

July 27, 2004

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

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular meeting at 6:30 p.m. on July 27, 2004, in Council Chambers.

ROLL CALL

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

Absent: Councilmember Nowatka.

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

17. EXECUTIVE SESSION

The Council immediately recessed to closed session to confer with the City Manager and the City Attorney on the agenda matters listed under 17.a) Conference with Labor Negotiator and 17.b) Real Property – Conference with Real Property Negotiator pursuant to California Government Code Sections 54957.6 and 54956.8.

The City Council reconvened at 7:05 p.m.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Councilmember McIntyre.

The invocation was given by Councilmember Witkowsky.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember Scotto 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 a voice vote reflected unanimous approval (absent Councilmember Nowatka).

MOTION: Councilmember Scotto 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 a roll call vote reflected unanimous approval (absent Councilmember Nowatka).

4. WITHDRAWN OR DEFERRED ITEMS

City Manager Jackson indicated that Redevelopment Agency item 4b had been withdrawn and would be brought forward in two weeks time, and he noted that there was supplemental information available at the back of the auditorium.

5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS

Councilmember Scotto announced that the next Legislative Committee meeting would be Tuesday, August 24 at 4:30 p.m. in the Third Floor Assembly room to consider ballot measures on the November ballot.

Councilmember Witkowsky announced the next Community Planning and Design Committee meeting would be Monday, August 23 at 4:30 p.m. in the West Annex Commission room to discuss the Mills Act – Overlay District.

6. COMMUNITY MATTERS

6a. RESOLUTION NO. 2004-92 RE 50TH ANNIVERSARY OF THE UNITED STATES AIR FORCE SPACE AND MISSILE SYSTEMS CENTER

RESOLUTION NO. 2004-92

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE COMMENDING THE UNITED STATES AIR FORCE SPACE AND MISSILE SYSTEMS CENTER AS IT CELEBRATES ITS 50TH ANNIVERSARY.

MOTION: Councilmember Mauno moved to adopt Resolution No. 2004-92. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval (absent Councilmember Nowatka).

6b. RESOLUTION NO. 2004-93 RE ADELINA “ADDIE” S. BATONGMALAQUE

RESOLUTION NO. 2004-93

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE HONORING ADELINA “ADDIE” S. BATONGMALAQUE UPON HER RETIREMENT FROM THE CITY AFTER TWENTY-THREE YEARS OF SERVICE.

MOTION: Councilmember Mauno moved to adopt Resolution No. 2004-93. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval (absent Councilmember Nowatka).

7. CONSENT CALENDAR

7a. SYS TECHNOLOGY, INC. ANNUAL PURCHASE ORDER RE NEW AND REPLACEMENT PCS AND SOFTWARE

Recommendation

Recommendation of the **Information Technology Director** that City Council:

- 1) Appropriate \$359,098 from the City’s PC Replacement Fund;
- 2) Approve an annual purchase order to SYS Technology, Inc. for an amount not to exceed \$357,524 to purchase replacement PCs and new PCs; and
- 3) Approve the purchase of software for public PCs from various vendors not to exceed \$1,574.

7b. ANNUAL CLAIM RE TRANSPORTATION DEVELOPMENT ACT FUNDING

Recommendation

Recommendation of the **Transit Director** that City Council authorize the City Manager to execute and the Transit Department to submit the annual claim to the

Los Angeles County Metropolitan Transportation Authority (MTA) for \$4,191,763 in Transportation Development Act (TDA) funding and \$236,538 in State Transit Assistance (STA) funding for the Torrance Transit System in Fiscal Year 2004-2005.

7c. DELL COMPUTER CORPORATION PURCHASE ORDER RE ANNUAL REPLACEMENT OF PCS AND SOFTWARE

Recommendation

Recommendation of the **Information Technology Director** that City Council:

- 1) Appropriate \$220,468 from the PC Replacement Fund;
- 2) Approve a not to exceed amount of \$198,468 for an annual purchase order with Dell Computer Corporation for the purchase of new and replacement servers, PCs, laptop computers, and other related server/computer hardware;
- 3) Approve a not to exceed amount of \$22,000 for the purchase of server software; and
- 4) Approve a not to exceed amount of \$22,538 for an annual purchase order with Dell Computer Corporation for the purchase of ten new laptops for the Emergency Operations Center (EOC).

7d. EBSCO SUBSCRIPTION SERVICES OF LOS ANGELES RENEWAL PURCHASE ORDER RE TORRANCE LIBRARY SYSTEM ANNUAL REQUIREMENT OF PERIODICALS

Recommendation

Recommendation of the **City Librarian** that City Council authorize the renewal of a purchase order with EBSCO Subscription Services of Los Angeles for the purchase of the annual requirement of periodicals for the Torrance Library system for an anticipated amount not to exceed \$61,000 for calendar year 2005.

7e. APPROPRIATIONS RE RADIO COMMUNICATIONS SYSTEM REPLACEMENT

Recommendation

Recommendation of the **Police Chief** and the **Information Technology Director** that City Council:

- 1) Appropriate \$277,473.49 from the radio replacement fund and transfer it to Capital Project (FEAP #436) Radio Communications System Replacement;
- 2) Appropriate \$42,526.51 from the U.S. Treasury Unappropriated Asset Forfeiture account on behalf of the Police Department and transfer funds to Capital Project (FEAP #436) Radio Communications System Replacement; and
- 3) Appropriate the balance of \$176,490.47 from the Capital Improvement funds and transfer it to Capital Project (FEAP #436) Radio Communications System Replacement, and award to the purchase order to Advanced Electronics, Inc. of Gardena, CA, in the amount of \$496,490.47 for the purchase of replacement Police and Fire vehicle-mounted Motorola radios.

