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TORRANCE CITY COUNCIL – MARCH 8, 2016

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At 8:35 p.m., the meeting was adjourned to Tuesday, March 15, 2016 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber.

**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 5:30 p.m. on Tuesday, March 8, 2016 in the Council Chamber at Torrance City Hall.

ROLL CALL

Present: Councilmembers Ashcraft, Barnett, Goodrich, Griffiths, Rizzo, Weideman and Mayor Furey.

Absent: None.

Present: City Manager Jackson, Assistant City Manager Giordano, City Attorney Fellows, City Clerk Poirier 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 Legal Counsel – Existing Litigation, and Item 18B) Real Property - Conference with Real Property Negotiator, pursuant to California Government Code §54956.9(d)(1) and §54956.8.

The City Council reconvened at 7:00 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 Councilmember Barnett.

The non-sectarian invocation was given by Councilmember Goodrich.

**3. REPORT OF CITY CLERK ON POSTING OF THE AGENDA/ MOTION TO
WAIVE FURTHER READING**

City Clerk Poirier reported that the agenda was posted on the Public Notice Board at 3031 Torrance Boulevard on Thursday, March 3, 2016.

MOTION: Councilmember Rizzo 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 Weideman and passed by unanimous vote.

4. WITHDRAWN, DEFERRED OR SUPPLEMENTAL ITEMS

No items were withdrawn or deferred; supplemental material was available for Item 13A.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Weideman announced that the City Council meeting would adjourn in memory of Darold Kusch former teacher and administrator with the Torrance Unified School District.

Councilmember Griffiths announced that the City Council Ad Hoc Web Redesign Committee will meet on Tuesday, March 15, 2016 at 3:30 p.m. in the City Manager's Assembly Room to consider the web redesign team's recommendation for vendor selection to redesign and host the city's website, with additional information available by calling the City Manager's Office at 310-618-5880.

Councilmember Goodrich announced that the Office of Economic Development is accepting applications for the 9th Annual Torrance Advantage Awards, which will take place on March 31, 2016. He noted that applications are due on March 18, 2016 and additional information can be found at www.torranceca.gov/taa, by emailing economicdevelopment@torranceca.gov, or calling 310-618-2750.

Clerk Poirier announced that the Artist of the Month for March is Mercedes Guzman who specializes in oil paintings and a selection of her artwork is on display in the Office of the City Clerk.

City Clerk Poirier announced that the next Commissioner Certification class will take place on Tuesday, March 29, 2016 from 6:00-8:00 p.m. in the Toyota Meeting Hall and registration is required by March 23, 2016 at www.torranceca.gov/commissionercert.htm or by calling the City Manager's Office at 310-618-5880.

Mayor Furey requested that staff return with an item to subsidize the fees for the use of the portable stage by the American Cancer Society for the Relay for Life event to be held on Saturday, April 23, 2016 until Sunday, April 24, 2016 at South High School.

6. COMMUNITY MATTERS

6A. RESOLUTION NO. 2016-18 RE MICHAEL JEZULIN

RESOLUTION NO. 2016-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
HONORING LIEUTENANT MICHAEL JEZULIN OF THE TORRANCE POLICE
DEPARTMENT UPON HIS RETIREMENT FROM THE CITY AFTER
THIRTY YEARS OF SERVICE

MOTION: Councilmember Griffiths moved to adopt Resolution No. 2016-18. The motion was seconded by Councilmember Barnett and passed by unanimous vote.

To be presented at a later date.

7. ORAL COMMUNICATIONS #1

The following 5 people spoke: Debbie Hays, James Duarte, Carol Gilles, Arthur Schaper, Ted Jones.

8. CONSENT CALENDAR

8A. AMENDMENT TO FEE AGREEMENT FOR LEGAL SERVICES

Recommendation of the City Attorney that City Council approve a third amendment to the fee agreement with Rutan & Tucker, LLP of Costa Mesa, CA (C2014-111) to provide legal services to the City regarding Katie Bassilios v. City of Torrance, for an additional \$95,000, for a new not to exceed contract amount of \$410,000.

8B. PURCHASE ORDER FOR SWAT BODY ARMOR

Recommendation of the Police Chief that City Council Award a Purchase Order to Adamson Police Products of Los Alamitos, CA (C2016-07) in the amount of \$40,253.70 for SWAT Body Armor.

8C. FEE AGREEMENT RE LEGAL SERVICES

Recommendation of the City Attorney that City Council approve a fee agreement with Liebert Cassidy Whitmore of Los Angeles, CA to provide legal services pertaining to personnel matter #A16-000055, in the amount of \$5,000.

MOTION: Councilmember Ashcraft moved for the approval of Consent Calendar Items 8A, 8B and 8C. The motion was seconded by Councilmember Goodrich and passed by unanimous vote.

