

October 15, 2002

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

**1. CALL TO ORDER**

The Torrance City Council convened in an adjourned regular session at 6:00 p.m. on Tuesday, October 15, 2002, in City Council Chambers at Torrance City Hall.

**ROLL CALL**

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

Absent: None.

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

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Agenda Item 16 was considered out of order at this time.

**16. EXECUTIVE SESSION**

The Council immediately recessed to closed session to confer with the City Manager and the City Attorney on agenda matters listed under 16a) Conference with Legal Counsel – Anticipated Litigation and 16b) Real Property Conference with Real Property Negotiator, pursuant to California Government Code Sections 54956.9(b) and 54956.8.

The Council reconvened in Council Chambers at 7:00 p.m. No formal action was taken on any matter considered in closed session.

**2. FLAG SALUTE/INVOCATION**

The Pledge of Allegiance was led by Councilmember Mauno.

Qari Ashraf Currim, Masjid Alnoor, gave the invocation for the meeting.

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

**MOTION:** Councilmember Lieu 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 passed by unanimous roll call vote.

**MOTION:** Councilmember Lieu 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 passed by unanimous roll call vote.

**4. WITHDRAWN OR DEFERRED ITEMS**

Item 7b was withdrawn.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Mayor Walker requested that the meeting be adjourned in memory of Fire Battalion Chief Jack McCarter and Evelyn Kildoo-Hull, former Torrance Council of PTAs president and longtime resident.

**6. COMMUNITY MATTERS**

**6a. PROCLAMATION RE "RED RIBBON WEEK"**

Mayor Walker presented a proclamation declaring the week of October 19 through October 27, 2002, as "Red Ribbon Week" in the City of Torrance to Torrance Council of PTAs Andrea Perez, Director of Health; Stella Bullock, Red Ribbon Week Chair; and Torrance Police Services Officer Kristine Kiesling. Ms. Perez expressed appreciation for the proclamation and urged everyone to wear red ribbons during the week to make a strong visible statement promoting a healthy lifestyle. Ms. Bullock invited attendance at the Red Ribbon Week kick-off luncheon on Thursday, October 24 at Torrance Memorial Medical Center. Officer Kiesling provided background information about the origin of Red Ribbon Week and invited everyone to attend the Safety Fair held in conjunction with Red Ribbon Week at Del Amo Fashion Center on Saturday, October 19.

**7. CONSENT CALENDAR**

**7a. CONTRACT RE ANNUAL REQUIREMENT FOR MISCELLANEOUS OFFICE PAPER Recommendation**

Recommendation of the **General Services Director** that City Council authorize vendor contracts to be awarded to Nationwide Paper of La Mirada, CA, in the amount not-to-exceed \$100,000 and to Spicers Paper of Santa Fe Springs, CA, in the amount not-to-exceed \$50,000 for the purchase of miscellaneous office paper (B2002-34). The term of the vendor contracts will be for a period of one (1) year, beginning October 16, 2002 and ending October 15, 2003.

**7b. CONTRACT RE EXTERIOR PAINTING OF WEST ANNEX BUILDING Recommendation**

Recommendation of the **General Services Director** that City Council:

- 1) Award a contract to Southwest Coatings of San Pedro, CA for \$24,000 plus a 5% contingency;
- 2) Authorize a 10 % project management fee of \$2,400; and
- 3) Appropriate \$3,197 from the Building Maintenance Capital Project Fund for the City Hall Exterior Painting FEAP #27 (B2002-40).

Item was withdrawn.

