

April 15, 2003

**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, April 15, 2003, in City Council Chambers at Torrance City Hall.

ROLL CALL

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

Absent: None.

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

Mayor Walker stated that subsequent to the posting of the agenda on Thursday, April 10, the City Attorney had a telephone conversation with representatives of ExxonMobil Corporation to amend certain provisions of the consent decree entered into in People of the State of California v. Mobil Oil Corporation, Superior Court Case Number C719-953. The City Attorney needs immediate instruction from the Council to prepare for the anticipated hearing and because time is of the essence, he requested that the City Council consider discussing this matter in closed session. In order to take action on a matter that is not on the agenda, the California Government Code requires a determination by a two-thirds vote of the Council that immediate action is necessary and that the need to take action arose subsequent to the posting of the agenda.

MOTION: Councilmember Scotto moved to add this item to the agenda. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

Mayor Walker announced that the item would be considered in closed session pursuant to California Government Code Section 54956.9(a).

Agenda Item 17 was considered out of order at this time.

17. EXECUTIVE SESSION

The Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 17a) Conference with Labor Negotiator; 17b) Conference with Legal Counsel – Existing Litigation; 17c) Conference with Legal Counsel – Anticipated Litigation; and 17d) Conference with Real Property Negotiator, pursuant to California Government Code Sections 54957.6, 54956.9(a); 54956.9 and 54956.8.

The Council reconvened in Council Chambers at 7:10 p.m.

2. **FLAG SALUTE/INVOCATION**

The Pledge of Allegiance was led by Councilmember Lieu.

City Clerk Herbers gave the non-sectarian invocation for the meeting.

3. **AFFIDAVIT OF POSTING/WAIVE FURTHER READING**

MOTION: Councilmember Mauno 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 Witkowsky, and passed by unanimous roll call vote.

MOTION: Councilmember Mauno 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.

4. **WITHDRAWN OR DEFERRED ITEMS**

None.

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Mayor Walker announced that a City Council Budget Workshop would be held on Tuesday, May 13, 2003, at 5:30 p.m. in the Council Chambers.

7. **CONSENT CALENDAR**

7a. **APPROVAL OF MINUTES – FEBRUARY 11, 2003**

7b. **PLANNING COMMISSION 2002 ANNUAL REPORT**

Recommendation

Recommendation of the **Planning Commission** and the **Planning Director** that City Council accept and file the Planning Commission 2002 Annual Report.

7c. **PURCHASE ORDER FOR ENGINE RE-POWER KIT RE ENGINE AND TRANSMISSION REPLACEMENT PROJECT**

Recommendation

Recommendation of the **Transit Director** that City Council approve a purchase order with Gillig Corporation to purchase one engine re-power kit as part of the Engine and Transmission Replacement project FEAP #260 for a cost not-to-exceed \$27,000.

7d. **LEASE OF SPACE TO CATHOLIC CHARITIES OF LOS ANGELES**

Recommendation

Recommendation of the **Human Resources Director** that City Council authorize the Mayor to execute and the City Clerk attest to a sublease by and between the City of Torrance and Catholic Charities of Los Angeles, Inc. for approximately 490 sq. ft of space at the Harbor WorkSource Center for a total of \$31,412.52 over the next three (3) years.

7e. **AMENDMENT TO SERVICE AGREEMENT WITH CITY OF HAWTHORNE**

Recommendation

Recommendation of the **Human Resources Director** that City Council accept and ratify the administrative changes made to the agreement amendment with the City of Hawthorne C2002-124.

7f. **AMENDMENT TO CALWORKS YOUTH AGREEMENT**

Recommendation

Recommendation of the **Human Resources Director** that City Council authorize the execution of an amendment to the CalWORKs Youth Agreement C2001-184, to increase funding by \$12,358 and extend the agreement to June 30, 2003.

7g. **PURCHASE ORDERS RE COOPERATIVE PURCHASE OF VEHICLES WITH STATE OF CALIFORNIA**

Recommendation

Recommendation of the **General Services Director** that City Council authorize five (5) purchase orders totaling \$553,370.23 for the purchase of twenty-five (25) vehicles as cooperative purchases with the State of California.

