

March 26, 2002

**MINUTES OF A REGULAR MEETING
OF THE TORRANCE CITY COUNCIL**

1. CALL TO ORDER

The Torrance City Council convened in a regular meeting at 6:02 p.m. on Tuesday, March 26, 2002, in Council Chambers.

ROLL CALL

Present: Councilmembers Cribbs, Messerlian, Nowatka, Scotto, Walker, Witkowsky and Mayor Hardison.

Absent: None.

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

16. 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 16.a) Conference with Legal Counsel – Existing Litigation; and 16.b) Public Employee Evaluation – City Manager pursuant to California Government Code Sections 54956.9 [a] and 54957.

The Council reconvened at 7:12 p.m.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Councilmember Witkowsky.

The invocation was given by Pastor Miller, Hope Chapel Community.

3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING

MOTION: Councilmember Cribbs 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 Nowatka and a voice vote reflected unanimous approval.

MOTION: Councilmember Cribbs 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 Nowatka and a roll call vote reflected unanimous approval.

4. **WITHDRAWN OR DEFERRED ITEMS**

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

None.

6. **COMMUNITY MATTERS**

6a. **REBATE CHECK RE LED PROGRAM**

Scott Gobble, Region Manager and Rick Raskin, Account Representative, for Southern California Edison presented a rebate check by Southern California Edison to Street Services Director Bell and Traffic and Lighting Supervisor Walter in the amount of \$61,048.02 for the LED (Light Emitting Diodes) rebate program for the conversion of the City's traffic signals.

Mr. Gobble commended the City for taking a leadership role and not only addressing the Governor's challenge of reducing electricity by 20% but surpassing it. Mr. Raskin commended Street Services Director Bell and Traffic and Lighting Supervisor Walter for completing the installation of the LED traffic signals within the guidelines of the program. He reported a savings of over 575,000 kilowatt hours annually at 14 cents each in addition to the rebate noting that the LEDs were easier to see and safer with less maintenance required than the old incandescent lamps and he acknowledged the City's contribution to the state of California by reducing the possibility of outages in the summer due to shortages in electricity.

Street Services Director Bell thanked Southern California Edison, Mr. Gobble and Mr. Raskin for helping them through the project and noted that the rebate would be used to install additional LEDs in the City. He reported that Traffic and Lighting Supervisor Walters and his electricians were behind putting the program together and had installed the LEDs over the course of three months.

Councilmember Nowatka reported that he had represented Mayor Hardison at the California State Kendo Championships at Wilson Park and was asked to present a plaque to her for her support over the years. Councilmember Nowatka presented the plaque and Mayor Hardison thanked Councilmember Nowatka and the Kendo Foundation.

Mayor Hardison commented that the rubber ducks on the dais had been supplied for outgoing councilmembers by former Councilmember Lee to designate their lame duck status.

7. **CONSENT CALENDAR**

7a. **MINUTES OF JANUARY 8, 2002 AND FEBRUARY 5, 2002**

Recommendation

Approval of minutes of January 8, 2002 and February 5, 2002.

7b. **PROFESSIONAL SERVICES AGREEMENT RE BORTHWICK, GUY, BETTENHAUSEN, INC.**

Recommendation

Recommendation of the Engineering Director that City Council:

- 1) Approve a Professional Services Agreement with Borthwick, Guy, Bettenhausen, Inc., for the preparation of plans and specifications for drainage improvement, grading and landscape design services for Walteria Reservoir Landscaping and Drainage Improvements, CIP No. A-21, in the amount of \$72,865;
- 2) Authorize the Mayor to execute and the City Clerk to attest to the Agreement on behalf of the City; and
- 3) Appropriate \$445,000 from the Water Enterprise Fund for Walteria Reservoir Landscaping and Drainage Improvements, CIP No. A-21.

7c. MONTHLY INVESTMENT REPORT FOR FEBRUARY 2002

Recommendation

Recommendation of the City Treasurer that City Council accept and file the monthly investment report for the month of February 2002.

7d. PURCHASE ORDER RE MAITA CHEVROLET OF ELK GROVE, CA

Recommendation

Recommendation of the General Services Director that City Council:

- 1) Authorize a purchase order totaling \$127,367.31 for the purchase of seven (7) Chevrolet Impala sedans to Maita Chevrolet of Elk Grove, California, as a cooperative purchase with the State of California; and
- 2) Authorize payment of \$1,176.28 to the State of California for use of their contracts.

7e. PURCHASE ORDER RE LASHER AUTO CENTER OF SACRAMENTO, CA

Recommendation

Recommendation of the General Services Director that City Council:

- 1) Authorize a purchase order totaling \$86,685.51 for the purchase of two (2) Dodge Ram B2500 8 passenger vans and three (3) Dodge Dakota extended cabs to Lasher Auto Center of Sacramento, California, as a cooperative purchase with the State of California; and
- 2) Authorize payment of \$866.85 to the State of California for use of their contracts.

7f. POLICE DEPARTMENT COMPUTER REPLACEMENT FUND APPROPRIATION

Recommendation

Recommendation of the Chief of Police that City Council appropriate \$40,000 from the Police Department's Computer Replacement Fund and authorize a purchase order be issued for an anticipated amount not-to-exceed \$40,000 for the purchase of new and replacement personal computers through June 30, 2002, to SYS Technologies, Inc. of Cypress, CA.

7g. TORRANCE PUBLIC LIBRARY DONATIONS FROM HOLLYWOOD RIVIERA SPORTSMAN'S CLUB AND QWEST/BUCK SCIENTIFIC WEST

Recommendation

Recommendation of the City Librarian that City Council accept and appropriate two donations recently made to the Torrance Public Library:

- 1) \$262 from the Hollywood Riviera Sportsman's Club designated for the Walteria Branch to purchase a literature rack; and
- 2) \$100 from Qwest/BUCK Scientific West designated for the El Retiro Branch, which will augment previous donations to the branch set aside to purchase a multimedia rack.