**7c. PURCHASE AGREEMENT RE FIRE DEPARTMENT UNIFORMS Recommendation**

Recommendation of the **Fire Chief** that City Council authorize a change order increasing the total of the purchasing agreement with Workrite, Oxnard, CA by an amount not-to-exceed \$1,634.40 for the purchase of Nomex uniform shirts and pants as a cooperative purchase with the County of San Bernardino. (Total agreement amount \$42,927.75)

**7d. APPROVAL OF FINAL TRACT MAP NO. 53318 Recommendation**

Recommendation of the **Engineering Director** that City Council:

- 1) Approve Final Tract Map No. 53318, creating 11 attached condominium units on one lot, located at 5550 190th Street, which substantially conforms to and meets all conditions of approval of the Tentative Map; and
- 2) Accept a seven (7) foot sewer easement.

7e. **CONTRACT SERVICES AGREEMENT RE I-5 RESIDENTIAL STREETS REHABILITATION PROGRAM**

**Recommendation**

Recommendation of the **Engineering Director** that City Council:

- 1) Approve a contract services agreement in the amount of \$25,575 with Labelle-Marvin, Inc. to provide a pavement structural evaluation and analysis in conjunction with the I-5 Residential Streets Rehabilitation; and
- 2) Authorize the Mayor to execute and the City Clerk to attest to said agreement.

7f. **AGREEMENT WITH METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA FOR PURCHASE OF DRINKING WATER**

**Recommendation**

Recommendation of the **Engineering Director** that Council:

- 1) Approve a 10-year purchase order agreement with Metropolitan Water District of Southern California for the purchase of drinking water; and
- 2) Authorize the Mayor to execute and the City Clerk to attest to said purchase order.

7g. **PURCHASE ORDER RE PUMP FOR AMIE AVENUE STORM WATER RETENTION BASIN**

**Recommendation**

Recommendation of the **Street Services Director** that City Council authorize a purchase order to be issued to Engineers Sales-Service Company, Inc. (ESSCO) of Los Angeles, CA, in the amount \$49,929.23 for the sole source purchase of a ESSCO model 8x6x17 pump to replace the existing pump at the Amie Avenue Retention Basin.

7h. **APPROPRIATION OF INTEREST ON USED OIL RECYCLING GRANT**

**Recommendation**

Recommendation of the **Street Services Director** that City Council approve an appropriation for current and future interest earnings of the Used Oil Recycling Block Grant funds generated in the Fiscal Years 1997-1998, 1998-1999, 1999-2000, 2000-2001 and 2001-2002.

7i. **AUTHORIZATION FOR SALE OF SURPLUS VEHICLES**

**Recommendation**

Recommendation of the **General Services Director** that City Council authorize the sale of two (2) surplus/obsolete vehicles to Torrance Unified School District.

7j. **CONTRACT RE ANNUAL REQUIREMENT FOR CUSTODIAL PAPER GOODS**

**Recommendation**

Recommendation of the **General Services Director** that City Council authorize a vendor contract to Empire Cleaning of Los Angeles, CA, in an amount not-to-exceed \$78,088.30 to purchase various custodial paper products, for a term of one year, beginning October 18, 2002 and ending October 17, 2003 (B2002-36).

7k. **CONTRACT RE YOUTH CLASSES AND YOUTH THEATER PRODUCTIONS**

**Recommendation**

Recommendation of the **Parks and Recreation Director** that City Council approve an agreement hiring Starlight Productions to provide youth classes in drama, dance, and vocal training for the stage, coordinate a performing arts showcase, and direct/produce three Youth Theater Productions to be held at the Torrance Cultural Arts Center, for an amount not-to-exceed \$62,692.

7l. **COMMUNITY SERVICES COMMISSION 2001/2002 ANNUAL REPORT**

**Recommendation**

Recommendation of the **Parks and Recreation Director** and the **Community Services Commission** that City Council accept and file the Community Services Commission 2001-2002 Annual Report.

7m. **COMMISSION ON AGING 2001/2002 ANNUAL REPORT**

**Recommendation**

Recommendation of the **Parks and Recreation Director** and the **Commission on Aging** that City Council accept and file the Commission on Aging 2001-2002 Annual Report.