7f. MONTHLY INVESTMENT REPORT FOR JUNE 2004

Recommendation

Recommendation of the **City Treasurer** that the City Council accept and file the monthly investment report for the month of June 2004.

7g. **REJECTION OF BIDS FOR REPLACEMENT GENERATORS AND PROHIBITION OF BIDS FROM THOMAS ELECTRIC**

Recommendation

Recommendation of the **General Services Director** that City Council reject all bids for B2004-18, for replacement of generators located at Fire Station #5 (FEAP #8), West Annex (FEAP #48) and Civic Center Library (FEAP #53) and prohibit Thomas Electric from bidding the project in the future.

7h. **ALBERT GROVER & ASSOCIATES CONTRACT SERVICES AGREEMENT RE MEDIAN ISLAND IMPROVEMENTS**

Recommendation

Recommendation of the **Community Development Director** that City Council:

- 1) Approve a contract services agreement in the amount of \$32,400 with Albert Grover & Associates to perform construction inspection services for the Median Island Improvements for the Beautification of Hawthorne Boulevard from Pacific Coast Highway to Sepulveda Boulevard; and
- 2) Authorize the Mayor to execute and the City Clerk to attest to said agreement.

7i. **THIRD AMENDMENT TO CONTRACT SERVICES AGREEMENT RE WEST COAST ARBORISTS, INC.**

Recommendation

Recommendation of the **Acting Public Works Director** that City Council approve a third amendment to contract services agreement with West Coast Arborists, Inc.(WCA) of Anaheim, CA (C2000-195) for Fiscal Year 2004-2005 in the amount of \$25,000 increasing the total amount of the agreement to \$556,500.

MOTION: Councilmember McIntyre moved to approve items 7a through 7i as written. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval (absent Councilmember Nowatka).

Pat Furey of the Northwest Torrance Homeowners Association pointed out that the consent calendar had almost \$1.2 million in appropriations and more than \$4.4 million in claims.

9. **PLANNING AND ECONOMIC DEVELOPMENT**

9a. **DENIAL OF APPEAL AND AMENDMENT OF ENCROACHMENT AGREEMENT RE 918 ACACIA AVENUE**

Recommendation of the **Community Development Director** and the **Encroachment Review Committee** that City Council deny the appeal and amend the encroachment agreement, in part or in whole, to include a clause stating that the hedges and trees in the public right-of-way will not exceed four feet (4') in height with orders that should the Davises refuse to agree to the amendment within the next 60 days, the existing encroachment agreement is automatically revoked.

Mayor Walker verified that all Councilmembers had read all submitted materials.

Transportation Manager Semaan provided background on the item noting that staff had been working with the property owners but had been unsuccessful in helping resolve the matter between the two neighbors.

John Hachmeister, attorney for the Davises presented photographs and stated that the McIlvanes had moved in about two years ago and in addition to leaving pallets in the front yard, they removed all the window treatments. In an effort to gain some privacy as the McIlvanes living room window abuts the bedroom and bathroom of the Davises house, and to block their view of the pallets, the Davises applied for, and received a permit from the City in August 2002 to build a fence. The fence was built according to the permit, but after receiving a complaint from the McIlvanes, the City realized that they had issued a permit allowing a six foot fence in the easement when in fact, the municipal code only allows for a four foot fence. The fence was lowered to four feet in the easement and the McIlvanes filed an immediate appeal on the basis of safety as there was a concern that a person making a turn would not notice children running back and forth in the cul de sac. The Davises countered that the children routinely played in the street and safety was therefore not a primary concern of the McIlvanes.

Shortly thereafter, the Davises planted several proto carpus trees along the fence after receiving clarification from the Engineering department that although Municipal Code 92.1.3.1 indicates that hedges can not be planted on an easement, trees are acceptable. Mr. Hachmeister read the definition of a hedge, pointed out several locations in the surrounding neighborhood where hedges are planted in the easement and reported that the Encroachment Review Committee had determined that the Davises fence could remain at four feet.

Mr. Hachmeister indicated that the Davises were willing to thin the trees to make sure they did not create a hedge and assured the Council that they did not want a safety hazard. He pointed out that the Davises had complied with everything they had been asked to do and noted that the appeal had lain dormant in the City Engineering Department for almost a year. He reiterated that the Davises were appealing as they did not have a hedge and were not in violation of code.

Linda Gottshall-Sayed, Donora Avenue, asserted that she had planted proto carpus trees in her yard and, after time they grew tall and thick and formed a hedge.

Scott Harrison, Patronella, disagreed with Ms. Gottshall-Sayed noting that though proto carpus trees grow tall, they are not a full growing plant and he added that he had visited the Davis property on several occasions and witnessed children playing in the street.

Paul McIlvane indicated that their opposition to the plants was based on safety issues and he reported that the plantings were over 9 feet tall underneath a Magnolia tree which created a wall.

Mayor Walker related that he had visited the site and if it abutted a driveway on either side of the fence he would understand the safety issue but since it is a distance from the corner he failed to see the safety aspect involved.

