

MINUTES OF AN ADJOURNED REGULAR MEETING OF THE TORRANCE CITY COUNCIL

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 7:05 p.m. on Tuesday, December 13, 2005 in City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Guyton, Mauno, McIntyre, Nowatka, Scotto, and Mayor Walker.

Absent: Councilmember Witkowsky.

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

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Councilmember Guyton.

Councilmember Scotto gave the non-sectarian invocation.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember McIntyre moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote (absent Councilmember Witkowsky).

MOTION: Councilmember McIntyre 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 Scotto and passed by unanimous roll call vote (absent Councilmember Witkowsky).

4. WITHDRAWN OR DEFERRED ITEMS

None.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Scotto announced that a Finance and Governmental Operations Committee meeting would be held on Tuesday, December 20, at 5:30 p.m. to discuss the 1st Quarter Budget Review for Fiscal Year 2005-2006.

City Clerk Herbers announced that the City Clerk's office would be accepting applications for appointment to various commissions, with appointments to be made by the City Council at the January 10, 2006 City Council meeting.

6. COMMUNITY MATTERS

6A. RESOLUTION NO. 2005-131 RE JERRY WAYNE ARMSTRONG

RESOLUTION NO. 2005-131

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING **JERRY WAYNE ARMSTRONG** UPON

HIS RETIREMENT FROM THE CITY AFTER THIRTY-TWO YEARS OF SERVICE

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2005-131. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote (absent Councilmember Witkowsky).

To be presented at a later date.

7. CONSENT CALENDAR

7A. INVESTMENT REPORT FOR OCTOBER 2005

Recommendation

Recommendation of the **City Treasurer** that the City Council accept and file the monthly investment report for the month of October 2005.

7B. CITY COUNCIL DARK NIGHTS JANUARY – JUNE 2006

Recommendation

Recommendation of the **City Manager** that City Council declare the following six Tuesdays as City Council Dark Nights in January through June 2006: January 17, January 31, February 14, February 21, May 30, and June 6.

7C. WATER COMMISSION ANNUAL REPORT FOR FY 2004-2005

Recommendation

Recommendation of the **Public Works Director** and the **Water Commission** that City Council accept and file the 2004-2005 Water Commission Annual Report.

7D. CONTRACT EXTENSION WITH BID AMERICA FOR DIGITAL SCANNING

Recommendation

Recommendation of the **City Clerk** that City Council:

- 1) Approve an amendment to extend the professional services agreement with BidAmerica (C2004-001) for digital scanning services. The contract term will be extended through June 30, 2006; and
- 2) Authorize the Mayor to execute and the City Clerk to attest to said agreement.

7E. CONTRACT SERVICE AGREEMENT AMENDMENT WITH GRUEN ASSOCIATES

Recommendation

Recommendation of the **Community Development Director** that City Council extend the contract expiration date for contract service agreement with Gruen Associates (C2003-261) from December 31, 2005 to December 31, 2006. Gruen Associates is in the process of preparing an Environmental Impact Report for a proposed residential development located at 2740 Lomita Boulevard.

7F. CONTRACTS FOR SENIOR CITIZEN EXCURSIONS JANUARY – JUNE 2006

Recommendation

Recommendation of the **Community Services Director** that City Council approve contracts with Main Street Tours in the amount of \$29,568 and with American Travel Tours in the amount of \$17,352, for a total amount not to exceed \$46,920, for Senior Citizens Program excursions planned for the months of January through June 2006.

7G. REVENUE SHARING AGREEMENT WITH ROGER ROD

Recommendation

Recommendation of the **Community Services Director** that City Council approve a two-year revenue sharing agreement with Roger Rod to provide adult dance and exercise classes at the Torrance Cultural Arts Center for an amount not to exceed \$46,480. The expenditure will be fully reimbursed by class fees.

7H. CONTRACT WITH BOA ARCHITECTURE FOR EXECUTIVE HANGARS AT TORRANCE AIRPORT

Recommendation

Recommendation of the **General Services Director** that City Council award a contract to BOA Architecture for \$17,400 for architectural design services for the construction of two Executive Hangars at the Torrance Airport (FEAP #375).