7h. SOUTHERN CALIFORNIA EDISON LED REIMBURSEMENT PROGRAM AND PURCHASE ORDER RE DIALIGHT CORPORATION OF MANAQUAN, NEW JERSEY

Recommendation

Recommendation of the Street Services Director that City Council:

- 1) Appropriate \$61,048.02 received from the Southern California Edison Light Emitting Diode (LED) Reimbursement Program for the purchase of additional LEDs; and
- 2) Authorize a purchase order to be issued to Dialight Corporation of Manaquan, New Jersey, in the amount of \$61,048.02 for the purchase of LED traffic signal modules for various signalized intersections within the City.

7i. CONTRACT SERVICES AGREEMENT RE ROADWORKS, INC.

Recommendation

Recommendation of the Street Services Director that City Council take the following actions:

- 1) Approve a Contract Services Agreement in the amount of \$25,000 with Roadworks, Inc. for on-call asphalt crack sealing; and
- 2) Authorize the Mayor to execute and the City Clerk to attest to said Agreement.

7j. CHANGE ORDER RE PUBLIC WORKS AGREEMENT C2001-068

Recommendation

Recommendation of the Engineering Director that City Council:

- 1) Approve a Change Order in the amount of \$237,020 to Public Works Agreement C2001-068 with Engineered Plumbing, Inc. in conjunction with the Madison Street/Newton Street Pavement Rehabilitation and Water Main Replacements 1999-2000;
- 2) Authorize the City Engineer to execute said Change Order;
- 3) Eliminate Camino del Campo from the Residential Streets Rehabilitation Program, I-5 as a street in the Fiscal Year 2002-2003; and
- 4) Appropriate Water funds in the amount of \$61,800 to the Residential Streets Rehabilitation Program, 1-5.

7k. INCREASED SECURITY MEASURES AT ZAMPERINI FIELD

Recommendation

Recommendation of the Airport Commission and the City's Emergency Preparedness Team (E-PREP) that City Council approve increased security measures at Zamperini Field Airport addressing lighting, fencing, access points, signage, and improved apron visibility.

7l. CONSULTING SERVICES AGREEMENT RE DAVID TAUSSIG & ASSOCIATES, INC.

Recommendation

Recommendation of the Planning Director that City Council approve the expenditure not to exceed \$55,000 and execute a Consulting Services Agreement with David Taussig & Associates, Inc., to prepare and administer the Street Lighting Assessment District (LD 2002-03).

7m. MAX COMMUTER BUS SERVICE PROGRAM PARTICIPATION

Recommendation

Recommendation of the Transit Director that City Council authorize the Mayor to execute and the City Clerk to attest to an Agreement for participation in the Municipal Area Express (MAX) Commuter Bus Service program with a term of July 1, 2002 through June 30, 2005.

7n. LOS ANGELES CONSERVATION CORPS CONTRACT

Recommendation

Recommendation of the Street Services Director that City Council approve a contract with the Los Angeles Conservation Corps. to provide operation and maintenance of the City's parks and special event recycling program for an amount not-to-exceed \$25,000.

7o. TOYOTA CONSTRUCTION TAX APPROPRIATION

Recommendation

Recommendation of the City Manager that City Council:

- 1) Authorize the Mayor to execute and the City Clerk to attest to an Agreement by and between the City of Torrance and Toyota Motor Sales, U.S.A., Inc. to assist in the cost of the construction of the drainage and sewer system associated with their expansion in the amount of \$500,000; and
- 2) Appropriate \$500,000 from the construction tax collected from Toyota into the General Fund Economic Development Program to fund the Agreement.

7p. CONTRACT SERVICES AGREEMENT RE CENTRAL COAST SURFACE GRINDING

Recommendation

Recommendation of the Street Services Director that City Council:

- 1) Accept the bid and award a standard Contract Services Agreement approved as to form by the City Attorney, to Central Coast Surface Grinding in the amount of \$190,524 for Phase V of the Sidewalk Ramping and Grinding Project (B2002-08);
- 2) Authorize a 5% contingency for this Agreement in the amount of \$9,526.20;
- 3) Authorize the Mayor to execute and the City Clerk to attest to said Agreement; and
- 4) Approve an appropriation of \$250,000 from Gas Tax funds for the Citywide Sidewalk Ramping and Grinding Project (I-5).

MOTION: Councilmember Witkowsky moved to approve Consent Calendar items 7a through 7p as written. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

8. COMMUNITY SERVICES

8a. AGREEMENT RE RIGHT WAY COMPUTER TRAINING

Recommendation of the Workforce Investment Network Board and the Human Resources Director that City Council execute an Agreement for employment and training services with Right Way Computer Training Center for \$300,000.

MOTION: Councilmember Witkowsky moved to concur with the staff recommendation to execute an agreement for employment and training services with Right Way Computer Training Center for \$300,000. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

8b. MCMASTER PARK REDEVELOPMENT

Recommendation of the City Librarian and Parks and Recreation Director that City Council:

- 1) Approve the McMaster Park Site Plan in concept;
- 2) Authorize staff to develop a funding strategy for the McMaster Park redevelopment; and
- 3) Authorize staff to proceed with application for Proposition 14 Bond Act grant funds for the construction of a new North Torrance Branch Library and Park Multipurpose Building.