Responding to a complaint from Mr. McIlvane that he was not able to see his children when they walked to the intersection, Mr. Walker suggested that he could walk

out of his house into the front yard to which Mr. McIlvane protested that he should not have to walk out of his house to keep an eye on his children.

Councilmember Witkowsky noted there were other homes in the area with high cypress trees in the easement and Community Development Director Gibson explained that the Davises had not been singled out but had approached Engineering and their request was evaluated. He added that the Engineering Department reacts on a complaint basis or if there is a specific safety condition and he explained that the installation of landscaping on their property would not have triggered any review.

Councilmember Witkowsky asserted that easement rules and regulations should be consistent and Community Development Director Gibson stated that the Council could direct the Department to review other homes in the area to see if they present a safety issue to the community if landscaping or fences are within the easement.

Councilmember McIntyre expressed concern that severe pruning might damage the plants and indicated that she would like to see a more amicable arrangement between the neighbors noting that the safety issue could be addressed by having the children use the sidewalk.

Councilmember Mauno verified that the fence was in compliance but the trees were not.

MOTION: Councilmember Scotto moved to close the public hearing. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval (absent Councilmember Nowatka).

MOTION: Councilmember Scotto moved to uphold the appeal. Councilmember Lieu seconded the motion and a roll call vote reflected the following: Councilmembers Scotto, Lieu, Mauno and Mayor Walker voting yes and Councilmembers McIntyre and Witkowsky voting no (absent Councilmember Nowatka).

Councilmember Scotto clarified that they had voted to uphold the Davises right to the trees at which point Councilmembers Witkowsky and McIntyre changed their votes to yes as they had misunderstood the motion.

Motion passed by unanimous approval (absent Councilmember Nowatka).

11. ADMINISTRATIVE MATTERS

11a. CONTINUED STATE OF LOCAL EMERGENCY FOR CAROLWOOD LANE AND SINGINGWOOD DRIVE

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 Witkowsky moved to continue the state of local emergency for Carolwood Lane and Singingwood Drive. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval (absent Councilmember Nowatka).

11b. RESOLUTION 2004-94 RE HIGH SHEAR CORPORATION LEASE

Recommendation of the **Land Management Team** that City Council:

- 1) Adopt a **Resolution** of the City Council of the City of Torrance determining certain city-owned property not required for city purposes and that leasing the property is in the public interest (Resolution); and
- 2) Authorize the Mayor to execute and the City Clerk to attest to a lease by and between the City of Torrance, a Municipal Corporation, as lessor, hereinafter referred to as the "City", and Hi-Shear Corporation, a Delaware corporation, as lessee, hereinafter referred to as "Lessee".

Land Management Chair Sunshine noted that the lease had been established in 1954 and a 30 day extension beyond expiration had been granted to work out details for a new lease. He indicated the item contained a surplus property resolution and an agreement to enter into a lease with a graduated rent structure allowing the tenant to grow into it over a 5 year period with further increases from there.

Nancy Clinton, 2785 Pacific Coast Highway, expressed concern with the water tank on the property noting that in 1997 when a new ILS was installed, the FAA stated that fencing interfered with the instrument landing system, and she asserted that the FAA should be consulted regarding changes in the area to glide slope including fencing.

Land Management Chair Sunshine explained that the water tank was being torn down as part of the proposed project and added that the memorandum of lease was recorded in an abbreviated form.

MOTION: Councilmember Scotto moved to accept the staff recommendation. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval (absent Councilmember Nowatka).

RESOLUTION NO. 2004-94

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DETERMINING CERTAIN CITY-OWNED PROPERTY NOT REQUIRED FOR CITY PURPOSES AND THAT LEASING THE PROPERTY IS IN THE PUBLIC INTEREST.

MOTION: Councilmember Mauno moved to adopt Resolution No. 2004-94. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval (absent Councilmember Nowatka).

11c. RESOLUTION NO. 2004-95 RE LDC SKYPARK LLC LEASE

Recommendation of the **Land Management Team** that City Council:

- 1) Adopt a **Resolution** of the City Council of the City of Torrance determining certain city-owned property not required for City purposes and that leasing the property is in the public interest (Resolution); and
- 2) Authorize the Mayor to execute and the City Clerk to attest to a lease by and between the City of Torrance, a Municipal Corporation, as lessor, hereinafter referred to as the "City", LDC Skypark LLC, a California limited liability company, as lessee, hereinafter referred to as "Lessee."

Land Management Chair Sunshine stated that this was a companion item and supplemental material was available. He added that the City wanted to develop the property on a retail basis with a term of 50 years. The first year has a lowered rent which

elevates in the second year to the market rate and he added that approving the lease did not preclude the proposed tenant from going through the planning process for other approvals.

John King, 2421 227th Street, expressed concern that the lease did not preclude negotiating for another use. Land Management Chair Sunshine explained that the current allowable use is for a retail tenant and in order to change to industrial or something else, the tenant would be required to amend the use, renegotiate and go through the normal planning process. City Manager Jackson reiterated that the tenant could ask for a change in land use but would have to go through the planning process for approval.

Mr. King questioned the intended use as he had heard it could be used for a truck terminal distribution point and was concerned with additional traffic in the City. Land Management Chair Sunshine indicated that information was incorrect and if a truck terminal wished to go on that site the tenant would have to come before the City Council and land use requirements would have to be changed. Mayor Walker noted that the term truck terminal had never been discussed and Mr. King clarified that he meant to say distribution center. He asked if there was a representative present to tell him what the intended use for the site was.