7I. CONSULTING SERVICES AGREEMENT AMENDMENT WITH RBF CONSULTING, INC. FOR SEPULVEDA BOULEVARD REHABILITATION

Recommendation

Recommendation of the **Public Works Director** that City Council:

- 1) Approve an amendment that extends the term until December 31, 2006 for consulting services agreement with RBF Consulting, Inc. (C2005-036) for services related to the Sepulveda Boulevard Rehabilitation and Water Main Replacement Project (Hawthorne Boulevard to west City limit), T-48/l-89; and
- 2) Authorize the Mayor to execute and the City Clerk to attest to said amendment.

7J. EXTENSION OF AGREEMENT WITH GRAFFITI PROTECTIVE COATINGS

Recommendation

Recommendation of the **Transit Director** that City Council approve a two-month contract services agreement extension with Graffiti Protective Coatings, Inc. (C2004-203) for the maintenance of transit stops within City boundaries for the period of January 1, 2006 to February 28, 2006. An amount not to exceed \$10,000 will be funded for this extension and the new not to exceed contract amount will be \$70,000.

MOTION: Councilmember Nowatka moved for the approval of Consent Calendar Items 7A through 7J. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote (absent Councilmember Witkowsky).

11. ADMINISTRATIVE MATTERS

11A. ESTABLISHMENT OF INVESTMENT RELATIONSHIPS WITH APPROVED DEALERS

Recommendation

Recommendation of the **City Treasurer** that City Council adopt a Resolution giving the City Treasurer and/or Deputy City Treasurer authority to;

- 1) Open one account with each of the approved dealers in the City's name;
- 2) Buy and sell only those investment instruments allowable pursuant to the City's Statement of Investment Policy; and
- 3) Set-up delivery versus payment procedure between the approved dealers and the City's Custodian bank.

MOTION: Councilmember Scotto moved to concur with the staff recommendation to open accounts with Brookstreet Securities Corporation, JP Morgan Chase, Higgins Capital Management Inc., Great Pacific Securities, Smith Barney/Citigroup, and Morgan Stanley Dean Witter. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote (absent Councilmember Witkowsky).

RESOLUTION NO. 2005-132

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING THE CITY TREASURER AND/OR DEPUTY CITY TREASURER TO ESTABLISH INVESTMENT RELATIONSHIPS WITH APPROVED DEALERS

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2005-132. The motion was seconded by Councilmember Guyton and passed by unanimous roll call vote (absent Councilmember Witkowsky).

12. HEARINGS

12A. ADOPTION OF URBAN WATER MANAGEMENT PLAN

Recommendation

Recommendation of the **Public Works Director** that City Council adopt a Resolution to accept the 2005 Urban Water Management Plan.

Administrative Analyst Lewis reported that the California Urban Water Management Plan Act requires urban water suppliers to develop a plan every five years and the plan focuses on specific issues unique to the City of Torrance water service area and includes a discussion of water sources and supplies. She noted that as in years past, water delivered to Torrance Municipal Water Department customers meets the high standards required by the State and that projections indicate that the City will meet all its water demands over the next 25 years. She explained that the plan also focuses on strategies to reduce potable water demand through the use of recycled water, exchanges and transfers of water rights, and the desalination of brackish groundwater. She advised that the plan will be submitted to the California Department of Water Resources for review upon adoption by the Council.

Councilmember Mauno commented positively on the plan, noting that the City's use of recycled water is far beyond what most cities are able to achieve.

City Clerk Herbers noted that this is a public hearing and was properly advertised as such.

Mayor Walker invited public comment. As no one from the public came forward to speak, the public hearing was closed.

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

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

RESOLUTION NO. 2005-133

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADOPTING AN URBAN WATER MANAGEMENT PLAN

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2005-133. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote (absent Councilmember Witkowsky).

