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TORRANCE CITY COUNCIL - MAY 28, 1996

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May 28, 1996

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

OPENING CEREMONIES

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular meeting on Tuesday, May 28, 1996, at 5:34 P.M., in the Council Chambers of Torrance City Hall.

ROLL CALL

Present: Council members Cribbs, Lee, Messerlian,
Nakano, O'Donnell*, Walker and Mayor Hardison.

*Arrived at 6:55 P.M.

Absent: None

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

Considered out of order . . .

20. EXECUTIVE SESSION

Mayor Hardison read the following statement into the record:

The Council will now recess to closed session to confer with legal counsel and/or the City Manager on those agenda matters listed under Item 20.a.1, Conference with Labor Negotiator; 20.a.2, Conference with Legal Counsel - Existing Litigation; and 20.a.3, Conference with Real Property Negotiator.

Redevelopment Agency
None

Further detail is contained on the agenda. A closed session on these matters is authorized by California Government Code Sections 54957.6, 54956.9(a) and 54956.8.

Wendy Selogie
Minute Secretary

City Council
May 28, 1996

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At 5:35 P.M., Council commenced its executive session, returning to Chambers at 7:32 P.M., at which time consideration of executive session matters was concluded. No formal action was taken.

*

1. **ROLL CALL**

Previously taken.

1. **FLAG SALUTE/INVOCATION**

The Flag salute was led by Mr. Ted Porter, Southern California Edison .

Reverend Robert Currier, First Baptist Church of WALTERIA, led the invocation for the meeting.

3. **MOTION RE POSTING OF AGENDA/FURTHER READING**

MOTION: Councilman Lee moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. This motion was seconded by Councilwoman Cribbs and it was so ordered by Mayor Hardison.

MOTION: Councilman Lee moved that after the City Clerk has read number and title to any resolution or ordinance on the agenda for this meeting, the further reading thereof be waived, reserving and guaranteeing to each Council member the right to demand the reading of any such resolution or ordinance in regular order. This motion was seconded by Councilwoman Cribbs and it was so ordered by Mayor Hardison.

4. **WITHDRAWN OR DEFERRED ITEMS**

None.

5. **COUNCIL COMMITTEE MEETINGS**

Finance and Governmental Operations Committee
Visitors Bureau
May 30 - 4:00 P.M.
3rd Floor Assembly Room

6. **COMMUNITY MATTERS**

6a. **PROCLAMATION** proclaiming June 1, 1996, as "Take a Stand for Children Day" in the City of Torrance.

So proclaimed by Mayor Hardison and accepted with appreciation by Youth Council member Kathryn Dalby.

Wendy Selogie
Minute Secretary

City Council
May 28, 1996

6b. RESOLUTION COMMENDING CALLE MAYOR MIDDLE SCHOOL

RESOLUTION NO. 96-42

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE COMMENDING CALLE MAYOR MIDDLE SCHOOL FOR RECEIVING THE BLUE RIBBON SCHOOL AWARD

MOTION: Councilman Nakano moved to adopt Resolution No. 96-42. The motion was seconded by Councilman Walker and roll call vote proved unanimously favorable.

This resolution adopted earlier, was read and presented by Mayor Hardison to Calle Mayor Middle School Assistant Principal, Mike Barker.

6c. PRESENTATION TO MAYOR BY SOUTHERN CALIFORNIA EDISON [SCE]

SCE representative Ted Porter, read an SCE resolution honoring Mayor Hardison for her successful efforts to prevent a recently proposed rate increase by the Public Utilities Commission.

6d. ACCEPTANCE OF DONATION FROM MOBIL FOR GREEN TEAM

RECOMMENDATION

It is recommended by the Personnel Manager that the City Council accept a donation of \$100,000 from Mobil Oil Corporation and appropriate the funds for the 1996 Mobil "Green Team" Summer Youth Employment Program in Torrance.

Western Regional Manager of Mobil Oil Corporation, Lucille Cavanaugh, presented Mayor and Council with a donation of \$100,000 for the 1996 Mobil "Green Team" Summer Youth Employment Program in Torrance.