John Mastondrea, 2601 Airport Drive, Suite 300, a representative for the tenant explained that their intent was to develop the site as retail. He indicated that they had not looked at industrial distribution in any way, shape or form at this point.

MOTION: Councilmember Witkowsky moved to accept the staff recommendation. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval (absent Councilmember Nowatka).

RESOLUTION NO. 2004-95

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DETERMINING CERTAIN CITY-OWNED PROPERTY NOT REQUIRED FOR CITY PURPOSES AND THAT LEASING THE PROPERTY IS IN THE PUBLIC INTEREST.

MOTION: Councilmember Mauno moved to adopt Resolution No. 2004-95. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval (absent Councilmember Nowatka).

Land Management Chair Sunshine thanked the former CEO for the Hi Shear Corporation for his hard work in negotiating the agreement for item 11c.

11d. CARWELL, LLC LEASE AGREEMENT

Recommendation of the **Land Management Team** that City Council authorize the Mayor to execute and the City Clerk to attest to:

- An agreement for a lease (“Agreement”) by and between the City of Torrance, a California municipal corporation (“City”), and Carwell, LLC, a Delaware limited liability company (“Carwell”)
- A lease agreement (“Lease”) by and between the City of Torrance, a California municipal corporation (“City”), and Carwell, LLC, a Delaware limited liability company (“Lessee”); and
- A surface parking structure lease agreement (“Lease”) by and between the City of Torrance, a California municipal corporation (“City”), and Torrance Flite

Park, LLC, a California limited liability company ("Lessee") for the development of a ground level surface parking area and a multi-level parking structure in the air-rights area of Sub-Parcel 1 of Parcel 10 at Torrance Municipal Airport/Zamperini Field.

Land Management Chair Sunshine reported that in 1998 the City entered into the first lease with Flite Park but then discovered in order for them to expand they needed more ground space. Through the negotiating process Flite Park gave up some space and was given an allowance to construct a parking structure or the City could develop a structure, or it could return back to some other use by Flite Park. Those changes were incorporated into a new lease in April 2003.

Land Management Chair Sunshine indicated that lease was brought before the Airport Commission on April 8 in draft form where concerns were raised with the proposed non-aviation use, increased traffic on Zamperini Way, the rate charge for parcel, FAA approvals, and questions were raised as to whether alternate locations had been explored. Although the Airport Commission voted 5-0 to reject the lease (two absent) staff still recommends approval of the lease as it appears to be a win-win situation for the City by allowing for aeronautical use while also providing supplemental support parking for use and storage of vehicles for the Carwell Corporation.

In response to an inquiry from Mayor Walker, Land Management Chair Sunshine explained the agreement would result in the City receiving twice as much rent as they would have the parking structure only accommodated Flite Park.

David Ouwerkerk, Iris Avenue, reported that he had reviewed the matter on April 8 as an Airport Commissioner and the Commission unanimously recommended rejection of both leases on the basis of many issues including the fact that use of land for car dealership parking is not an aeronautical use for the very limited airport space. He pointed out that the proposed use was not consistent with the general plan and would impede further use, expressed concern about the impact on traffic of loading and unloading car carriers, and stated that there was no indication that private means were explored to address storage issues.

Mr. Ouwerkerk observed that the lease utilizes an old aeronautical rate that is low and the award process appeared non competitive as no one else had an opportunity to bid. He expressed concern that security issues with the parking structure overlooking the airport had not been addressed and pointed out that many other dealerships store their vehicles far away from their location. Mr. Ouwerkerk thanked Land Management Chair Sunshine and Building and Safety Director Isomoto for their openness in providing information.

Jim Gates, Via Pasqual, asserted that Torrance Airport is an irreplaceable transportation facility that links the City to the rest of the world and provides an important alternative to commercial airlines while generating valuable air traffic to area businesses and residents. He expressed frustration that many residents have waited 13 years and paid hundreds of dollars to be on the hangar waiting list, but instead of building desperately needed hangars, the City is considering giving space to the Carwell Corporation to house cars to sell to dealerships outside of Torrance. He stated that airport facilities can only be built at an airport but auto facilities can be built anywhere and he suggested other storage locations for Carwell to warehouse their cars. Mr. Gates felt

the lease was a nice deal for Carwell but not for the taxpayers noting that the City was giving them a low rate to warehouse cars, many of which will be sold outside of Torrance and the City will not receive sales tax for them.

Mr. Gates reiterated that the Torrance Airport Commission had voted unanimously against the proposal and noted that if the Airport Master Plan was not going to be adhered to perhaps it needed to be revised.

Nancy Clinton, 2785 Pacific Coast Highway, questioned whether a traffic study had been conducted and noted that the new Robinson Helicopter shipping and receiving would increase large truck traffic in the area as they will be shipping 15 helicopters per week. She expressed concern about car carrier traffic and asserted that when new fencing is added and the gate closed, there would be even more traffic. Ms. Clinton pointed out that there was no provision to include room for the large car carriers to park instead of parking in the middle of Airport Drive and she urged the Council not to sign the lease for the proposed parking structure.

Rick Pearce, 4212 Pacific Coast Highway, expressed interest in leasing the property for general aviation use at three times the rate paid by the Carwell Corporation.