12. ADMINISTRATIVE MATTERS

12A. DESIGNATION OF VOTING DELEGATE FOR 2016 SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS REGIONAL CONFERENCE

Recommendation of the City Manager that City Council approve the designation of Councilmember Gene Barnett as the voting delegate to represent the City of Torrance at the 2016 Southern California Association of Governments Regional Conference and General Assembly from May 5 through May 6, 2016 in La Quinta, CA.

MOTION: Councilmember Rizzo moved to designate Councilmember Barnett as voting delegate. The motion was seconded by Councilmember Ashcraft and passed by unanimous vote.

12B. AGREEMENT RE 2017 ROSE PARADE FLOAT

Recommendation of the City Council Citizen Development and Enrichment Committee that City Council:

- 1) Authorize an agreement between the City of Torrance and Fiesta Parade Floats of Irwindale, CA for the design, construction, entry, display, and operation of the Torrance Float in the 2017 Pasadena Tournament of Roses Parade; and
- 2) Authorize the expenditure of \$150,000 for costs related to the float and appropriate upon receipt of the \$25,000 contribution from the Torrance Rose Float Association.

Councilmember Weideman, chair of the Citizen Development and Enrichment Committee, reviewed the Committee's recommendation. He noted that rather than having Fiesta Parade Floats come up with the design for the 2017 float, TUSD high school students will be invited to participate in a conceptual design contest in keeping with the theme "Echoes of Success."

Councilmember Griffiths expressed support for the idea of holding a conceptual design contest to encourage more community involvement and expressed the hope that the contest will become an ongoing tradition.

MOTION: Councilmember Rizzo moved to concur with the Committee's recommendation. The motion was seconded by Councilmember Weideman and passed by unanimous vote.

13. HEARINGS

13A. PRE15-00017: 423 CAMINO DE ENCANTO – DAVID STUDDS (CYRUS SHARGH)

Recommendation of the Planning Commission that City Council deny the appeal and take the following action on property located within the Hillside Overlay District in the R-1 Zone at 423 Camino de Encanto: 1) Adopt a resolution denying PRE15-00017.

-OR-

Recommendation of the Community Development Director that City Council uphold the appeal and take the following action on property located within the Hillside Overlay District in the R-1 Zone at 423 Camino de Encanto: 1) Adopt a resolution approving PRE15-00017.

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

With the aid of slides, Planning Manager Lodan briefly reviewed the proposed project and shared photographs taken from various vantage points in the neighborhood. He reported on the Planning Commission's action, explaining that a motion to approve the project on November 18, 2015 ended in a 3-3 tie vote, with one commissioner absent and this resulted in a de facto denial.

Councilmember Rizzo disclosed that he reviewed the plans with the applicants last month at City Hall and walked the neighborhood yesterday, viewing the project from street level and from the berm across the street from the condominium complex. Councilmember Griffiths disclosed that he reviewed the plans with the property owners and visited the site this morning and viewed it from several different angles, but did not speak with anyone. Councilmember Goodrich disclosed that he reviewed the plans with applicants approximately one month ago. Councilmember Ashcraft disclosed that she reviewed the plans with the applicants and walked the area yesterday, but spoke to no one at that time. Councilmember Weideman disclosed that he reviewed the plans with the applicants and walked the neighborhood. Councilmember Barnett disclosed that he had also met with the applicants. Mayor Furey disclosed that he did not have an opportunity to meet with the applicants, but visited the site and looked at it from various angles.

Howard Weinberg, legal counsel for the applicants/appellants, discussed efforts to minimize the project's impact on neighbors. Noting that it was impossible to add a second story without having some view impact, he contended that the impairment in this case was not significant. He reported that the condominiums claiming view loss at Village Palos Verdes are a considerable distance away and the affected view of the neighbor across the street at 424 Camino de Encanto, is from a second-story that was constructed in 2007 and is therefore an acquired view. He stated that it has been the historical policy of the Council that acquired views do not merit the same protection as original views, but the applicants still did everything possible to try to accommodate this view.

Mayor Furey invited public comment.

Michael Bahe, Village Palos Verdes, stated that he objects to allowing the applicants to improve their view, which is already sensational, at the expense of others. He noted that the Village Palos Verdes HOA board of directors and management company are vigorously opposed to the project and voiced his opinion that approving the project would set a dangerous precedent.

Deana Lytle reported that her residence at 424 Camino de Encanto is the most affected by the proposed project and a real estate agent has estimated that the view obstruction would reduce the home's value by \$200,000. She noted that the second-story addition was already constructed when she and her husband purchased their home and the previous owners went through this same process to have it approved.

David Swedelson, legal counsel for Village Palos Verdes, urged the Council to deny the appeal based on the Hillside Ordinance.

Karen Harrison, Village Palos Verdes, voiced objections to the project, contending that it would eliminate her remaining white water view, which has been greatly diminished since she purchased her townhome 28 years ago, and reduce the value of her property.