MOTION: Councilman Messerlian moved to concur with the recommendation of the Personnel Manager. Councilwoman Cribbs seconded the motion and roll call vote proved unanimously favorable.

*
Mr. Chris Giordano, Mr. Steve Rise, and Mr. Joe Van Waardenburg were recognized for their heroic efforts during a recent single family residence fire in the City.
*

7. CONSENT CALENDAR

7a. APPROVAL OF MINUTES - April 9, 1996.

7b. APPLICATION FOR FY 1995-96 SB-821 BIKEWAY FUNDS

RECOMMENDATION

It is recommended by the Engineering Director that the City Council authorize an application for \$51,222 in FY 1995-96 Senate Bill 821 [SB-821] Funds for financing a curb access ramp project along 190th Street and Sepulveda Boulevard within the City limits.

7c. AGREEMENT FOR THE MAX COMMUTER BUS SERVICE

RECOMMENDATION

It is recommended by the Fleet Services Director that the City Council approve the Agreement for the MAX Commuter Bus Service [of record] with the cities of El Segundo, Lawndale, Los Angeles, Rancho Palos Verdes and the County of Los Angeles and authorize the Mayor and City Clerk to execute and to attest the agreement.

7d. ACCEPTANCE OF MAJOR URBAN RESOURCE LIBRARY [MURL] GRANT AWARD FROM CALIFORNIA STATE LIBRARY

RECOMMENDATION

It is recommended by the City Librarian that the City Council accept and appropriate the \$11,887 MURL award for purchase of materials in the Library Department's Regional Area Collection Plan and that the funds be deposited in a special account to accomplish this purpose.

7e. P.O. FOR 1996 CHEVROLET CAPRICE POLICE SEDANS

RECOMMENDATION

It is recommended by the General Services Director, the Fleet Services Director and the Police Chief that the City Council allow the City to participate in this Special Opportunity Purchase and authorize a purchase order for an anticipated amount not to exceed \$137,417.96, to Wondries Chevrolet, Alhambra, CA for the purchase of seven additional 1996 Chevrolet Caprice Police sedans.

7f. TORRANCE BOULEVARD WATER MAIN REPLACEMENT PROJECT

RECOMMENDATION

It is recommended by the Engineering Director that the City Council approve an amendment to the Public Works Improvement Program priorities; and appropriate \$750,000 from Water Revenue Funds for the Torrance Boulevard Water Main Replacement between Crenshaw Boulevard and Madrona Avenue.

7g. INVESTMENT REPORT FOR APRIL 1996

RECOMMENDATION

It is recommended by the City Treasurer that the City Council receive the investment reports [of record] for information only.

MOTION: Councilwoman O'Donnell moved to concur with Consent Calendar Items 7a through 7g. Councilman Walker seconded the motion, which carried with unanimous approval following roll call vote.

11. PLANNING AND ZONING MATTERS

11a. FINDINGS RE PRECISE PLAN 95-9, WAIVER 95-16 COX

RECOMMENDATION

It is recommended that the Resolutions be adopted, which have the effect of denying the appeal and approving the project.

RESOLUTION NO. 96-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DENYING THE APPEAL AND APPROVING A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 6, ARTICLE 2 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-STORY RESIDENCE ON PROPERTY LOCATED IN THE R-1 ZONE IN THE HILLSIDE OVERLAY DISTRICT AT 365 PASEO DE GRACIA

MOTION: Councilman Nakano moved to adopt Resolution No. 96-41. The motion was seconded by Councilman Walker and passed by unanimous roll call vote.

RESOLUTION NO. 96-43

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DENYING THE APPEAL AND APPROVING A WAIVER OF THE MAXIMUM ONE-STORY BUILDING HEIGHT TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-STORY RESIDENCE ON PROPERTY LOCATED IN THE R-1 ZONE IN THE HILLSIDE OVERLAY DISTRICT AT 365 PASEO DE GRACIA

MOTION: Councilman Nakano moved to adopt Resolution No. 96-43. The motion was seconded by Councilman Walker and passed by unanimous roll call vote.

