79

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE RECOGNIZING MEMBERS, PAST AND PRESENT, OF THE TORRANCE FIRE DEPARTMENT FOR ITS 100 YEARS OF COMMUNITY SERVICE AND EFFORTS PUT FORTH FOR THE SAFETY OF OUR CITIZENS AS IT CELEBRATES ITS CENTENNIAL ANNIVERSARY

MOTION: Councilmember Barnett moved to adopt Resolution No. 2012-78. The motion was seconded by Councilmember Brewer and passed by unanimous vote.

Mayor Scotto presented the resolution to Fire Chief Racowski.

6D. PRESENTATION RE HOMETOWN HEROES BANNERS

Mayor Scotto presented souvenir banners to the families of the following service persons who will be recognized in the second phase of the **Hometown Heroes Banners** program: James F. Joiner, William Dele Watson, Jonathan Arneson, Micah Blanks, Matthew Allen, Steve Waggoner, Stephen Nordel, Daniel Day, Roy Franklin, Bryan Andrew Renfro, and Joseph Anzack, Jr.

7. ORAL COMMUNICATIONS #1

7A. Barbara Freeman, Torrance Women’s Club, announced that the club will hold a “Roaring 20s” themed fundraiser on Saturday, November 17, at 4:30 p.m. benefiting the Torrance Police Department Canine Unit, which will include dinner, entertainment and raffle prizes.

7B. Debbie Hays, Old Torrance Neighborhood Association, announced that the 4th annual Taste of Old Torrance will be held on Wednesday, November 13, beginning at 7:00 p.m. at the Bartlett Center located at 1318 Cravens Avenue.

8. CONSENT CALENDAR

8A. APPROVAL OF MINUTES

Recommendation

Recommendation of the City Clerk that City Council approve the City Council minutes of October 2, October 9, and October 16, 2012.

8B. SEPTEMBER 2012 MONTHLY INVESTMENT REPORT

Recommendation

Recommendation of the City Treasurer that City Council accept and file the investment report for September 2012.

8C. REVISED/RE-TITLED CLASS SPECIFICATION FOR AIR CONDITIONING, HEATING AND ELECTRICAL SUPERVISOR

Recommendation

Recommendation of the Human Resources Manager and the Civil Service Commission that City Council approve the revised and re-titled class specification for Air Conditioning, Heating and Electrical Supervisor.

8D. APPROPRIATION OF CDBG FUNDS TO FY2007-11 RESIDENTIAL CURB, GUTTER AND SIDEWALK REPLACEMENT PROGRAM

Recommendation

Recommendation of the Community Development Director that City Council appropriate \$5,760 in Community Development Block Grant (CDBG) funds from the 2012 Sidewalk Improvement Project to the Fiscal Year 2007-2011 Residential Curb, Gutter and Sidewalk Replacement, I-93 thereby increasing the total of I-93 CDBG funds to \$661,585.

8E. PURCHASE ORDER FOR XEROGRAPHIC AND SPECIALTY OFFICE PAPER

Recommendation

Recommendation of the General Services Director that City Council award a purchase order to Xpedx of Downey, CA in the amount of \$90,480 for the purchase of xerographic and specialty office paper categories D, G, J, L, N and O (B2012-29) for the term of November 6, 2012 through November 5, 2013.

8F. APPROPRIATION/ALLOCATION OF ASSET FORFEITURE FUNDS FOR PURCHASE OF HANDHELD CITATION DEVICES

Recommendation

Recommendation of the Chief of Police that City Council appropriate and allocate \$142,815.93 of asset forfeiture funds and authorize the purchase of twenty five (25) AutoCITE handheld citation-generation devices from Duncan Solutions, Inc. of Harrison, AZ.

8G. GROUND LEASE ESTOPPEL RE TORRANCE TOWNE CENTER

Recommendation

Recommendation of the City Manager that City Council approve a Ground Lease Estoppel between the City of Torrance, as landlord ("City"), and Torrance Towne Center Associates LLC, a California limited liability company [as successor in interest to OMA Cerritos VC, LLC, a California limited liability company, Staton VB, LLC, a California limited liability company, and Airport-Venture 2002 LLC, a California limited liability company (collectively "Original Lessee")], as tenant ("Lessee") for City-owned property located at the northwest corner of Pacific Coast Highway formally known as Torrance Towne Center.