The **General Services Director** also recommends that City Council authorize payment of \$7,500 to the State of California for use of their contacts.

7h. **PURCHASE ORDER RE COOPERATIVE PURCHASE OF VEHICLES WITH CITY OF CHINO**

Recommendation

Recommendation of the **General Services Director** that City Council authorize a purchase order with Lake Chevrolet of Lake Elsinore, CA in the amount of \$70,340.85 for the purchase of three (3) Chevrolet Impalas as a cooperative purchase with the City of Chino.

7i. **PURCHASE ORDERS RE COOPERATIVE PURCHASE OF VEHICLES WITH STATE OF CALIFORNIA**

Recommendation

Recommendation of the **Transit Director** that City Council authorize four (4) purchase orders totaling \$196,914.08 for the purchase of twelve (12) vehicles as cooperative purchases with the State of California.

MOTION: Councilmember Lieu moved for the approval of Consent Calendar Items 7a through 7i. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

11. ADMINISTRATIVE MATTERS

11a. CONTINUATION OF STATE OF LOCAL EMERGENCY RE CAROLWOOD LANE/SINGINGWOOD DRIVE

Recommendation

Recommendation of the **City Manager** and the **City Attorney** that City Council continue the state of local emergency, proclaimed March 2, 2001 for properties located on Carolwood Lane and Singingwood Drive.

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

11b. MODIFICATION OF PENALTY CLAUSE IN TORRANCE FLITE PARK LEASE

Recommendation

Recommendation of the **City Manager** that City Council approve modifications to the Flite Park lease relating to non-performance penalties and to authorize the Mayor to execute and the City Clerk to attest to an amended and restated lease by and between the City of Torrance and Flite Park, LLC for City-owned property located at Torrance Municipal Airport/Zamperini Field.

Assistant to the City Manager Sunshine outlined the proposed modifications to the Torrance Flite Park Lease per written material of record. He advised that the penalty for non-performance has been modified and calls for a one-time buyout as opposed to a penalty that runs for the life of the lease, which will allow the tenant to secure better financing. Referring to the Flite Park Amended and Restated Lease distributed to the Council just prior to the meeting, he noted additional revisions related to Torrance Flite Park's leasing of ground level parking spaces of the proposed parking structure, which would resolve potential parking and access issues involving the North Portion Option Parcel while allowing the City to work with auto dealers on possible solutions to their parking problems.

Mr. David Ouwerkerk, 23323 Iris Avenue, noted that he is a member of the Airport Commission but was not speaking in that capacity. He expressed concerns that the revisions to the Flite Park Lease do not include provisions for the review of the proposed parking structure by the Airport Commission, thereby eliminating an opportunity for public comment.

Mr. Sunshine advised that the parking structure is only an option at this time and that should it go forward, the proposal will be shared with the Airport Commission.

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

At 7:20 p.m., City Council convened in joint session with the Redevelopment Agency to consider Agenda Item 11c concurrently with Redevelopment Agency Agenda Item 4a.

11c. RECOMMENDATION TO ADOPT LOS ANGELES COUNTY RESTAURANT GRADING ORDINANCE

Recommendation

Recommendation of the **Building and Safety Director** and the **Environmental Quality and Energy Conservation Commission** that City Council adopt an Ordinance amending the Torrance Municipal Code to adopt the re-codified Title 11 County of Los Angeles Public Health and Safety Code and portions of Title 8 of the County of Los Angeles Consumer Protection and Business Regulations Code regarding restaurant grading and food service.

Environmental Services Administrator Cessna summarized the recommendation that the City Council adopt the Los Angeles County Restaurant Grading Ordinance, mandating that grades be posted in eating establishments throughout the City (per written material of record).

Councilmember Witkowsky questioned whether there have been problems with the theft of grade placards or with restaurants that have received lower grades not posting them.

Mr. Terrance Powell, representing Los Angeles County Health Department, advised that the theft of grade placards has not been a problem and that one of the reasons the County stopped allowing the voluntary posting of grades was because those restaurants with lower grades did not post them. He noted that the ordinance requires that grades be posted in a conspicuous place near the door and that food service establishments can be cited if they fail to do so.