Library Services Manager Weiner reported that the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 (Proposition 14) passed in March 2000 which provided \$350 million in competitive funds to jurisdictions that were able to produce a 35% match for innovative building projects. The North Torrance Branch Library was targeted for expansion, and a needs assessment indicated strong community support for a renovation and a larger building space. The Parks and Recreation Department had been looking at improving McMaster Park with enhancing seniors services being a particular department goal and the Police Department indicated a desire to establish a community center in the park. Library, Police and Parks and Recreation staff met with architects to discuss the park as a whole and formulate a conceptual site plan.

Recreation Services Administrator Jones presented slides outlining major features of the project and noted that they were proposing three phases over four years: Phase One would include construction of a new North Torrance library and multipurpose building as well as a new parking lot and deceleration lane off Artesia Boulevard; Phase Two would include removal of the existing parking lot, establishment of a new police center, senior center and preschool; Phase Three would include replacement of the existing water tank and well, upgrade to the pump, and construction of a new basketball court, tot lot, picnic facilities, walkways and landscaping.

Recreation Services Administrator Jones stated that the proposed project would provide North Torrance residents with state of the art facilities and improve Artesia Boulevard and he noted that approval of the McMaster Park Site Plan concept would not commit the City to the development of the project or estimated expenditures, but rather would allow the preparation of grant documents and the search for funding. He stated

that staff would return with information on the development of a funding strategy for the overall project and library staff would bring a resolution forward authorizing submittal for the grant and requesting matching funds for the library grant.

In response to an inquiry from Councilmember Witkowsky, Engineering Director Burt indicated that the water tanks could be placed underground to provide more space, but it would be more expensive to relocate and cost more to operate. Councilmember Witkowsky explained that she would like to see space for the tot area increased and asked Engineering Director Burt to bring back information on the difference in cost to leave the tank above ground or place it below.

City Manager Jackson stated that moving the tanks would use an underutilized area and free park space that was not previously available.

Councilmember Cribbs commented on parking configurations and indicated that she would like to see access off of Yukon. She questioned whether 8000 square feet would be sufficient for the library and Library Services Manager Weiner reported that 2000 square feet would be shared with the park and used for programming and space was included in the design for a possible expansion northward into the parking lot.

City Manager Jackson pointed out that a center median would be going in on Artesia Boulevard so cross access would not be allowed at that location.

Mayor Hardison noted that the State Library Bond was key and the concept site plan would provide a starting point to begin from. Parks and Recreation Director Barnett indicated that Parks and Recreation funds are available as a result of the passage of Proposition 40 and staff would pursue opportunities to file for senior citizens grant funds as appropriate. He added that pending approval of the library grant, staff would come up with realistic strategies for funding the first phase which is projected to cost \$6 million. Library Services Manager Weiner indicated that some of the \$394,000 put aside for the project had been used in preplanning but would be reimbursed by the grant.

Mayor Hardison observed that it appeared time between the phases could be extended to search for funding.

Councilmember Scotto received confirmation from Police Chief Herren that McMaster Park was the preferred site for a Police Community Center as it would provide a greater outreach by being in the center of a dynamic city service group.

Councilmember Messerlian suggested aggressively pursuing the grant as the multi-purpose facility would serve several segments of the population and he supported doing everything possible to accelerate the project as it could be the crowning achievement of the Artesia corridor.

MOTION: Councilmember Messerlian moved to approve the McMaster Park Site Plan in concept; authorize staff to develop a funding strategy and proceed with application for Proposition 14 Bond Act grant funds for the construction of a new North Torrance Branch Library and Park Multipurpose Building. Councilmember Cribbs seconded the motion and a roll call vote reflected unanimous approval.

11. ADMINISTRATIVE MATTERS

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

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

Planning Manager Isomoto reported that there had been no changes on the hillside in the past month and staff would continue monitoring it.

MOTION: Councilmember Scotto moved to continue the state of local emergency, proclaimed March 2, 2001 for properties located on Carolwood Drive and Singingwood Drive. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

11b. RESOLUTION NO. 2002-28 RE COUNCIL RULES OF ORDER

Recommendation of the City Attorney that City Council approve Resolution 2002-28 amending Section 8.2 of the Council Rules of Order with respect to suspension of the rules

Mayor Hardison noted that there had been a suggested substitute motion amendment and Councilmember Walker indicated that the purpose of his suggestion was to allow the three experienced Councilmembers to serve as Mayor Pro Tem after the transition prior to the new Councilmembers having a chance, adding that it was an action that had been taken in the past.

Assistant City Attorney Pohl had suggested more focused changes noting that almost all rules could be suspended by a 2/3 vote of the Council (five votes). He indicated that the resolution submitted by the City Attorney would not change those rules but would authorize the Council at a future time to suspend the rules and would remove chapters 9 and 10 from those that are excluded from being changed by a 2/3 vote.

Councilmember Messerlian commented that it was an innocuous resolution as any Council now or in the future can amend its rules of order by a 2/3 vote and felt that it was presumptive to tell the next Council how to reorganize.

Mayor Hardison observed that the Council took the same action two years ago and received clarification from Assistant City Manager Pohl that the substitute motion, if adopted, would become Council rule of order 8.2 and would not substantively change anything. Assistant City Attorney Pohl added that the Council could suspend the rules for Section 10.1 by a 2/3 vote at a future date if so desired.

RESOLUTION NO. 2002-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 8.2 OF THE COUNCIL RULES OF ORDER RELATING TO SUSPENSION OF THE RULES AS AMENDED.

MOTION: Councilmember Walker moved to adopt Resolution No. 2002-28 as amended. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

Assistant City Attorney Pohl noted that the amendment with the underlining would be appropriate and Mayor Hardison noted that the substitute motion became the amendment to the resolution.

City Clerk Herbers read the amendment: "Changing section 8.2, Suspension of Rules, to read "any provision of this chapter except the provisions 1.1, Article 9 and sections 10.2 and 10.3 of Article 10 may be suspended by a 2/3 vote of the members present."