12B. PRE05-00032: CHRIS BENOIT – 2710 RIDGELAND ROAD

Recommendation

Recommendation of Community Development Director and the Planning Commission that City Council deny the appeal and adopt a Resolution to approve as conditioned, a Precise Plan of Development to allow first and second-story additions to an existing single-family residence on property located in the Hillside Overlay District in the R-1 Zone at 2710 Ridgeland Road.

Mayor Walker 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 Isomoto briefly described the proposed project. She reviewed photographs taken from the appellant's residence and other vantage points in the neighborhood. She noted that the Planning Commission voted 4-0 to approve the project, adding conditions that the height shall not exceed 25 feet; that the floor area ratio (FAR) shall be reduced to .58; that the second-story windows in the west-facing bathroom shall be opaque, and that no more than one outdoor light fixture shall be placed at the southeast corner of the proposed residence. She advised that both the Planning Commission and the Community Development Director were recommending denial of the appeal and approval of the project as conditioned.

In response to questions from the Council, Planning Manager Isomoto clarified that the maximum height of the existing silhouette is 26'9", which is 1'9" over the height approved by the Planning Commission. She reviewed Floor Area Ratio (FAR) guidelines and confirmed that an FAR up to .60 is permitted in the Hillside Overlay District as long as certain findings are made.

Chris Benoit, 2710 Ridgeland Road, owner of the subject property, explained that he needs to expand his home to accommodate his growing family and that he has revised the plans to address neighbors' concerns, but has not been able to satisfy everyone. He requested that the Council deny the appeal and approve the project.

Mark Ryan, Grand Summit Road, appellant, contended that the proposed project would diminish the view from the front of his property, thereby reducing the value of his home, which is contrary to the Hillside Ordinance as it states that a project shall not have a harmful impact on the value of other properties in the vicinity. He questioned how the Planning Commission could have approved the project when it clearly violates this provision. He also questioned the thoroughness of Planning staff's evaluation of the project, noting that no one visited his home until after the appeal was filed. He voiced objections to the balcony on the back of the proposed project because it would face the large bay window on the front of his home and intrude on his privacy, which is also protected under the Hillside Ordinance.

In response to Councilmember Mauno's inquiry, Mr. Ryan confirmed that some of the photographs he submitted to demonstrate the impact on his view were taken with a telephoto lens.

Councilmember Mauno reported that he visited Mr. Ryan's home and observed some view impact, but noted that the view from the dining room is already obscured by a

tree in the parkway and while the silhouette is visible from the living room, the impact is not as dramatic as the photographs suggest.

Councilmember McIntyre asked if Mr. Ryan had consulted with a real estate agent to attempt to place a monetary value on the perceived view impairment, and Mr. Ryan indicated that he had not. He noted, however, that he had a lengthy discussion with his agent about the protection afforded by the Hillside Ordinance at the time he purchased the property three years ago.

Mayor Walker reported that he also visited Mr. Ryan's home; that he was surprised by the distance between his home and the subject property; and that he agreed with staff's assessment that the proposed project would not have a significant impact on his view.

Lynn Hollister, Grand Summit Road, questioned how someone could judge the impact of the project when the silhouette has not been corrected to reflect the height reduction imposed by the Planning Commission and expressed concerns about the lack of enforcement of the provision in the Hillside Ordinance limiting a project's FAR to .50.

Mayor Walker explained that the City typically does not require a project to be re-silhouetted for a slight reduction in its overall height because the impact is fairly easy to judge and clarified that a floor area ratio up to .60 is permitted, which is the maximum for single-family residences throughout the City.

Maurice Dohner, Grand Summit Road, noted that in order to exceed an FAR of .50, an applicant must demonstrate that being confined to an FAR of .50 would constitute an unreasonable hardship and questioned how that requirement was fulfilled in this case.

Planning Manager Isomoto reviewed the comments on this issue submitted by applicant, noting that the applicant cites his large family and the fact that there are several other two-story homes in the vicinity.

Mayor Walker doubted that reducing the FAR from .58 to .50 would significantly change the project, relating his understanding that it would be perceptible only to someone with a measuring device.