8H. AGREEMENT RE DESIGN SERVICES FOR TRAFFIC SIGNAL UPGRADES

Recommendation

Recommendation of the Public Works Director that City Council award a consulting services agreement to Albert Grover & Associates Inc. of Fullerton, CA in the amount of \$115,570 to perform design services for the Traffic Signal Left Turn Phasing Upgrades Project, T-128 (B2012-22) for the proposed intersections of Sepulveda Boulevard and Cabrillo Avenue; Sepulveda Boulevard and Arlington Avenue; Sepulveda Boulevard and Hickory Avenue; and 182nd Street and Prairie Avenue.

8I. SALE OF SURPLUS/OBSOLETE VEHICLES

Recommendation

Recommendation of the General Services Director that City Council authorize the sale of ten (10) surplus/obsolete vehicles to the Torrance Unified School District (TUSD) for a total of \$11,290.50.

8J. AGREEMENT RE PARKING CITATION SERVICES

Recommendation

Recommendation of the City Treasurer that City Council approve an agreement with the City of Inglewood for parking citation services in an amount not to exceed \$227,500 for a five (5) year period beginning November 1, 2012 through October 31, 2017.

8K. AGREEMENT AMENDMENT RE HAWTHORNE BOULEVARD AND SKYPARK DRIVE INTERSECTION IMPROVEMENT PROJECT

Recommendation

Recommendation of the Public Works Director that City Council:

- 1) Authorize an appropriation of \$33,797.82 from the Developer Deposited Funds to complete the Intersection Improvements at Hawthorne Boulevard and Skypark Drive IAP T 112;
- 2) Approve an amendment to the public works agreement with E.C. Construction Company (C2011-218) for two change orders in the amount of \$24,277.82 to pay for additional construction services performed at the intersection; and
- 3) Approve \$9,520 expenditures for project administration and inspection.

MOTION: Councilmember Numark moved for the approval of Consent Calendar Items 8A through 8K. The motion was seconded by Councilmember Brewer and passed by unanimous roll call vote.

12. ADMINISTRATION MATTERS

12A. SELECTION OF PROVIDER FOR LIFE/ACCIDENTAL DEATH & DISMEMBERMENT AND DISABILITY INSURANCE

Recommendation

Recommendation of the City Manager that City Council:

- 1) Approve the selection of Reliance Standard to provide Life/Accidental Death and Dismemberment (AD&D), and disability insurance to employees at the rates of \$0.125 per \$1,000 of group term Life/AD&D benefit, \$0.598 per \$100 of payroll for Short Term Disability (STD), and \$0.350 per \$100 of payroll for Long Term Disability (LTD) for a total expenditure of \$542,566 per year, for a three year period beginning January 1, 2013 through December 31, 2015; and
- 2) Approve a (binder) payment of \$47,413.40 to guarantee these rates.

Item was withdrawn and deferred to a later date.

12B. APPROVAL OF CITY COUNCIL DARK NIGHTS

Recommendation

Recommendation of the City Manager that City Council declares the following Tuesdays as City Council Dark Nights from January 1 through June 30, 2013: January 1, January 22, January 29, February 12, February 19, March 26, April 30 and May 28.

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

12C. RESOLUTION MODIFYING TPSA MEMORANDUM OF UNDERSTANDING RE AIR CONDITIONING, HEATING AND ELECTRICAL SUPERVISOR

Recommendation

Recommendation of the Human Resources Manager that City Council adopt a Resolution modifying the Memorandum of Understanding for Torrance Municipal Professional and Supervisory Association (TPSA) Resolution No. 2011-79 implementing a title change for the classification of Air Conditioning, Heating and Electrical Supervisor.

Human Resources Manager Lawrence noted that this was a companion item to Consent Calendar Item 8C.

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

RESOLUTION NO. 2012-80

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2011-79 SETTING FORTH CHANGES REGARDING THE HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE PROFESSIONAL AND SUPERVISORY ASSOCIATION (TPSA)

MOTION: Councilmember Barnett moved to adopt Resolution No. 2012-80. The motion was seconded by Councilmember Brewer and passed by unanimous vote.

12D. AGREEMENT RE INSPECTION SERVICES FOR TORRANCE CENTENNIAL PLAZA

Recommendation

Recommendation of the Public Works Director that City Council approve an amendment to consulting services agreement with AndersonPenna Partners, Inc. (C2012-075) in the amount of \$5,168 for a new contract total of \$17,168 to provide additional construction inspection services for the Torrance Centennial Plaza, FEAP #739.