Bill Applegate, Galva Avenue, reported that he was present on behalf of Torrance Flite Park and he had received a copy of the lease just this evening. He noted several editorial adjustments that needed to be made and pointed out that if the structure were not built they would still build a parking lot to support an aeronautical use and he felt that the City was creative to solve the car dealership problem while at the same time creating increased revenue for the City.

Mr. Applegate clarified that the \$1,000 per acre, per month rate is the minimum rent and the lease requires Torrance Flite Park to pay 9% to 13% of gross rents received. He also explained that during the three phases, Flite Park would be investing \$15 million dollars in constructing the project and at the end of the lease the City would be the recipient of the improvements that will be made to the property. Mr. Applegate reported that Flite Park had spent \$30,000 in legal fees to work out the agreements and expressed willingness to resolve any issues.

Councilmember Witkowsky received clarification that Flite Park was going to have a parking facility, and the City is adding two more levels to optimize the space and address the issue of the dealerships which have been parking cars along Airport Way. Mr. Applegate explained that they had modified the design slightly to accommodate the structure and there would be a parking lot on that site anyway with air rights being utilized by the City.

In response to security concerns raised by Councilmember Witkowsky, Land Management Chair Sunshine explained that the structure would not be open to the public but rather would be closed and gated to the second floor and open only during the operational hours of the dealership.

In response to an inquiry from Councilmember Witkowsky, Mr. Applegate pointed out that delivery of cars in the evening would be beneficial and decrease traffic. City Manager Jackson indicated that if there was access in the late evening hours the dealership would be in control and maintain security.

Land Management Chair Sunshine stated that Flite Park and Carwell were notified via email that the parking surface would be asphalt and the engineers support that and concrete will not be utilized. Mr. Applegate asserted that they had received no notification and expressed concern that asphalt would break down over time whereas concrete would make maintenance easier.

Responding to an inquiry from Councilmember McIntyre regarding traffic studies, Land Management Chair Sunshine reported that there were no traffic figures available but there would not be additional traffic as there are already vehicles being stored in the dirt area. The parking structure will be a trade off to relocate cars that are already on the local lot and moving them into the parking structure.

In response to an inquiry from Councilmember Lieu as to whether the Carwell lease was also done on a percentage rate basis, Land Management Chair Sunshine indicated they would be paying a flat rate.

John King, 2421 227th Street, expressed concerns with traffic and with the lack of provisions for loading and unloading and he inquired as to whether Torrance Flite Park received concessions when they gave away land to Robinson Helicopter. Land Management Chair Sunshine explained that there were no monetary exchange or lease extensions but the east parcel was split into two phases to ease them into tenancing and they were allowed to meet certain timelines.

Rick Pearce reiterated that he was serious about leasing the property for additional money.

Mayor Walker pointed out that there was a \$4 million structure being put on that site and additional revenue would be generated from sales taxes. He indicated that the City would be taking a parking lot and creating a valuable asset as well as additional revenue for the City while allowing the car dealership to remain on the site.

Mr. Pearce countered that the site could be used for general aviation use, not generate additional traffic, and would produce more revenue with that use than could be gained from sales tax.

Mayor Walker reiterated that the project was an opportunity to create additional revenue for the City as there would be a parking lot at the spot no matter what else happened, and this way, the City received more money. Mr. Pearce countered that the City was supporting cars rather than the airplanes. In response to an assertion from Mayor Walker that the car dealerships generate vast amounts of money from sales taxes, Mr. Pearce pointed out that the City only received revenue from cars sold in the City and he questioned where the value of the land lay.

City Manager Jackson clarified that the parking lot had been leased out and Flite Park had the right to develop it. He noted that Flite Park would be allowing the City to use the air above that land to allow for the construction by another party which would have a large capital investment in the City and mitigate a storage problem. The proposed parking structure would not take any additional property, would provide additional revenue and the use is consistent with the original use of the land which was going to be a parking lot.

In response to an inquiry from Mr. Pearce, Land Management Chair Sunshine clarified that the amended Flite Park Lease split the 2.4 acre lot, and the lease which was adopted in July of 2003 gave them the right to construct a multi-level parking structure.

Responding to Councilmember Lieu, Land Management Chair Sunshine estimated 150-175 cars per level could be stored in the structure.

Harrison Scott, Patronella, expressed concerns with security issues, traffic and the loading and unloading of vehicles.

Mayor Walker reiterated that the plan would put cars that were already at the airport in a parking structure.

Police Chief Herren responded to the repeated concerns about security noting all issues of airport security had been addressed with many hours of discussion and reviewing plans.

Don Ferrara, Via Ciega, expressed his frustration that airport property would be used to accommodate car dealers and asserted that not much revenue would be generated as many of the cars would be sold outside of the City.

Land Management Chair Sunshine indicated that there are no restrictions on the area so the FAA did not have the right to approve the use but had approved the plan for the building submitted by Carwell and the height of the building at 35 feet.

Mr. Ferrara questioned what guarantee airport users had that there wouldn't be another parking structure added later when they run out of room, asserting that he did not want to see airport property being used for other purposes. He questioned plans for a proposed restaurant and Land Management Chair Sunshine stated that was part of a different lease and had already been approved in 2003.

Responding to an inquiry from Councilmember Lieu, Land Management Chair Sunshine explained that the Flite Park lease required that parking be used only for aeronautical use.

Bill Tymczyszyn, Mesa Street, Torrance reported that when the Airport Commission was given a tour of Flite Park they were told that the area now being discussed was going to be used to build eight large executive hangars or for four hangars and a parking lot. He pointed out that the waiting list for hangars is very long and large hangars are in great demand as they support businesses in the City.