Mr. Dohner expressed concerns about setting a precedent; submitted a petition signed by 119 residents calling for the City Council to adhere to the .50 FAR limit; and voiced his opinion that the size of the applicants' family was not sufficient justification for exceeding this limit.

In response to Mayor Walker's inquiry, Planning Manager Isomoto advised that approximately 400 square feet would have to be eliminated from the project in order to achieve an FAR of .50.

Submitting photographs to illustrate, Pat Maki, Ridgeland Road, contended that the proposed project would block natural light from her home and diminish airflow, thereby, creating mold and mildew problems, and detract from the rural atmosphere of the Victoria Knolls neighborhood. Noting that the average lot size in this area is 5200 square feet, she maintained that a 3000 square-foot home was too large for this size of lot and suggested that enforcing the .50 FAR limitation would help neighbors maintain some privacy as additions are built. She reported that she requested that the project be reduced in size; that the roofline be lowered; that the light on the balcony facing her property be eliminated; and that no construction begin before 8:00 a.m., however, the only concession the applicant was willing to make was the 8:00 a.m. start time. She expressed

dismay about the toll this project has taken on her relationship with the applicants and suggested that it could have been avoided if the Hillside Ordinance was strictly enforced.

Jean Thompson-Geddes, Grand Summit Road, reported that while Mr. Benoit shared his plans with her, he was not seeking input or offering any concessions. She expressed disappointment that the Planning Commission did not respond to her letter dated November 6, 2005, particularly with regard to her concerns about the cumulative impact of large remodeling projects in this area.

Mayor Walker noted that he lived in this area in the early 1970s and related his observation that it has actually changed very little since that time.

City Attorney Fellows provided clarification regarding the term "cumulative impact" and how it applies to the Hillside Ordinance.

JoAnne Grieger, Grand Summit Road, called for the project to be downsized, contending that it would block the view from her living room and backyard.

Jeffrey Smith, Ridgeland Road, voiced support for the project, stating that he believes it would fit in well with the neighborhood as there are many homes of equal or greater size. He noted that except for homes around the perimeter, view impact is not an issue in this neighborhood and suggested that the .50 FAR limitation was unfair in this case because there is no real difference between where this home is located and a typical Torrance neighborhood.

Wesley Anzai, Grand Summit Road, indicated that he supports the project and believes it will only enhance property values in the neighborhood.

Kristie Keller, Laurette Street, stated that she went through this process two years ago when remodeling her home and attributed neighbors' opposition to jealousy.

Voicing support for the project, Peter Williams, Ridgeland Road, reported that his initial reaction to the silhouette was that the project was too large, but after walking around the neighborhood, he came to the conclusion that it was consistent with other remodeled homes in the area. He suggested that a lot of the opposition from those who live on Grand Summit Road stems from the fact that homes on Ridgeland Road appear to be larger from this perspective due to the difference in elevation between these two streets.

Marie Dohner, Grand Summit Road, referring to Mayor Walker's comments, stated that the reason this neighborhood has retained its character over the past 35 years is because most residents have strictly adhered to the Hillside Overlay when remodeling their homes. She reported that mold problems are common in this area, which makes the blockage of sunlight a critical issue.

John Brubacher, Ridgeland Road, voiced support for the project. He doubted that a reduction in the FAR would have any impact on the issues neighbors are concerned about and noted that the FAR of remodels in this area have ranged between .50 and .60.

Returning to the podium, Mr. Benoit related his belief that the proposed project is consistent with remodels in this neighborhood and requested approval as submitted.

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

Councilmember Scotto asked about the justification for approving the project with an FAR that exceeds .50, indicating that he did not believe having a large family was justification for exceeding this limit. Planning Manager Isomoto advised that the subject lot is smaller than the average-sized lot, which could be considered as justification for the higher FAR, and noted that the project meets all R-1 standards, including setbacks, height and lot coverage.

Councilmember Scotto expressed concerns that other residents with similarly sized lots in the Hillside Overlay area would expect to be able to build projects with FARs over .50 should this project be approved and related his experience that justification for FARs in excess of .50 typically involves topographical features, such as steep terrain, which limits the area that can be built on.