MOTION: Councilmember Messerlian moved to adopt Resolution 2002-28 as amended. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

11c. ORDINANCE NO. 3513 RE SENIOR CITIZEN'S DISCOUNT FOR UUT

Recommendation of the Finance and Governmental Operations Committee that City Council concur with the following:

- 1) Accept and file the Financial Report for mid year 2001-2002;
- 2) Accept and file the City Treasurer's Investment Report;
- 3) Approve the following department program modifications for the City Manager, Communications and Information Technology, Engineering, Finance, General Services, Police, and Streets; and
- 4) Adopt an Ordinance amending Section 225.1.17 and Section 225.1.19 of the Torrance Municipal Code.

Councilmember Messerlian reported that the Finance and Governmental Operations Committee had met on March 19 to review the mid-year budget and consider modifications by the City Manager.

Finance Director Tsao stated that results were as expected with revenues and expenditures but certain things would affect year-end revenues. The utility users rebate was authorized for December and January and rebated, but the City has not yet received final receipts from Southern California Edison for those rebates and the Utility User's Tax (UUT) revenue is expected to decline by \$1.2 million. Final accounting should be available by early April and staff will return to the Council with that information.

Finance Director Tsao reported that sales tax receipts had been affected by the stalling economy and final numbers for October through December would be available in April. He expressed hope that car sales would partially offset the sluggish retail sector noting that it is expected that receipts would be above last year's level but would fall short of this year's budget predictions.

The events of September 11 devastated the travel industry which directly affected the City's hotel/motel industry and it is projected that general fund projections will fall short by \$1.2 million by year end. He noted that expenses are at 48% which is 5.7% below the 53.7% expected at the end of period 7.

Finance Director Tsao indicated that there were several program modifications seeking approval: the City Manager's Office requested reallocation of a Management Analyst from the Transit Department back to the City Manager's Office; Communications and Information Technology requested approval to change payment methodology for utility bills for the City's wireless devices; Engineering requested use of Proposition C funds in lieu of gas tax funds for the 190th Street Rehabilitation Project; the Finance Department recommended changes to the Utility User's Tax Exemption guidelines for senior citizens; General Services requested a 1.0 Project Coordinator position for capital projects; the Police Department requested that monies received from SB90 be used equally for the police parking compound improvements and partial funding for the police community center at McMaster Park; and the Streets Department requested an appropriation of funds for the purchase of a truck for sewer maintenance.

In response to an inquiry from Mayor Hardison, Finance Director Tsao explained that several items were in the mid-year budget review rather than ongoing budget items as they were requests for additional funding and had not been budgeted for previously. City Manager Jackson noted the modifications were an opportunity to resolve several issues at the same time.

Councilmember Scotto questioned why there was no mention of the \$4 million carryover from last year and Finance Director Tsao noted the funds were set aside and pending discussion for the next year.

Mayor Hardison reported that she had spoken with representatives of the Del Amo Mall who anticipate that the downturn as a result of events on September 11 has not been seen yet. She asked how information would be brought forward so the City can fine-tune the second year budget and Finance Director Tsao indicated that they were currently reviewing period 9 revenue estimates and staff would bring back an information item.

City Manager Jackson indicated that the Christmas quarter had the heaviest impact but activity in car sales was expected to show through that quarter and carry through the spring. He noted that they had held off the allocation of the year end carryover until they could see how state activities and state taxes turned out and Mayor Hardison observed that at this point it appeared that those funds could go towards capital projects.

Mayor Hardison suggested that the City provide copies of the senior exemption forms and supply R.S.V.P. with informational fliers to help get the word out.

City Treasurer Barnett indicated that interest rates were going down resulting in lower interest earning on the portfolio.

MOTION: Councilmember Messerlian moved to accept and file the mid year Financial Report for 2001-2002. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

MOTION: Councilmember Messerlian moved to accept and file the City Treasurer's Investment Report. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

MOTION: Councilmember Messerlian moved to approve department program modifications for the City Manager, Communications and Information Technology, Engineering, Finance, General Services, Police and Streets. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

ORDINANCE NO. 3513

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 225.1.17 AND SECTION 225.1.19 OF THE TORRANCE MUNICIPAL CODE INCREASING AND INDEXING THE INCOME BASE FOR A SENIOR CITIZEN DISCOUNT FOR UTILITY USERS' TAXES AND LOWERING THE AGE REQUIREMENT.

MOTION: Councilmember Messerlian moved to adopt Ordinance No. 3513. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

11d. RESOLUTION NO. 2002-29 RE POLICE TRAINEES PAY MODIFICATION

Recommendation of the Chief of Police and the City Manager that City Council adopt a Resolution for Police Trainees, modifying the pay.

Lieutenant Neu reported that recruitment of qualified officers had become difficult throughout the nation and the amendment would enhance recruitment of entry level officers and allow the City to be more competitive with comparable agencies.

RESOLUTION NO. 2002-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2001-10 SETTING FORTH CHANGES REGARDING HOURS, WAGES, AND WORKING CONDITIONS FOR POLICE AND FIRE TRAINEES.

MOTION: Councilmember Messerlian moved to adopt Resolution No. 2002-29. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

12. HEARINGS

12a. ORDINANCE AND RESOLUTIONS RE NORTHWEST CORNER OF CRENSHAW BOULEVARD AND PACIFIC COAST HIGHWAY

Recommendation of the Planning Director and Planning Commission that City Council deny the appeal and take the following actions on property located at the northwest corner of Crenshaw Boulevard and Pacific Coast Highway:

- 1) Adopt a Negative Declaration;
- 2) Adopt an Ordinance approving a Zone Change from C-3 (Solely Commercial), C-4 (Shopping Center) and M-2 (Heavy Manufacturing) to PD (Planned Development Permit);

- 3) Approve an Ordinance Summary for publication; and
 - 4) Adopt Resolutions approving a Conditional Use Permit and a Planned Development Permit to allow the expansion and renovation of an existing shopping center including the net increase of 42,536 square feet of building area and façade and parking lot improvements.
- EAS02-00001, ZON02-00001, CUP02-00003, PD02-00001: BRYANT PALMER SOTO INC. LA CAZE DEVELOPMENT

Mayor Hardison opened the public hearing at 8:13 p.m.