Mr. Tymczyszyn stated that airports were meant to have buffers around them for safety reasons in the event of an accident and noted that the airport was much larger in the 1960s and has since become smaller as land is used for different purposes like the proposed use before the Council today. He pointed out that the 1981 Airport Master Plan is still in effect and makes clear recommendations in the Skypark Triangle, he suggested an alternate location for parking the cars and he asserted that hangars should be built on the site of the proposed parking garage.

Connie Warner, Gramercy, Torrance encouraged staff to listen to the Airport Commission and come up with an alternate plan as the current proposal devalued Zamperini Field, an important asset to the City

Mayor Walker insisted that the Council and the City valued the airport and he noted that it took years to get Flite Park to come into the City for the related airport uses. He related that it had been a long hard fight to improve and expand the airport over the years and he felt it would continue to be a great facility but cautioned against confusing air rights issues for one site with anything approaching lack of concern for the entire site.

Newt Young, 22637 Hickory Avenue, urged rejection of the proposal asserting that the issue had become muddy and convoluted and he did not want to see a multilevel parking structure on airport property which is limited.

Responding to an inquiry from Jim Gates, Land Management Chair Sunshine explained that more cars would be available locally which could potentially increase sales and City Manager Jackson added that storage space would decrease in the future and could have a detrimental effect on revenue.

Councilmember Witkowsky expressed support for the airport and commented on the notion that the Council preferred money over the airport noting that the City required revenue to run the police and fire departments and to pay City staff. She was pleased that the Founders found a harmonious way to bring benefits from the airport and thought about areas around the airport and what could generate revenue by placing commercial businesses along Pacific Coast Highway which have turned out to be the highest income producers for the City.

Councilmember Witkowsky expressed support for the project and pointed out that Torrance has one of the biggest malls in the nation, much car revenue and a large amount of revenue generated by Robinson Helicopter which manufactures helicopters. She stated that she had to consider what was best for the whole of Torrance, as the land would be a parking lot anyway and the proposed structure would solve a problem and provide additional money to the City.

Land Management Chair Sunshine reported that airport security had been enhanced and the structure would not have access to the airport. He noted that with regard to the issue of asphalt vs. concrete, the surface had been originally proposed as concrete but that was changed and the proposed tenants were notified via email and red-lined drafts that it had been changed to asphalt.

Land Management Chair Sunshine, in response to an inquiry from Councilmember Lieu indicated that representatives from Carwell were present.

Councilmember Mauno received clarification from Land Management Chair Sunshine that there were no issues that would prevent Flite Park from pouring a concrete surface other than the issue of who would incur the additional costs.

Councilmember Lieu concluded that the project was a bad idea and agreed with the Airport Commission and residents. From an economic standpoint he did not think it was a good idea as Carwell would invest \$4 million and if they sold that they would make \$2 million and would have more than made up their capital investment and after that would pay a very low rate. He did not fault staff for negotiating the lease but felt that the Council had underestimated the work of the project and the lease rate should be higher.

Land Management Chair Sunshine clarified that the lease with Carwell contained a base rent and a percentage, so some profits would be received. He noted that last year's gross profit was in the \$250,000 range.

Councilmember Mauno observed that it was a complex deal and hard for everyone to understand, but he felt it was worthy and a creative deal. He suggested continuing the item to enable Land Management Chair Sunshine to meet with the public and further explain the process and why it is a deal worthy of considerations.

Councilmember Scotto observed that they were dwelling on the fact that the City would get more money but cars will sell no matter where they are stored and he expressed concern that the Airport Commission had voted against the item.

Councilmember McIntyre noted that most of the Airport Commissioners are licensed pilots and she trusts their judgment as they are conversant with situations at the airport. She felt there were many questions that needed answering and indicated that if there were not time constraints, she would like to see the issue revisited as the structure would not be used for aeronautical use.

In response to an inquiry from Mayor Walker, Land Management Chair Sunshine explained that the lease had some tight deadlines in it and if it did not go forward tonight all timelines in the lease would have to be renegotiated.

Mr. Applegate indicated that Flite Park had cooperated with the City to move the project forward with Phase 1 completed and Phase 2 delayed one year because of this project. Any extended delay would be injurious to them and they have been trying to give the people at the airport what they want but there will be a parking lot one way or the other.

City Manager Jackson stated that the Council could continue the item to a specific date if they want more clarification on security, traffic and access issues or an answer to the question of the surface of the bottom level of the parking structure. He indicated that if the matter is to be postponed to consider the issue of whether a parking structure should be at the location, it has to be, so there is no point in postponing the matter.

Mayor Walker cited concerns as to impacts of the uses and City Manger Jackson suggested returning in 30 days with an analysis of traffic, access and security issues. Mayor Walker asserted that Flite Park had the right to put a parking structure on the spot and the current proposal is a win-win solution for use of the land for the City's purposes and he felt that questions of security could be answered within 60 days.

MOTION: Councilmember McIntyre moved to postpone the matter. Councilmember Witkowsky seconded the motion.

SUBSTITUTE MOTION: Councilmember Lieu moved to deny the lease. Councilmember Scotto seconded the motion and the discussion continued.

Councilmember Mauno did not want to see the project delayed and asserted that if the project were denied Flite Park had the right to develop the land for a parking lot anyway.