13. ADMINISTRATIVE MATTERS

13a. AB 2640 (PRINGLE): SALES AND USE TAXES; EXEMPTIONS; GASOLINE AND FUEL TAXES

RECOMMENDATION

It is recommended by the City Manager that the City Council oppose Assembly Bill 2640 (Pringle): Sales and use tax exemptions; gasoline and fuel taxes.

Assistant to the City Manager Sunshine provided an overview of this item. In answer to questions from the Council, he supplied input regarding the estimated gasoline savings to consumers and the estimated reductions to the City's General Fund, should Assembly Bill (AB) 2640 pass. He verified that, should AB 2640 pass, this would be a State mandated program with no reimbursement to local communities.

Mayor Hardison voiced concern that, as a result of AB 2640, the City would lose approximately \$300,000 and she pointed out that the State has made no previous attempts to reimburse communities for such things as property taxes, license revenues, etc., which amounted to approximately \$5,000,000 over the last five years.

Councilman Walker explained his willingness to sacrifice \$300,000 of the City's budget if the taxpayers in Torrance would be saving money.

MOTION: Councilwoman Cribbs moved to approve the City Manager's recommendation to oppose AB 2640 (Pringle). The motion was seconded by Councilman Lee and passed by a 6-1 majority roll call vote, with Councilman Walker dissenting.

Mayor Hardison emphasized her strong opposition to AB 2640.

13b. SENATE BILL 2143 AND THE UTILITY USERS' TAX

RECOMMENDATION

It is recommended that the City Council vote to support the change and direct the City Manager to send a letter stating this support to each member of the Senate's Local Government Committee.

Finance Director Tsao briefed the Council on this item.

MOTION: Councilwoman Cribbs moved to concur with the staff recommendation to support the change and direct the City Manager to send a letter signed by the Mayor stating this support to each member of the Senate's Local Government Committee. The motion was seconded by Councilman Lee and passed by unanimous roll call vote.

14. HEARINGS

14a. PRE 95-11, WAV 95-00119: STU & CLAIRE LICHTER

RECOMMENDATION

It is recommended by the Planning Commission and the Planning Department that the request be approved with conditions.

Senior Principal Planner Gibson presented the staff report. He offered input regarding the zoning in the subject area and the proposed site plan/Height Waiver. He gave a slide presentation showing views off the subject property from adjacent properties, during which he supplied information on the project silhouette. Should the Council decide to approve the project, Senior Principal Planner Gibson asked that approval of the Resolutions be held so that the appropriate Findings of Fact can be made.

In response to inquiries from the Council, Senior Principal Planner Gibson offered input about the size of other homes on the west side of Paseo de la Playa. He verified that virtually all of the homes along Paseo de la Playa have had some type of permitting activity; however, six to eight out of 14 homes there have had either Precise Plan or minor hillside activity.

Mr. Gibson confirmed that there appears to be some evidence of earth movement at 627 Paseo de la Playa (Evans residence) resulting from various activity at the subject location. He affirmed that, should this project be approved, the applicant would be required to provide significant geotechnical and soil reports prior to the issuance of the building permits.

With regard to the proposed swimming pool, Assistant City Attorney Quale advised that the City has an immunity from the liability associated with issuing and failing to issue permits.

Structural Plans Examiner Nishioka explained that the applicant would be required to verify the project would be east of the safe building line; and, if that were to be the case, the project would be acceptable to the Building & Safety Division as long as there would be no visual impact to the slope. He and Senior Principal Planner Gibson described the process whereby the City would determine whether the project is east of the safe building line.

Discussion continued with staff confirming the following: that, with the exception of the swimming pool, the entire project would be behind the safe building line; that the applicant would be required to provide a report on the safety factors related to any construction west of the safe building line; that none of the existing foundation is over the safe building line; that, according to the Hillside Ordinance, the Director of Building & Safety has the ability to issue permits for swimming pools without the Precise Plan or hillside sign-off procedures; that the Council could approve the additions to the structure and deny the swimming pool; and that extensive geological information would be required due to staff's concerns regarding the potential long-term impacts resulting from the swimming pool.

Mayor Hardison opened the public hearing.