Expressing support for the adoption of the ordinance, Councilmember Scotto noted that all food service establishments, including convenience stores, are subject to health department inspections.

In response to Mayor Walker's inquiry, Ms. Cessna confirmed that there is a process by which food service establishments that do not receive an "A" can pay a fee and be re-inspected.

Ms. Linda Gottshall-Sayed, 19332 Donora Street, representing West Torrance Homeowners Association, voiced support for the adoption of the ordinance.

Mr. Dick Rossberg, 410 Via Malaga, expressed his opposition to the adoption of the ordinance, noting that he operates two bakeries in Torrance, both of which have "A" grades. He stated that he welcomes health department inspections and believes that everyone in the food preparation business should take special care, but noted that mistakes can occur when 40 to 50 people are involved in a food service operation. He maintained that food service establishments that pose a risk to public safety should be closed down immediately, however, those with minor problems should be given an opportunity to correct them without suffering the economic consequences of having to post a lower grade. He stated that despite efforts to refine the process, inspections are

still subjective and suggested that everyone would be better served if food service establishments and the County Health Department work together.

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

ORDINANCE NO. 3532

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING CHAPTER 7 OF DIVISION 4 OF THE TORRANCE MUNICIPAL CODE RELATING TO ADOPTION BY REFERENCE OF CERTAIN PORTIONS OF THE LOS ANGELES COUNTY HEALTH AND SAFETY CODE (TITLE 11) AND OF TITLE 8 (CONSUMER PROTECTION AND BUSINESS REGULATIONS)

MOTION: Councilmember Nowatka moved for the adoption of Ordinance No. 3532. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

The Redevelopment Agency adjourned at 7:43 p.m.

12. HEARINGS

12a. CITY OF TORRANCE REVENUE BONDS (GARDENA VALLEY JAPANESE CULTURAL INSTITUTE HOUSING PROJECT), SERIES 2003

Recommendation

Recommendation of the **Finance Director** that City Council hold a public hearing and adopt a Resolution approving bond financing to be undertaken by the City of Torrance to benefit Gardena Valley Japanese Cultural Institute Housing Project (JCI Garden Apartments).

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

Finance Director Tsao reported that the Gardena Valley Japanese Cultural Institute Housing Project (JCI Garden Apartments) requested that the City act as issuer of revenue bonds in an amount not to exceed \$9 million for the purpose of refinancing and renovating apartments located in Torrance. He noted that the ordinance incorrectly lists the amount as not to exceed \$7 million.

Mayor Walker invited public comment. As there were no requests to speak, the public hearing was closed.

MOTION: Councilmember Scotto, seconded by Councilmember Witkowsky, moved to close the public hearing; roll call vote reflected unanimous approval.

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

RESOLUTION NO. 2003-28

A RESOLUTION OF THE CITY OF TORRANCE APPROVING THE ISSUANCE BY THE CITY OF TORRANCE OF REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$9,000,000 TO BENEFIT GARDENA VALLEY JAPANESE CULTURAL INSTITUTE HOUSING PROJECT

MOTION: Councilmember Nowatka moved for the adoption of Resolution No. 2003-28 as corrected. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

12b. EAS02-00006, CUP02-00029, TTM54171, WAV02-00011, VAR02-00004: CHESTER SMITH ASSOCIATES (JEFF SMITH)

Recommendation

Recommendation of the **Planning Commission** and **Planning Director** that City Council:

- 1) Adopt a Negative Declaration;
- 2) Adopt a Resolution approving a Conditional Use Permit to allow the construction of a 20-unit multiple-owner occupied housing over two stories in height with a FAR over 0.60;
- 3) Adopt a Resolution approving a Tentative Tract Map for condominium purposes;
- 4) Adopt a Resolution approving a Waiver for provision of less than the required rear and side yard setbacks; and
- 5) Adopt a Resolution approving a Variance to allow a tandem parking arrangement on property located in the R-3 zone at 1021 Cravens Avenue.