Planning Manager Isomoto reported that the item was before the Council as it included a request for land use entitlements and a change of zone and the Conditional Use Permit was administratively appealed to bring the entire project forward.

Planning Manager Isomoto summarized the material of record noting that the Center was currently zoned C-3 and C-4 with a small portion zoned M-2 and the General Plan designation is General Commercial. The change of existing zones to Planned Development for the whole site provides a framework for an overall master plan for the Center and the main changes are proposed for the in-line stores located along Crenshaw Boulevard with the cornerstone of the project, a proposed 98,000 square foot Kohl's Department store. She noted that the site plan also reflects closure of a driveway on Crenshaw Boulevard and includes façade upgrades, landscaping and lighting improvements as well as more accessible parking areas.

The project is planned in phases to accommodate tenants including Kohl's Department Store and staff has verified that the project requires approval from the FAA due to the proximity to the airport. The item was considered at the March 6, 2002 Planning Commission meeting and was unanimously approved.

Councilmember Scotto received clarification regarding the location of the driveway to be closed on Crenshaw and Planning Manager Isomoto explained that there had been much discussion about the driveway on Crenshaw near Airport Drive and the City would like to relocate the driveway should there be some change in tenants. She indicated that there was vehicular access throughout the Center and part of a building would be removed to provide parking and encourage access to the parking area.

In response to an inquiry from Councilmember Scotto, Planning Manager Isomoto explained that there was a proposed consideration requiring a 200 foot deep by 12 foot wide deceleration lane but it is dependent on tenants and lessors.

Planning Director Gibson stated that they were designing the driveways to have larger radiuses, to accommodate vehicles entering the project at a higher speed without creating a conflict on site and accomplishing what a deceleration lane would do to reduce conflicts. Councilmember Scotto expressed concern that traffic would back up and hinder access to the businesses.

Mayor Hardison questioned the value of a deceleration lane as she was not sure whether that would be the major entrance to the Center and noted that there would continue to be a variety of entrances to choose from. Planning Director Gibson noted that the Council could impose a condition for a deceleration lane but felt the staff recommendation had addressed the issues of speed, accessibility and back up.

Keith Palmer, Bryant Palmer Soto, Inc., 2601 Airport Drive, Suite 310, project architect, proposed to change the name from Airport Plaza to Torrance Town Center. He reported that he had worked with staff for several months on conditions of approval and language in the conditions that work for the City and for the development. He noted that the Center was constrained by existing leases and commitments to tenants and cited the driveway at Airport Drive as an example.

Mr. Palmer indicated that they were open to further enhancements that could be made to the Center and noted that scheduling of the Kohl's Department store opening was critical as it is to coincide with 30 other Kohl store openings across the country.

Councilmember Messerlian commented that the shopping center was located at one of the most important intersections in the City and had long needed upgrading. He observed that plans indicated extensive landscaping and enhancements to pedestrian circulation and noted that if certain tenants could be relocated more extensive renovations could be done.

Jim Gates, 142 Via Pasqual, submitted his comments for the record and asserted the development would be a positive improvement for the Center and the area but expressed concerns about the two-story building interfering with the airport. He questioned whether FAA procedures had been followed and urged the Council to delay approval until the proper studies had been done.

Planning Manager Isomoto indicated that the project had not been submitted to the FAA as it had to be approved by the City Council first. She noted that the Los Angeles County Land Use Commission required submittal if the project is within a certain contour, and she has been told that the project did not need to be submitted.

MOTION: At 8:39 p.m. Councilmember Walker moved to close the public hearing. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

MOTION: Councilmember Messerlian moved to adopt a negative declaration. Councilmember Walker seconded the motion and a roll call vote reflected unanimous approval.

ORDINANCE NO. 3514

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING DIVISION 9 OF THE TORRANCE MUNICIPAL CODE TO RECLASSIFY CERTAIN PROPERTY LOCATED AT THE NORTHWEST CORNER OF PACIFIC COAST HIGHWAY AND CRENSHAW BOULEVARD FROM C-3 (SOLELY COMMERCIAL), C-4 (SHOPPING CENTER) M-2 (HEAVY MANUFACTURING) TO PD (PLANNED DEVELOPMENT). ZON02-0001: BRYANT PALMER SOTO, INC. LA CAZE DEVELOPMENT

MOTION: Councilmember Messerlian moved to adopt Ordinance No. 3514. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

MOTION: Councilmember Messerlian moved to publish the summary for Ordinance No. 3514. Councilmember Scotto seconded the motion and hearing no objection Mayor Hardison so ordered.