Mr. Steve Smith, Project Architect, Chester Smith & Associates, 22850 Crenshaw Boulevard, described the proposed project. He explained that, according to the reports prepared in 1996, the subject property is basically no different than a report prepared in 1959, nor is it any different than information in an earthquake report prepared in 1989. Mr. Smith offered input on the reasoning behind the requested Height Waiver and on the plans for the swimming pool.

Mr. Arthur Evans, 627 Paseo de la Playa, stated his concern that, should it be approved, the swimming pool would leak, particularly since it would be fiberglass. He recalled that the Planning Commissioners who voted in favor of this project did so with reservations. Mr. Evans mentioned he does not object to the applicant adding on to his home, but is concerned over the instability of the hillside; called attention to petitions signed by ten other households opposing the project; and questioned why the applicant finds it necessary to build to the west.

Mr. Stewart Lichter, applicant, 631 Paseo de la Playa, emphasized efforts to reduce potential impact on 627 Paseo de la Playa (Evans residence) and to ensure there would be no adverse impact on the hillside. He confirmed his willingness to trim the bushes near the condominiums to the south; related his understanding of the Planning Commission's viewpoint with regard to the swimming pool; affirmed his preference for the swimming pool, especially in light of the fact that the geotechnical engineers determined it would be safe; and stated his understanding that, if it had not

been included as part of this request, the swimming pool would have been considered by the Planning Director.

Councilman Walker expressed his desire to approve only the structures this evening and to examine the matter of the swimming pool at another time. He cautioned the Council against developing a mechanism whereby the swimming pool could be approved over the counter by staff.

Councilwoman O'Donnell voiced her preference to be cautious, particularly with the requests for the swimming pool (due to concern over the instability of the hillside) and the basement (due to the sandy soil).

Senior Principal Planner Gibson advised that the basement location would be reasonable and safe as proposed.

Structural Plans Examiner Nishioka provided input as to the composition of the soil on the subject property.

MOTION: Councilman Walker moved, seconded by Councilman Lee, to close the public hearing. The motion was passed by unanimous roll call vote.

Should the project be approved, Mayor Hardison suggested adding a condition requiring the applicant to trim the bushes near the condominiums to the height of six feet, just above the block wall.

Assistant City Attorney Quale advised the Council as to enforcement problems related to requiring such a condition on an on-going basis.

Senior Principal Planner Gibson affirmed that such conditions imposed by the Planning Commission in the past have primarily been on a one-time basis.

Councilman Lee entertained the idea of requiring the applicant to remove the bushes near the condominiums to the south and to ask the applicant to obtain a permit to trim the tree in front of the subject property, if it is within the public right-of-way. He discussed the difficulty of making determinations such as this and stressed the importance of relying on staff and technical experts.

It was Councilman Messerian's opinion that the Council's consideration of the swimming pool should take place at this time. Should the Council agree with the project but is concerned about the potential negative impact of the swimming pool, he suggested an approval be conditioned to either move the swimming pool behind the safe building line or delete it. He noted that further consideration of the project could be delayed until more definitive information regarding the swimming pool could be provided.

Councilwoman Cribbs expressed her reluctance to continue this item. She questioned what additional information would be necessary for the Council to make a decision concerning the project, particularly the swimming pool. She stated her willingness to go forward with a determination on the project this evening.

Structural Plans Examiner Nishioka affirmed that the reports provided by the applicant would be reviewed by the City's consultants and that the project would not go forward until such time as the City were to deem the information provided as adequate.

Senior Principal Planner Gibson verified that, should the project be approved without the swimming pool, there would be a technical review of the swimming pool and that the Director of Building & Safety would have the authority to approve it; however, given the controversy of the swimming pool, the Director would probably be reluctant to do so.

Councilwoman O'Donnell stated her preference to continue the approval of the swimming pool for the City to verify the information provided by the applicant.

Councilman Messerlian questioned if subjecting the swimming pool to a future Precise Plan would be within the purview of the Hillside Ordinance and he voiced concern that doing so could be setting a precedent.