Public Works Director Beste reported that the agreement amendment covers inspection services for additional work that was necessary to complete the Torrance Centennial Plaza.

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

12E. DESIGNATION OF VOTING DELEGATE FOR 2012 NATIONAL LEAGUE OF CITIES ANNUAL CONFERENCE

Recommendation

Recommendation of the City Manager that City Council approve the designation of Councilmember Rhilinger as the voting delegate to represent the City of Torrance at the 2012 National League of Cities Annual Conference from November 28 through December 1, 2012 in Boston, Massachusetts. *(Item added by two-thirds vote of Council)*

MOTION: Councilmember Furey moved to concur with the staff recommendation. The motion was seconded by Councilmember Sutherland and passed by unanimous vote, with Councilmember Rhilinger abstaining.

The City Council recessed from 8:13 to 8:22 p.m.

13. HEARINGS

13A. PRE12-00007: JOHN YANKOSKY/ SAM LEUNG – 5356 DORIS WAY

Recommendation

Recommendation of the Planning Commission and the Community Development Director that City Council deny the appeal and adopt a Resolution approving a Precise Plan of Development to allow first and second story additions to an existing two-story single family residence on property located within the Hillside Overlay District in the R-1 Zone at 5356 Doris Way.

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.

Mayor Scotto disclosed that he visited the site earlier in the day and that his daughter lives on the same street approximately 10 houses away, but he has no financial interest in the property.

Councilmember Rhilinger disclosed that she visited the site and met the appellant Huiching Cheung, but did not discuss the project with her.

Councilmember Furey disclosed that he visited the site and walked the neighborhood, but did not speak with anyone.

Councilmember Brewer disclosed that he also visited the site and did not speak with anyone.

Councilmember Numark disclosed that he visited the site and also viewed the silhouette from 5323 and 5327 Doris Way.

Councilmember Barnett disclosed that he viewed the site but did not meet with any of the parties involved.

With the aid of slides, Planning Manager Lodan briefly reviewed the proposed project, which consists of first and second-story additions to an existing two-story home in the Hillside Overlay District. He shared photographs of the subject property taken from various vantage points in the neighborhood, as well as from the appellant's property. He reported on the Planning Commission's action, noting that the original hearing on August 1, 2012 was continued so claims of view impact could be investigated and the Commission voted unanimously to approve the project on August 15, 2012 after adding conditions to mitigate privacy impact.

John Yankosky, project architect, disputed the appellant's claim of view impact, stating that if there was an ocean view in this direction, he would designed his project to take advantage of it. He noted that several Planning Commissioners visited the site and none of them observed a view impact. He explained that if he lowered the ridge height as the appellant has requested, he would have to eliminate the vaulted ceiling in the living room, which would detract from the project.

In response to Councilmember Sutherland's inquiry, Mr. Yankosky reported that the subject property is currently rented and he does not know how long the property owner has owned it. He related his understanding that the owner may move in once the project has been completed.

Zhaoji Hou, 5327 Doris Way, appellant, contended that the project would completely block the ocean view from his front yard and interfere with views of the sunset, using photographs and a video to demonstrate the impact. He stated that he and his wife, along with their children and elderly parents, frequently gather in the front yard to enjoy the view.

Zaher Bardai, 5323 Doris Way, stated that his view has been slowly eroded since he purchased his home in 1985 and the proposed project would take away his only remaining view of the ocean, which is from his living room looking out the front door. He offered photographs and a video as evidence of the impact.

Mr. Hou asserted that the proposed project would result in a decrease in value for both his property and Mr. Bardai's property due to the loss of view, estimating his loss to be \$25,000 based on a recent appraisal. He reported that the applicant never discussed the plans with neighbors and has been very hard to reach. He stated that he was not opposed to the project and just wants the ridge height adjusted to restore his view.

Councilmember Rhilinger related her belief that the photographs submitted by Mr. Hou were misleading due to the use of a zoom lens, noting that she observed only a very small sliver of ocean view when she visited the property.

Hiuching Cheung, 5327 Doris Way, appellant, reported that she took the photographs in question and she did not use a zoom lens for all of them.