Mayor Walker supported the substitute motion as he the felt the matter had been negotiated as far as it could be.

A roll call vote on the substitute motion was taken with Councilmembers Lieu, McIntyre, Scotto, Witkowsky and Mayor Walker voting yes and Councilmember Mauno voting no. Motion carried (absent Councilmember Nowatka.)

Mayor Walker called a brief recess from 9:27 p.m. to 9:51 p.m.

11e. RESOLUTION NO. 2004-96 RE AREA G EXECUTIVE DIRECTOR PAY MODIFICATION

Recommendation of the **City Manager** that City Council adopt an amended pay **Resolution** modifying the pay for Area G Executive Director, increasing the pay by a total of 3.5%. This is per the instruction of the Area G Governing Board. (This is a 1.18% increase over the prior increase, which was 2.32%, for a total of 3.5%.)

MOTION: Councilmember Witkowsky moved to accept the staff recommendation. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval (absent Councilmember Nowatka).

RESOLUTION NO. 2004-96

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION 2004-82 SETTING FORTH CHANGES REGARDING THE HOURS, WAGES AND WORKING CONDITIONS FOR CERTAIN FULL TIME SALARIED AND HOURLY EMPLOYEES.

MOTION: Councilmember Mauno moved to adopt Resolution No. 2004-96. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval (absent Councilmember Nowatka).

12. PUBLIC HEARINGS

12a. RESOLUTION NOS. 2004-97 - 100 RE FOURTEEN UNIT TOWNHOUSE AT 6226 PACIFIC COAST HIGHWAY

Recommendation of the **Planning Commission** that City Council deny the appeal, adopt a Negative Declaration (EAS03-00015), and adopt **Resolutions** approving as conditioned a Conditional Use Permit (CUP03-00053), a Precise Plan of Development (PRE03-00038), a Tentative Tract (TTM60807) and a Waiver of the maximum height (WAV03-00024), to allow the construction of a fourteen-unit townhouse project on property located in the Hillside Overlay District, in the R-3 zone at 6226 Pacific Coast Highway.

The **Community Development Director** recommends approval of the project and the above noted entitlements with a total of sixteen units as requested in the original application.

EAS03-00015, CUP03-00053, PRE03-00038, TTM60807, WAV03-00024: RIVIERA COLONY, LLC (DOUG MAUPIN) – RESOLUTIONS

Mr. Maupin asked for an additional four weeks to review their design and see if they can bring it closer into compliance with the R-3 Floor to Area Ratio (FAR). Mayor Walker indicated that he had just received a report from the League of Women Voters

which suggested taking a closer look at the FAR that the zones provide and he felt it would be a wise decision.

In response to an inquiry from Councilmember Lieu, Planning Manager Isomoto explained that the project is in the Hillside Overlay District where there is an additional level of scrutiny built into the process. Councilmember Lieu noted that the Planning Commission had approved projects with FARs as high as .74 and .75 and he commented that it was clear there was confusion about the FAR. He felt the Torrance code needed to be clarified so everyone could be clear on what the standards are and when they need to be deviated from.

Councilmember Lieu commented that one month ago Councilmember Scotto asked staff to look into legal risks of imposing housing moratorium on Torrance and Councilmember Lieu asserted there was enough of a basis to move forward on the moratorium. He indicated that he would propose it for next month and, as it could affect the applicant, he felt this should be the last project to come before the Council before considering a moratorium.

Councilmember Scotto expressed concern with the fact that the Planning Commission had approved 14 units and the applicant had come back with 16, and Planning Manager Isomoto explained that the original proposal requested 16 units but Planning Commission had only approved 14. The applicant indicated at the commission meeting that he would accept 14 units but the paperwork still indicated 16 units as that was the original proposal.

MOTION: Councilmember Witkowsky moved to continue the item to August 24, 2004. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval (absent Councilmember Nowatka).

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The Torrance Redevelopment Agency met from 10:01 p.m. to 10:03 p.m.

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16. ORAL COMMUNICATIONS

16a. Police Chief Herren announced each year Torrance joined together to make a statement against crime in the neighborhoods with National Night Out Against Crime. Strong partnerships between the City, police and neighborhoods are fostered with 20 different venues in the City, and Neighborhood Watch Block Captains invite neighbors over to build strong relationships and improve the quality of life. He encouraged everyone to attend in their neighborhoods on Tuesday, August 3 and he indicated that Christine Kiesling could provide additional information at 618-6392.

16b. Mayor Walker stated that last week he had been caught off guard with a recall petition and was surprised by the inaccuracy of the grounds of the recall. He provided an overview of the growth taking place in Southern California in the past several years noting that since 1971 the population had grown by 3 million residents but the population of Torrance had grown far less than in surrounding cities. He asserted that the vast majority of the 500,000 cars per day in the Torrance come from outside the community as people pass through the City or come to shop or work which has far more of an

impact on traffic than the 962 units or 22 development cases that have been approved since he took office.

Mayor Walker provided a brief summary of those development cases pointing out that of the 22 projects, seven required no Council review, nine had unanimous approval, and six projects had some no votes. The end result is that he voted for the second lowest number of housing units among his colleagues with Councilman Mauno voting for the lowest number.

Mayor Walker reported that Torrance Police and Firefighters did not support the recall petition and he asserted that the recall is based on false statements and would waste \$125,000 taxpayer dollars.