EAS02-00006, CUP02-00029, TTM54171, WAV02-00011, VAR02-00004: Chester Smith Associates (Jeff Smith)

With the aid of slides, Planning Manager Isomoto briefly described the project and provided an overview of the area. She reported that the Planning Commission approved the project after it was revised by a vote of 6 to 1, adding conditions requiring additional two-bedroom units; prohibiting construction on Sundays/limiting hours of construction on Saturdays; and requiring that there be the ability to park three vehicles in the tandem garages.

In response to Councilmember Scotto's inquiry, Planning Manager Isomoto provided clarification regarding the project's Floor Area Ratio (FAR) and the number of guest parking spaces. She explained that an FAR of 1.09 was originally proposed; that the revised project has an FAR of .84; and that an FAR of over .60 requires the approval of a Conditional Use Permit. With regard to guest parking, she advised that the project provides 4 guest parking spaces, which meets minimum requirements.

Councilmember Scotto expressed concerns about the adequacy of the parking due to the limited amount of street frontage and suggested the possibility of eliminating Unit No 6 to provide more on-site parking.

Mayor Walker pointed out that the project's FAR was consistent with other recently built developments in the area. Commenting on the parking, he noted that 3 parking spaces are provided for each unit in addition to the 4 guest parking spaces and

related his experience the people make arrangements to have their guests park inside the complex when there is limited street parking.

Councilmember McIntyre expressed concerns about the loss of mature landscaping on this site. Planning Manager Isomoto advised that a condition was included to address this issue (Condition No. 6), which requires specimen-sized trees to be incorporated into the landscaping plan.

Councilmember Witkowsky stated that she was very impressed with the project, voicing her opinion that it would provide much needed housing and help revitalize the downtown area. She asked about the feasibility of Councilmember Scotto's suggestion to eliminate Unit No. 6 to provide more on-site parking.

Mr. Gary Butcher, representing the applicant, Chester Smith Associates, 2371 Torrance Boulevard, stated that he did not believe eliminating the unit would improve the project, however, it would make it less financially feasible. He noted that the City's standards would allow 24 units on this site, but the developer was proposing to build only 20; that the lot coverage is less than 50%, which is comparable to lot coverage in the R-1 Zone; and that the applicant intended to have all three-bedroom units, but a condition imposed by Planning staff and modified by the Planning Commission now requires that 5 of the units be downsized to two-bedroom units.

MOTION: Councilmember Scotto, seconded by Councilmember Witkowsky, moved to close the public hearing; roll call vote reflected unanimous approval.

Councilmember Scotto indicated that he would only support the project with the elimination of Unit No. 6.

Mayor Walker expressed support for the project as proposed, noting that the development has been scaled down considerably from the original proposal.

MOTION: Councilmember Witkowsky moved to concur with the staff recommendation. The motion was seconded by Mayor Walker and passed by a 5-2 roll call vote, with Councilmembers Nowatka and Scotto dissenting.

MOTION: Councilmember Witkowsky moved to adopt a Negative Declaration. The motion was seconded by Mayor Walker and passed by a 6-1 roll call vote, with Councilmember Scotto dissenting.

RESOLUTION NO. 2003-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AS PROVIDED FOR IN DIVISION 9, CHAPTER 5, ARTICLE 3 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF A 20-UNIT CONDOMINIUM DEVELOPMENT OVER TWO STORIES ON HEIGHT WITH A FLOOR AREA RATIO OVER 0.60 ON PROPERTY LOCATED IN THE R-3 ZONE AT 1021 CRAVENS AVENUE

CUP02-00029: CHESTER SMITH ASSOCIATES (JEFF SMITH))

MOTION: Councilmember Witkowsky moved for the adoption of Resolution No. 2003-29. The motion was seconded by Councilmember McIntyre and passed by a 5-2 roll call vote, with Councilmembers Nowatka and Scotto dissenting.

RESOLUTION NO. 2003-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A TENTATIVE TRACT MAP AS PROVIDED FOR IN DIVISION 9, CHAPTER 2, ARTICLE 29 OF THE TORRANCE MUNICIPAL CODE FOR CONDOMINIUM PURPOSES ON PROPERTY LOCATED IN THE R-3 ZONE AT 1021 CRAVENS AVENUE

TTM54171: CHESTER SMITH ASSOCIATES (JEFF SMITH))

MOTION: Councilmember Witkowsky moved for the adoption of Resolution No. 2003-30. The motion was seconded by Councilmember McIntyre and passed by a 5-2 roll call vote, with Councilmembers Nowatka and Scotto dissenting.