Marge Miller, 5364 Doris Way, stated that the applicant Sam Leung purchased the subject property in a foreclosure sale 2-3 years ago and he has shown no regard for neighbors and has no intention of living there. She urged the Council to protect the views of her neighbors.

Returning to the podium, Mr. Yankosky expressed his willingness to compromise and proposed lowering the height of the living room/entry area by two feet. He contended that the photographs submitted were misleading because the ocean is at least a mile away.

Mayor Scotto noted the disparity in the view impact shown in the photographs submitted by the appellant and the photographs taken by staff.

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

Councilmember Sutherland stated that property owner's failure to appear at this hearing along with Ms. Miller's testimony supports his suspicion that this house is an investment that the owner intends to "flip," and while he believed the view impact was exaggerated, he would not support a project that causes any view loss to residents if it's only to benefit an investor.

Councilmember Furey stated that he did not observe much of a view impact when he visited the site, however, he found the appellant's presentation on the project's impact on views of the sunset compelling. He indicated that he would not support the project since the applicant has offered no justification for the added height beyond wanting a vaulted ceiling.

Councilmember Numark noted that the Hillside Ordinance requires that a project be located, planned and designed to cause the least intrusion on the view, light, air and privacy of neighbors and voiced his opinion that the applicant had not done so in this case because the project would eliminate the ocean views of two neighbors.

Councilmember Rhilinger stated that she judged the view loss to be minimal when she visited the site, but she was concerned about the impact on sunset views and since the property owner has offered no reason as to why he needs the added height, she was inclined to deny the project. She related her belief that reducing the height by two feet as Mr. Yankosky has proposed would not mitigate the view impact.

Councilmember Barnett stated that he thought it was bothersome when an absentee homeowner fails to meet with neighbors who could be potentially impacted by a project. He reported that although he was not convinced there was a significant view impact when he visited the site, he found the photographs submitted by the appellants to be compelling.

Councilmember Brewer reported that he had a hard time seeing the ocean when he visited the site, even though it was a very clear day and he found the photographs taken by Planning staff to be a more accurate representation of what he observed. He stated that since the property owner has not appeared at any of the hearings, he suspected that this is an investment property, in which case he would tend to side with the residents who live there and will be there in the future.

Mayor Scotto noted that the appellant's slight view loss would typically not be enough to deny a project, however he felt the most important issue in this case was the fact that the property owner apparently has no intention of living in the home and is simply building it for financial gain.

MOTION: Councilmember Furey moved to grant the appeal and deny the project without prejudice. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

Planning Manager Lodan advised that a resolution reflecting the Council's action would be brought back at a later date.

17. ORAL COMMUNICATIONS #2

17A. Councilmember Barnett thanked everyone involved in the very successful Birthday Bash, which was a fitting end to the City's year-long Centennial Celebration.

17B. Councilmember Brewer thanked City staff and residents who participated in the Birthday Bash.

17C. Councilmember Furey echoed comments on the Birthday Bash and commended the Centennial Committee for doing a fantastic job.

17D. Councilmember Furey reported that he will be traveling to Palm Springs next week to participate in a Veteran's Day parade on behalf of the City.

17E. Councilmember Numark stated that he was pleased that so many people exercised their right to vote today since this is one of the rights our military men and women seek to protect.

17F. Councilmember Rhilinger expressed appreciation to City staff for their assistance with Centennial events.

17G. Councilmember Rhilinger thanked those who are currently serving in the military and those who have served in the past.

17H. Councilmember Rhilinger requested an excused absence for the November 20 City Council meeting.

17I. Councilmember Sutherland encouraged everyone to remember the debt of gratitude we owe our military personnel on Veteran's Day.

17J. Councilmember Sutherland announced that the L.A. South Towns Show Chorus will be presenting *Be Careful What You Wish For* on Sunday, November 18, 2012 at 2:00 p.m. at the Armstrong Theatre, with additional information available at www.LASouthTowns.org.

17K. Mayor Scotto commented on his enjoyment of the Birthday Bash and commended City staff for doing a phenomenal job.

17L. Mayor Scotto echoed comments on Veteran's Day.

18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

19. ADJOURNMENT

At 9:47 p.m., the meeting was adjourned to Tuesday, November 20, 2012 at 5:30 p.m. for an executive session, with regular business commencing at 7:00 p.m. in the Council Chamber. **Tuesday, November 13 will be a Council dark night.**

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 December 4, 2012