RESOLUTION NO. 2002-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A CONDITIONAL USE PERMIT AS PROVIDED FOR IN DIVISION 9, CHAPTER 5, ARTICLE 1 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE EXPANSION AND RENOVATION OF AN EXISTING SHOPPING CENTER ON PROPERTY LOCATED IN THE PD ZONE (ZONE CHANGE PENDING) AT THE NORTHWEST CORNER OF PACIFIC COAST HIGHWAY AND CRENSHAW BOULEVARD. CUP02-00003:BRYANT PALMER SOTO, INC. (LA CAZE DEVELOPMENT)

MOTION: Councilmember Messerlian moved to adopt Resolution No. 2002-30. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

RESOLUTION NO. 2002-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A PLANNED DEVELOPMENT PERMIT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 42 OF THE TORRANCE MUNICIPAL CODE TO ESTABLISH A MASTER PLAN FOR AN EXISTING SHOPPING CENTER ON PROPERTY LOCATED IN THE PD ZONE (ZONE CHANGE PENDING) AT THE NORTHWEST CORNER OF PACIFIC COAST HIGHWAY AND CRENSHAW BOULEVARD. PD02-00001:BRYANT PALMER SOTO, INC. (LA CAZE DEVELOPMENT)

MOTION: Councilmember Messerlian moved to adopt Resolution No. 2002-31. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

Mayor Hardison called a brief recess from 8:43 p.m. to 8:54 p.m.

Mayor Hardison stated that a scrivener's error in Ordinance 3514 would be corrected so that R-3 would be changed to PD (Planned Development.)

12b. RESOLUTION NO. 2002-32 RE 5253 VANDERHILL ROAD

Recommendation of the Planning Director that City Council deny the appeal and approve a Precise Plan of Development (PRE01-00021) as conditioned, allowing the construction of a new two-story single family residence on property located in the Hillside Overlay District, in the R-1 zone at 5253 Vanderhill Road. – Resolution PRE01-0021, KAZCO DEVELOPMENT

Mayor Hardison received clarification that the item had not been advertised as it had been continued to a date certain and she stated that supplemental information and letters received late in the day would be part of the record.

Mayor Hardison opened the public hearing at 8:55 p.m.

Planning Manager Isomoto provided a brief presentation noting that the item had been continued from February 19 to allow time to redesign the project based on input from that meeting. The site plan reflects the flipping of the house to relocate a portion of the second floor away from the uphill neighbors, allowing the pad to be lowered 3 feet, as well as relocating the garage to the southerly part of the property. She summarized modifications to the plans noting that north facing bedroom windows had a minimum sill height of 50 inches.

In response to an inquiry from Councilmember Scotto, Planning Manager Isomoto explained that moving the pad lower would require extensive retaining walls on both sides of the property. Councilmember Scotto asserted that the benefit of having the property lower would be worth the higher retaining walls.

Charles Berger, architect for the project, addressed elevation issues noting that the road has a substantial angle on it and lowering the grade further would result in a complete subterranean garage and first floor. He added that a series of retaining walls would have to be installed to make the project work as proposed, and if the pad was lowered further, the height of those walls would have to be further increased.

In response to an inquiry from Councilmember Scotto, Mr. Berger indicated that the entire building had been lowered 3 feet from the original proposal and he suggested that the pitch of the roof could be lowered by 1 foot to create a flat roof/sundeck. Mr. Berger asserted that they had taken a lot of mass off the top of the building, moved the study, reduced the size of the bedrooms and opened up the view tremendously for the neighbors.

In response to an inquiry from Mayor Hardison, Mr. Berger stated that the entire first floor was completely buried with an average 6-foot high retaining wall and a 6-foot fence on top of it.

In response to an inquiry by Councilmember Witkowsky, Mr. Berger clarified that the plans before the Council were completely new.

Mayor Hardison received clarification that the silhouette had been changed.

It was noted that Mr. and Mrs. Bower had submitted a letter as they could not be present this evening.

June Lee, 5245 Vanderhill Road, presented pictures to the Council and read from a September 2001 article in the Daily Breeze which indicated that the trend was toward smaller houses as family size is dropping and Americans have become disenchanted with bigger, impersonal homes. She cited concerns with loss of value to her property and the height of the proposed chimney and asked that a dark tile be used for the roof to help it blend into the hillside. She further asked that the project be lowered 1-2 feet and questioned what guarantee neighbors had that the project would be built as stated in the proposed plans.

Mayor Hardison reported that she had received a letter from Mr. Wong about height certification and Planning Manager Isomoto stated that the applicant was required to construct a silhouette certified by a licensed surveyor with the highest point of the roof not to exceed 24 feet. That number is tied into the condition of approval and there is also a separate condition that the height of the structure be re-certified by a licensed surveyor before the roof is put on the home. Mayor Hardison commented that in the past projects had exceeded their allowed height and the roof had to be removed and lowered. Planning Manager Isomoto indicated that she had not seen Mr. Wong's letter but would follow up it.

Andrew Jasienski, 5005 Vanderhill Road, spoke in favor of the construction and noted that the second half of the street had been poorly developed.

Dr. Joyce Grinher, 5224 Zakon Road, expressed opposition to overbuilding of big houses on small lots which destroys the flavor of the neighborhood. She noted that the plan had been improved but she still had several problems with it and asked that the project be lowered at least one foot.

Joanna Jasienski, 5005 Vanderhill Road, spoke in support of the construction, noting that if houses are kept small that will limit buyers to retirees or people without children and she felt the addition would enhance the value of her home.

Karen Miller, 5364 Doris Way, asserted that the architect had done a good job accommodating the City's requests but noted that since the house is a spec house, the neighbors who will be looking at it should be accommodated. She pointed out that the windows in the bedroom at the northwest and southeast corners had 50 inch sills which she felt should be eliminated or made opaque as most adults would be able to see over 50 inches.

Marge Miller, 5364 Doris Way, asked that the roofline be lowered and roof tile be dark colored.

John Strausa, 5211 Zakon Road, made suggestions to lower the overall height of the project noting that the ceilings were 10 feet and could be lowered to 8 feet. He requested that if trees had to be removed at the property line that they be replaced and Mayor Hardison noted that it had not been determined who the trees belonged to yet.

Mr. Berger clarified that the ceilings were 8 feet with one foot for floor structure and agreed to use a dark tile for the roof. He noted that the sill height was 60 inches and the windows would allow cross ventilation.