RESOLUTION NO. 2003-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A WAIVER AS PROVIDED FOR IN DIVISION 9, CHAPTER 4, ARTICLE 2 OF THE TORRANCE MUNICIPAL CODE TO ALLOW A REDUCTION OF THE SIDE AND REAR YARD SETBACK REQUIREMENTS IN CONJUNCTION WITH THE CONSTRUCTION A 20-UNIT CONDOMINIUM DEVELOPMENT ON PROPERTY LOCATED IN THE R-3 ZONE AT 1021 CRAVENS AVENUE

WAV02-00011: CHESTER SMITH ASSOCIATES (JEFF SMITH))

MOTION: Councilmember Witkowsky moved for the adoption of Resolution No. 2003-31. The motion was seconded by Councilmember McIntyre and passed by a 5-2 roll call vote, with Councilmembers Nowatka and Scotto dissenting.

RESOLUTION NO. 2003-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, GRANTING A VARIANCE FROM THE PROVISIONS OF DIVISION 9 OF THE TORRANCE MUNICIPAL CODE TO ALLOW TANDEM PARKING ON PROPERTY LOCATED IN THE R-3 ZONE AT 1021 CRAVENS AVENUE.

VAR02-00004: CHESTER SMITH ASSOCIATES (JEFF SMITH))

MOTION: Councilmember Witkowsky moved for the adoption of Resolution No. 2003-32. The motion was seconded by Councilmember McIntyre and passed by a 5-2 roll call vote, with Councilmembers Nowatka and Scotto dissenting.

16. ORAL COMMUNICATIONS

16a. Councilmember Lieu noted that he was proud to be an American as he watched US Marines in Baghdad. He expressed appreciation to the local companies that directly support our national defense, including Ace Clearwater, Moog, and Boeing.

16b. Councilmember Lieu asked with the concurrence of Council that staff include a link from the City of Torrance website to the California Attorney General's website <http://nocall.doj.state.ca.us> for people to register to have their phone number listed so that telemarketers are prohibited from calling.

16c. Councilmember Mauno echoed comments on our Armed Forces and thanked the City Manager for sharing e-mails from City employee family members serving overseas.

16d. Councilmember Mauno noted he had recently attended a Southern California Edison meeting on state energy issues and found it encouraging that they had announced full funding of all underground projects next year.

16e. Councilmember Mauno thanked staff for the tour of the Torrance Municipal Airport that he and Councilmembers Witkowsky and McIntyre had taken.

16f. Councilmember McIntyre echoed previous comments.

16g. Councilmember Nowatka expressed gratitude to all those who serve in our Armed Forces.

16h. Councilmember Nowatka asked if it was possible for Council to designate unused travel funds to specific areas of the budget or to other uses within the City to help minimize the budget gap.

16i. Councilmember Scotto echoed comments on our Armed Forces and expressed the hope that all come home safe and sound.

16j. At the request of Councilmember Scotto, Police Chief Herren reported on the narcotics arrests made on April 5th in conjunction with the Glendale Police Department, noting that six arrests were made and approximately 10 guns were seized.

16k. Councilmember Witkowsky echoed comments on the war, noting the joyous response to news that POW's had been recovered.

16l. Councilmember Witkowsky expressed condolences to Jean Adelsman on the loss of her mother.

16m. Councilmember Witkowsky noted that she attended the youth performance of *Anything Goes* at the Armstrong Theatre and thought it was fantastic.

16n. Iva Cahill expressed appreciation for all the thoughts and prayers during her late husband's illness.

16o. Alan Lee, TME, noted that he was donating items to the Salvation Army in memory of Dick Cahill. He also stated he would be taking an unpaid leave of absence.

17. EXECUTIVE SESSION

Considered earlier in the meeting.

18. **ADJOURNMENT**

At 8:25 p.m., the meeting was adjourned to Tuesday, April 22, 2003, at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

Attest:

/s/ Dan Walker

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers,
City Clerk of the City of Torrance

Approved on July 1, 2003