Should the project be approved without the swimming pool, Assistant City Attorney Quale advised that, given the controversy surrounding the swimming pool, it would not fall under the exemption categories and would be returned for the Council's consideration.

MOTION: Councilman Walker moved to concur with the Planning Commission and staff recommendations to deny the appeal and approve the project as conditioned, including Findings of Fact set forth by staff, and adding the following conditions:

Add

- o That the vegetation along the southerly property line shall be trimmed to a maximum height of six feet prior to final inspection, to the satisfaction of the Planning Department; and
- o That any swimming pool construction shall be subject to the Precise Plan process directly to the City Council.

The motion was seconded by Councilwoman O'Donnell and was replaced by a substitute motion offered by Councilwoman Cribbs as follows.

MOTION: Councilwoman Cribbs moved to deny the appeal and approve the proposed residence as conditioned, including Findings of Fact set forth by staff, and adding the following condition:

Add

- o That the vegetation along the southerly property line shall be trimmed to a maximum height of six feet prior to final inspection, to the satisfaction of the Planning Department.

The motion was seconded by Councilman Messerlian and passed by unanimous roll call vote.

Senior Principal Planner Gibson advised that the appropriate Resolution will be presented for the council's consideration at a future meeting.

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The City Council recessed from 9:30 P.M. to 9:41 P.M.

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At 9:41 P.M., the City Council recessed and reconvened as the Redevelopment Agency of the City of Torrance. The meeting of the Redevelopment Agency was adjourned at 9:42 P.M., and consideration of regular Council business was resumed.

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19. ORAL COMMUNICATIONS

19a. City Clerk Herbers mentioned that there is a vacancy on the Disaster Council; noted that the deadline for applications is Wednesday, May 29, 1996, 5:30 P.M.; and advised that this item will be presented for consideration at the next Council meeting.

19b. Councilman Nakano shared that he, Councilwoman O'Donnell and former Mayor Geissert recently attended a meeting during which he had the privilege of accepting two Certificates of Recognition on the City's behalf from the Salvation Army to City employees for their participation in the Thanksgiving Food Drive and the Angel Tree. He commended the related efforts of Assistant to the City Manager Giordano and presented the Certificates to her.

Mayor Hardison suggested that other key employees who contributed to the success of these projects be given an opportunity to view the Certificates.

Assistant to the City Manager Giordano voiced her appreciation of the efforts of all involved.

As a member of the Salvation Army Advisory Board, Councilwoman O'Donnell related her good wishes and heartfelt thanks to the many City employees who participate in the Thanksgiving and Angel Tree projects.

19c. Mr. Don Lehrman, 2421 Faircross Street, explained that his home was submerged in raw sewage from a City line break some time between the hours of 7:00 A.M. and 10:30 A.M. on May 11, 1996. He related his understanding as to the City's awareness of this problem for over ten years and asked whether the City plans to fix the problem and address his claim. Mr. Lehrman advised that his family is residing at a

Wendy Selogie
Minute Secretary

City Council
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hotel until his home can be cleaned up and he mentioned that this is the third incident of this nature which has occurred at his home – he cleaned up the other two himself and was assured the City would fix the problem.

Mayor Hardison stated that staff will keep the Council apprised as to the status of Mr. Lehrman's claim. She asked staff to provide the Council with background information regarding this matter by the end of this week and to inform Mr. Lehrman of staff's conclusions concerning his claim.

City Attorney Fellows affirmed that Mr. Lehrman's claim is scheduled to be considered by the Claims Board on June 11, 1996. He advised that the City's liability in this type of matter is not obvious, that Mr. Lehrman's claim will be reviewed by the Board and that the Board could meet before June 11, 1996 should the investigation of this issue be completed prior to that date.

City Manager Jackson invited Mr. Lehrman to attend the Claims Board meeting on June 11, 1996.

20. EXECUTIVE SESSION

20a. EXECUTIVE SESSION MATTERS


Considered earlier; see page 2.

21. ADJOURNMENT

At 9:55 P.M., this meeting of the City Council was formally adjourned to June 4, 1996, 5:30 P.M.



Mayor of the City of Torrance



Clerk of the City of Torrance