At the request of Councilmember Scotto, Planning Manager Isomoto agreed to look for samples and materials for a darker color roof tile.

Mr. Berger indicated that the trees were a problematic issue and would have to be removed if they are on his side of the property line because of the retaining wall. He questioned the point in replanting them as they would have to grow 10 feet before they would be visible over the retaining wall and stated that if the trees belonged to the adjacent property owner he would try not to damage them.

Building and Safety Manager Isomoto explained that as part of the plan check on a new home that would receive this much grading work a survey would be required. He added that it was likely that property lines had already been established but they would be established again by survey when construction began. Mr. Berger indicated that the land had been surveyed and property lines set but they would have to go back and determine who the trees belonged to.

MOTION: At 9:45 p.m. Councilmember Walker moved to close the public hearing. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

Mayor Hardison asked about the sill condition and Planning Manager Isomoto explained that proposed condition 5 required a 50-inch sill height but the Council could change it to 60 inches and include the south-facing window as well. She noted that a seventh condition could be added to address the issue of tile color and material.

In response to an inquiry from Councilmember Scotto regarding reducing the pitch of the roof, Planning Director Gibson noted that they had the least possible slope given the proposed roofing material.

Minute Motion: Councilmember Scotto moved to concur with the staff recommendation with two changes: Condition 5 be amended to require a 60-inch sill height for the north and south facing windows, and an added Condition 7 to require roof tile and material samples be provided to the satisfaction of the Planning Director. Councilmember Walker seconded the motion and a roll call vote reflected unanimous approval with the exception of Councilmember Cribbs who dissented.

MOTION: Councilmember Walker moved to concur with the staff recommendation to deny the appeal and approve a Precise Plan of Development (PRE01-00021) as conditioned, allowing the construction of a new two-story single family residence on property located in the Hillside Overlay District, in the R-1 zone at 5253 Vanderhill Road. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval with the exception of Councilmember Cribbs who dissented.

RESOLUTION NO. 2002-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 1, ARTICLE 41 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF A TWO-STORY, SINGLE-FAMILY RESIDENCE ON PROPERTY LOCATED IN THE HILLSIDE OVERLAY DISTRICT IN THE R-1 ZONE AT 5253 VANDERHILL ROAD. PRE01-00021:KAZCO DEVELOPMENT

MOTION: Councilmember Messerlian moved to adopt Resolution No. 2002-32. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval with the exception of Councilmember Cribbs who dissented.

13. APPEALS

13a. REVOCATION OF BUSINESS LICENSES AND PERMITS RE CREATIVE MANAGEMENT CORPORATION DBA ROMA COURT

Recommendation of the Finance Director that City Council concur with the decision of the License Review Board (LRB) to revoke all business licenses and permits issued to Creative Management Corporation DBA Roma Court, for violation of the City of Torrance Municipal Code Sections 31.9.10(c), (d), and (f) and 35.10.12 and breach of the 1998 stipulation to revocation of business license and stay of the revocation order.

Assistant City Attorney Pohl noted that Mike Miller, an outside attorney had been retained as is custom for cases such as this to advise the Council.

Mr. Miller provided a quick summary of the process noting that, in contrast to a Planning Commission hearing, this is one of limited review for the City Council. Pursuant to City rules, the full evidentiary hearing already occurred before the License Review Board (LRB). That hearing is a trial type proceeding with both parties represented by legal counsel where evidence was reviewed and findings were made to revoke the permits. He noted that those findings are contained in Exhibits 35 and 36 with a cover memorandum from legal counsel for the LRB. Legal counsel will argue on the appeal filed by the license holder and based on the evidence and findings, Council will decide whether they are comfortable with the decision of the LRB and determine whether there is reasonable evidence to support the proceeding. If, after hearing the arguments there is not a determination to overturn the decisions, the Council can make the appropriate motion and adopt the findings of the LRB. If the Council decides otherwise, arguments should be formed to support that.

William Beverly, 3424 Carson Street, Suite 400, legal counsel for Creative Management Corporation, doing business as Roma Court, stated that Roma Court was appealing a LRB decision to revoke all permits held by Roma Court: the standard business license; dance permit; entertainment permit; and at one point an escort permit. He asked Council to examine the documents, consider the evidence and base their decision on the evidence before them.

Mr. Beverly stated that revoking the licenses would mean shutting down a business that has been operating in the City of Torrance quietly and innocuously for 12

years based on the fact that employees had not registered with the City to become hostesses and had not worn name tags at all times. He asserted that the appropriate solution would be to have the punishment fit the transgressions all of which were related to the escort license and sustain the revocation of the escort permit and deny the revocation of the business license, allowing Roma Court to continue operation as a cocktail lounge. He indicated that he had sought dismissal of all charges for inadequacy of notice in front of the LRB as the City had not complied with Article 9, Section 32.9.1, Exhibit 3 when providing notice of the hearing by stating the grounds for complaint or reasons for proposed revocations of suspension. He noted that if the Council agreed that notice was inadequate then the hearing could be over right now and he encouraged the Council to dismiss the proceedings.

Mr. Beverly stated that the LRB determined that the business was a nuisance based on the police activity over the last 5-6 years contained in Detective Lynch's testimony where he noted that Roma Court has been in business since 1989 and violations included: a licensed escort being cited for not having a badge; three persons being cited and prosecuted for not being licensed escorts; a 25757b violation: soliciting someone to buy a drink for an employee; a citation for unlicensed escorts; a recorded citizen complaint that there was an unlicensed escort on the premises; and a brief Health Department closure in October 1998. Mr. Beverly asserted that those violations were not the kind of activities that business are usually shut down for in the City of Torrance. Detective Lynch testified that there had been no narcotics, fighting, intoxication, lewd behavior, solicitation of customers for prostitution by customers or employees, prostitution, drug sales or solicitations on or outside the Roma Court property. Exhibit 31 on page 78 indicates that there were no violations of any type of the existing entertainment or dance permits. Mr. Beverly questioned why it was necessary to shut down a cocktail lounge because a certain aspect of the business had numerous violations and suggested an action consistent with the evidence would be to revoke the escort permit but not the business license as none of the type of problems associated with cocktail lounges were considered a nuisance at Roma Court.