Commissioner Guyton reported that the applicant discussed with him the need to retain space in the backyard so his four young daughters would have a safe place to play and that he believes this safety factor merits consideration.

Councilmember Mauno stated that he could appreciate the arguments on both sides of this debate; that he had doubts as to whether the difference between an FAR of .50 and .58 was significant enough to deny the project; and that he would reserve judgment until hearing the views of his colleagues.

A brief discussion ensued, and it was the consensus of the Council to continue this item to allow staff an opportunity to work with the applicant to see if some reduction in the FAR could be achieved.

Councilmember Scotto voiced his opinion that any reduction in square footage should come off the rear of the second story in order to mitigate the impact on neighbors.

Councilmember Guyton stated that he thought it was important to maintain the 27-foot rear yard setback.

MOTION: Councilmember Scotto moved to reopen the public hearing and continue it to February 7, 2006. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote (absent Councilmember Witkowsky).

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The Council met as the Redevelopment Agency from 8:54 p.m. to 8:56 p.m.

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16. ORAL COMMUNICATIONS

16A. Councilmember Mauno noted that he had been contacted by the City of Redondo Beach and the sponsor of a professional bike race similar to the Tour de France to be hosted by the State of California on February 19 -26 and asked for City Council concurrence for staff to bring forward an item allowing the City of Torrance to be part of the route.

16B. Jeannie Moorman, TME-AFSCME Local 1117, invited the Mayor and City Council to attend the AFSCME holiday party on Thursday, December 15.

16C. Jeannie Moorman, AFSCME, and **Jaysen Surber**, TCEA, spoke on behalf of the Alliance of City Employees, which also includes TPSA and TPRREO. Ms. Moorman reported that her organization has been able to find enhanced benefits at a lower cost

than what has been offered by the City and requested that the Council allow joint participation with the Alliance of City Employees and management in all aspects of the decision-making process regarding benefits. She stated that it is her organization's position that they are legally entitled to negotiate all matters regarding wages, hours, and working conditions, including benefit levels and costs.

16D. On an AFSCME issue, **Jeannie Moorman** reported that a budget cut last October effectively cut the salaries of several custodians; that AFSCME requested a meet and confer and had come to an impasse after meeting with Kathy Keane and Brian Sunshine; and that the City Manager's office was refusing to follow impasse procedures spelled out in the Torrance Municipal Code, having declared that there was no meet and confer. She stated that if there was no meet and confer, this process should commence and if there was a meet and confer, a mediator should be brought in as requested to try and resolve the impasse.

16E. **Howard Burkhart**, resident, expressed concerns that library patrons will not be able enjoy the use of the city libraries during the holidays as they will be closed for two days prior and one day after both of the single-day holidays of Christmas and New Year's Day, a total of four days each.

In response, **City Manager Jackson** explained that libraries are closed on alternating Fridays and they also are not open on Sundays in the regular course of business, and that combined with the Christmas and New Year's holidays resulted in the four-day closure.

16F. **Don Clouch**, resident, related his understanding that legal counsel has been retained by the City to fight Caltrans' proposal to install a traffic signal at Western Avenue and 235th Street and requested that the Council give the same consideration to cut-through traffic problems on 238th Street that has been given to 235th Street.

17. EXECUTIVE SESSION

At 9:11 p.m., the Council recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 17A) Conference with Labor Negotiator, and 17B) Conference with Legal Counsel – Existing Litigation, pursuant to California Government Code Sections 54957.6 and 54956.9(a).

The Council convened in open session at 9:46 p.m. No formal action was taken on any matter considered in closed session.

18. ADJOURNMENT

At 9:47 p.m., the meeting was adjourned to Tuesday, December 20, 2005 at 7:00 p.m. for the regular meeting in the Council Chambers, with an executive session to follow.

Attest:

/s/ Dan Walker

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers, CMC

City Clerk of the City of Torrance

Approved on February 28, 2006