Ted Coene reported that the house at 424 Camino de Encanto underwent major revisions before it was approved upon appeal to the City Council in order to mitigate the impact on his property and other immediate neighbors. He expressed concerns that approving this project would encourage others to seek to add second stories on the west side of Camino de Encanto.

Judy Brunetti, Riviera Homeowners Association, voiced objections to the project, citing the impairment of views at Village Palos Verdes and 424 Camino de Encanto. She echoed concerns about setting a precedent.

Andrea Coene recommended that the applicants consider a design with a subterranean garage in order to eliminate the view impact.

Michael Lytle expressed concerns that the proposed project would eliminate 70% of his view, a view that he understood to be protected by the Hillside Overlay Ordinance when he purchased the property. He reported that the applicants have made no effort to reach a compromise and have not even spoken to him or his wife since an initial meeting after the silhouette went up.

Kartik Ananth reported that he is a personal friend of the Mr. and Mrs. Shargh and related his experience that they are good and decent people who are willing to work with others.

Jill Tomkiewicz voiced objections to the project, maintaining that it would increase the applicants' 180-degree view at the expense of many other neighbors.

Mr. Weinberg contended that the proposed project creates only a slight interruption in distant blue water views from Village Palos Verdes condominiums, submitting photos to illustrate. He explained that redesigning the project with a subterranean garage was not a viable alternative because it would be extremely expensive and it would not provide the desired square footage. He disputed the claim that approving a second-story would set a precedent, since each project is considered on a case-by-case basis. He maintained that Mr. Lytle was not open to compromise as evidenced by correspondence threatening legal action and asserted that the view impairment at the Lytle residence was not as great as has been claimed. He stated that the purpose of the project is to provide more space for the Sharghs' growing family and not to enhance their view.

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

Councilmember Weideman noted his disagreement with Mr. Weinberg's assertion that there's a precedence that acquired views have less standing with regard to the Hillside Overlay Ordinance. He stated that he believes the view impact from the second story of 424 Camino de Encanto is significant as clearly shown in photographs taken by staff, therefore he would vote to deny the appeal.

Councilmember Goodrich indicated that he agreed with Councilmember Weideman on the issue of acquired views. He commended the applicants for their efforts to try to minimize the impact, but stated that he continues to have concerns about view loss, especially for properties immediately across the street.

Mayor Furey related his experience that people often cite previously approved projects when seeking approval for their projects even though the Council's decisions on Hillside cases are not precedent setting in the legal sense.

MOTION: Councilmember Weideman moved to deny the appeal. The motion was seconded by Councilmember Goodrich and passed as reflected in the following vote:

YES: Councilmembers Goodrich, Griffiths, Weideman and Mayor Furey

NO: Councilmembers Ashcraft, Barnett and Rizzo

RESOLUTION NO. 2016-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DENYING WITHOUT PREJUDICE A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW FIRST AND SECOND STORY ADDITIONS TO AN EXISTING ONE-STORY SINGLE-FAMILY RESIDENCE ON PROPERTY LOCATED WITHIN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 423 CAMINO DE ENCANTO

MOTION: Councilmember Griffiths moved to adopt Resolution No. 2016-19. The motion was seconded by Councilmember Weideman and passed as reflected in the following vote:

YES: Councilmembers Goodrich, Griffiths, Weideman and Mayor Furey

NO: Councilmembers Ashcraft, Barnett and Rizzo

17. ORAL COMMUNICATIONS #2

Councilmember Goodrich reported that last week the board of the South Coast Air Quality Management District voted to replace its long-term Executive Director, who had served in this position for 19 years. With the concurrence of Council, he requested that a letter be sent by the Mayor on behalf of the City Council to the AQMD expressing the City of Torrance's request to expedite the hiring of an Executive Director who will carry out the mandate of the AQMD in ensuring the best air quality possible, noting that the SCAQMD has a critical role in the oversight of the Torrance refinery.

Councilmember Griffiths spoke.

Councilmember Rizzo spoke.

Councilmember Weideman spoke.

Councilmember Ashcraft, with the concurrence of Council, requested that staff bring forward an agenda item to discuss the Cable TV Commission's role and options to better utilize the cable TV facility.

Councilmember Ashcraft requested concurrence to place an item on the March 22 agenda to consider the removal of Patrick Furey, Jr. from the Traffic Commission due to the recent investigation and findings of the State of California Fair Political Practices Commission, and the Council failed to concur with this request.

Councilmember Barnett spoke.


18. EXECUTIVE SESSION

Considered earlier in the meeting, see page 1.

19. ADJOURNMENT

At 8:25 p.m., the meeting was adjourned to Tuesday, March 15, 2016 at 5:30 p.m. for an executive session, with the regular meeting commencing at 7:00 p.m. in the Council Chamber.

Attest:



Rebecca Poirier
City Clerk of the City of Torrance



Mayor of the City of Torrance

Approved on April 5, 2016