In response to an inquiry from Mayor Hardison with regard to dismissing the charges, Mr. Miller indicated that the issue of notification was covered under the procedural findings of the LRB and it could be noted if the findings were questioned.

Deborah Fox, Fox and Sohagi, LLP, representing the City of Torrance, indicated that the case comes on appeal from the LRB on a limited evidentiary record and she offered the bound volume before them which contained a transcript of the proceedings and exhibits. She pointed out that it was important to note that the applicant offered argument, but no evidence at the LRB and again, tonight, offered no evidence.

Ms. Fox indicated that Roma Court has had since 1990 to comply with the law of the City of Torrance and Detective Lynch cited a long history of trying to get compliance from Roma Court. She noted that Exhibit 1 contained a stipulation made by Roma Court and signed by the attorneys indicating they would abide by the rules of the law and "should a court find that we have not done so our permits will be automatically revoked." Roma Court acknowledged that when it had several employees charged and convicted of both violations and by state law their permits were automatically revoked.

Ms. Fox addressed the argument about due process noting that the City not only provided additional notice that the permits were automatically revoked, but also provided

the balance of information to the applicant. In December 2001, information was sent to Mr. Takagi, President of Roma Court, and to Mr. Beverly with a hearing date and instructions to call City Attorney Fellows with questions. Page 25, Exhibit 31 addresses the issue of adequacy of the notice and indicates that one must have an opportunity to be heard and present the case and move forward with evidence, and that need was met. There is no evidence that Roma Court did not have an opportunity or understand proceedings and move ahead. The City of Torrance has worked for 11 years to get compliance and Roma Court has not met the standard.

Mr. Beverly noted that he was referring to a statute that Torrance had adopted and he defied the Council to determine that anybody would face a revocation charge because of a violation of a stipulation. He noted that there was no mention that it is the primary reason upon which the City is proceeding and asserted that the City had to follow their own simple rules which are there for a reason. All the evidence read was solicited by him in examination of Detective Lynch and he asked if the Council was satisfied that the standards were met and they could make a finding that the business constituted a nuisance without any of the traditional cocktail lounge violations and nuisances. He acknowledged that the ABC ordinance violation, but questioned whether it was City policy to shut down cocktail lounges or a market that has one sale to a minor. Mr. Beverly asserted that the appropriate action was to overrule the LRB, allow Roma Court to continue as a cocktail lounge and revoke the escort permit which was given up voluntarily in December 2001.

In response to an inquiry by Mayor Hardison Mr. Beverly indicated that the 1996 violation was also related to the escort permit.

Mr. Miller supplemented a prior answer to an earlier question, noting that the specific finding that the LRB made with respect to notice was that the notice included numerous exhibits and was not deficient; Roma Court was not deprived of its ability to defend itself and did not incur any prejudice because of the notice.

MOTION: At 10:21 p.m. Councilmember Witkowsky moved to close the public hearing. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

Mayor Hardison summarized options before the Council and Mr. Beverly interjected that he had presented another option to sustain in part and overturn in part and Mr. Miller indicated that was within the discretion of the City Council.

In response to an inquiry from Councilmember Witkowsky regarding the number of infractions, Mr. Miller indicated that the information was reflected in the record and if she wanted to ask Ms. Fox or Mr. Beverly for additional information, the hearing could be reopened. Councilmember Witkowsky chose not to reopen the hearing.

MOTION: Mayor Hardison moved to concur with the decision of the License Review Board to revoke all business licenses and permits issued to Creative Management Corporation DBA Roma Court, for violation of the City of Torrance Municipal Code Sections 31.9.10(c), (d), and (f) and 35.10.12 and breach of the 1998 stipulation to revocation of business license and stay of the revocation order. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

14. 2nd READING ORDINANCES

14a. ORDINANCE NO. 3512

Second and Final Reading of Ordinance No. 3512 which will implement a contract change between the City and CalPERS (California Public Employees Retirement System) adding the 3% @ 50 retirement benefit for police safety employees.

ORDINANCE NO. 3512

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF TORRANCE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

MOTION: Councilmember Messerlian moved to adopt Ordinance No. 3512. Councilmember Walker seconded the motion and a roll call vote reflected unanimous approval.

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The Torrance Redevelopment Agency met from 10:25 p.m. to 10:26 p.m.

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15. ORAL COMMUNICATIONS

15a. City Clerk Herbers announced the League of Women Voter's Know Your Town meeting at the Madrona Marsh on Wednesday, March 27.

15b. Councilmember Witkowsky wished everyone a Happy Passover.

15c. Mayor Hardison noted that in order to provide a smooth transition for the new City Council she had appointed Councilmember Nowatka as the alternate to the South Bay Cities Council of Governments.

15d. Martin Koebel, 5519 Rockview Drive, thanked Councilmember Cribbs, Mayor Hardison, and the entire Council for the senior exemptions. He also congratulated Mayor Hardison on being named a Woman of the Year.

16. EXECUTIVE SESSION

Considered earlier in the meeting with no formal action having been taken.

17. ADJOURNMENT

At 10:30 p.m., the meeting was adjourned to Tuesday, April 2, 2002 at 5:30 p.m., for an executive session in the Council Chamber, 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
City Clerk of the City of Torrance

Approved on May 7, 2002