Mayor Walker indicated that he had traveled to Virginia to get the Mills Corporation to withdraw the application for 917 units, killed the Fairfield Apartment project in Southwood, voted for the second lowest number of residential housing units in the City, has been a deciding vote to ban tattoo parlors in Torrance, and has voted for more improvements to streets than any Councilmember in the last 25 years. He theorized that his work with the Mills Corporation on the Del Amo project to get the best remodeling possible had confused people as to his position on the housing units they were proposing.

16c. Councilmember Lieu reviewed past meeting minutes and pointed out that the overwhelming majority of development items had little to no opposition and he observed that no one was challenged as there was no election in the City of Torrance in March. He noted that the Mills Corporation had introduced their application, but Torrance residents don't want anymore housing in the City and he stated that he was prepared to honor the request.

Councilmember Lieu expressed support for a housing moratorium to take time to clarify FAR requirements which are unclear and he observed that the development item before the Council tonight might have been approved with a FAR that was too high if it had not been appealed.

Councilmember Lieu asserted that it did not make sense to have more developments approved before the traffic study was completed and he requested, with the concurrence of Council, that the issue of the moratorium be on the agenda for August 24. Hearing no objections, Mayor Walker ordered the item to be brought forth.

City Manager Jackson suggested that an urgency measure be brought forward and the Council discussed the feasibility of declaring any development cases over 10 units to be affected by the moratorium from tomorrow onward. City Manager Jackson agreed to research the matter and bring forth information as soon as possible.

16d. Councilmember McIntyre presented highlights of a report prepared by the Torrance League of Women Voters noting that the report researched Planning and Development issues in Torrance with interviews of the Planning Commission, the City Council and City staff. The report made the following important points: since 2002 the City has approved 24 multiple family residential units resulting in 1011 units with 300 units for seniors; the projects required a total of 9 general plan amendments, 10 zone changes, 7 variances and 24 waivers; 60% of the R-3 units have exceeded the FAR;

environmental assessments were based on the Environmental Impact Report (EIR) which accompanied the 1992 General Plan and rarely were full EIRs required. The League made several recommendations noting that an updated General Plan is urgently needed, particular attention should be paid to land use and circulation, environmental assessments should be looked at individually and cumulatively to see if a full EIR should be required for the individual project, and FARs should not be open ended but clearly defined. She urged everyone to read the short and informative report if they are concerned with development issues in Torrance.

16e. Mayor Walker commented that the interview with him was one of the nicest he had had on the subject in a long time.

16f. Councilmember Mauno attended the dedication of the remodeled third floor of the Katy Geissert Civic Center Library and he thanked City Librarian Buckley and staff.

16g. Councilmember Mauno reported that a bird had recently tested positive for West Nile virus and he encouraged residents to protect themselves by draining any standing water as it is a breeding ground for mosquitoes, installing screens to deny mosquitoes entry to houses, and wearing insect repellent with DEET and long tight fitting sleeves during dawn and dusk hours as that is when the mosquitoes are around.

16h. Councilmember Scotto expressed excitement that the moratorium issue is coming forward.

16i. Councilmember Scotto complimented the renovation of the third floor of the Katy Geissert Civic Center Library.

16j Councilmember Scotto congratulated the Friends of the Madrona Marsh upon receiving the Champion Award presented by Senator Barbara Boxer.

16k. Councilmember Scotto announced the birth of his grandson, Oliver Thomas Scotto on July 22. Oliver was born weighing 8 lbs., 10 oz., and measuring 21 inches long.

16l. Councilmember Witkowsky congratulated the Friends of the Madrona Marsh noting that work on the Marsh began in 1970.

16m. Councilmember Witkowsky announced productions of Shakespeare in the Gazebo at Wilson Park beginning Friday, August 30.

16n. Councilmember Witkowsky announced that there were cutting edge services available at the Katy Geissert Civic Center Library for people with mobility problems, vision problems and anyone needing extra assistance and she encouraged calling (310) 618-5959 for additional information. She added that electric scooters were available as well as a program called Words on Wheels where volunteers bring large print books to senior shut-ins.

16o. Mayor Walker clarified a discrepancy between figures cited by him and Councilmember McIntyre noting that there were two units considered before he became Mayor.

16p. David Henseler, 3210 Singingwood Drive, applauded Councilmembers Lieu and Scotto for supporting a moratorium and asked that there be no general plan amendments, zoning changes, variances or waivers granted to the nine units and under projects that come before them during the moratorium.

16q. Newt Young, 22637 Hickory Avenue, asked the Council to enact a resolution to oppose the recently enacted half cent sales tax initiative by the Los Angeles County Board of Supervisors. Mayor Walker agreed with Mr. Young and City Manager Jackson invited him to attend the next meeting of the Legislative Committee on August 24 at 4:30 p.m. where the initiative will be examined and information will be brought back to the Council that night.

16r. Bonnie Mae Barnard, 2028 Gramercy Place, thanked the Council for attending the Save Historical Torrance birthday party and she noted that historical preservation had not been included in the General Plan. She encouraged everyone to read the report created by the League of Women Voters for the City of Torrance.

17. **EXECUTIVE SESSION**

Considered earlier in the meeting.

18. **ADJOURNMENT**

At 10:45 p.m., the meeting was adjourned to Tuesday, August 3, 2004 at 6:00 p.m., for an executive session, with the regular meeting commencing at 7:00 p.m. in Council Chambers.

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 September 14, 2004