7n. **INTERAGENCY COMMUNICATIONS INTEROPERABILITY SYSTEM (ICIS)**

Considered separately.

7o. **ADDITION OF SENIOR BUILDING INSPECTOR POSITION WITHIN GENERAL SERVICES DEPARTMENT**

**Recommendation**

Recommendation of the **General Services Director** that City Council approve the addition of 1.0 Senior Building Inspector position and the deletion of 1.0 Project Coordinator position, both positions being 90% reimbursed by capital projects, within the General Services Department.

**MOTION:** Councilmember Nowatka moved for Consent Calendar Items 7a through 7o, with the exception of Item 7n. The motion was seconded by Councilmember Scotto and passed by unanimous roll call vote.

Consent Calendar Item 7n was considered at this time.

7n. **INTERAGENCY COMMUNICATIONS INTEROPERABILITY SYSTEM (ICIS)**

**Recommendation**

Recommendation of the **Information Technology Director** that City Council authorize the City Manager to execute a Joint Exercise of Powers Agreement to establish an interim Joint Powers Agency (JPA) to create the Interagency Communications Interoperability System (ICIS).

Acting Information Technology Director Gallo reported that this agreement is the first step in establishing a common radio frequency to be shared with other cities in the greater Los Angeles area to facilitate emergency communications.

Councilmember Nowatka stated that he asked that this item be considered separately to point out that the City is working diligently to correct what has been identified as a critical weakness, which is the inability of rescuers from different agencies to communicate with each other.

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

## **8. COMMUNITY SERVICES**

### **8a. AWARD OF CONTRACT FOR BUNSTEAD PLUNGE RENOVATIONS**

#### **Recommendation**

Recommendation of the **General Services Director** that City Council:

- 1) Award a contract to California Commercial Pools for \$449,000 plus a 5% contingency (B2002-39);
- 2) Authorize a 10 % project management fee of \$44,900;
- 3) Authorize an architectural services purchase order not-to-exceed \$3,000 to Aquatic Design; and
- 4) Appropriate \$28,340 from the Parks and Recreation Open Space funds for the repairs to the Benstead Plunge FEAP #255.

Facility Services Manager Landis stated that on September 26, 2002, the General Service Department opened bids for major repairs to Benstead Plunge and that due to the size of the project, the specifications required that the pool construction firm have the following experience: 1) completed 5 commercial pools over 6,000 square feet surface area within the last 5 years, and 2) derived at least 50% of the firm's revenue from public use pool construction. He advised that staff reviewed the bids and determined that the first and second low bidders, Condor, Inc. and Service First, did not meet these requirements and recommended that the contract be awarded to the third low bidder, California Commercial Pools.

Mr. Landis advised that Condor, Inc., is a newly established corporation that has not constructed or repaired any pools; that the firm's principals, Fred and Earl Weiss, were previously employed by a well-known pool construction company, Nadar, Inc., which they left in 1999 to pursue other interests; that the Weiss brothers claim that they were integral members of the Nadar staff and that experience transfers to Condor; and that it was staff's interpretation that Condor itself must meet the experience and revenue requirements. He explained that the Weiss brothers also have claimed partial ownership of Nadar prior to 1999, but only produced a statement from their mother to support this claim.

Ms. Amy Hutchins, 2029 Century Park East, Los Angeles, representing Condor, Inc., maintained that Condor was the lowest responsive bidder and that the City was obligated by law to award them the contract. She pointed out that Condor's bid was almost \$40,000 lower than the next bid being considered and noted that the principals submitted a project list, action plan, and letters of recommendation from subcontractors, suppliers, and other experienced industry professionals to demonstrate that they more than satisfy the requisite qualifications.

Ms. Hutchins contended that staff's recommendation to award the contract to a higher bidder was based on an inappropriate interpretation of the bid specifications and that California Commercial Pools was selected because the City was more certain about

the company's qualifications. Citing the California Supreme Court case, *City of Inglewood-L.A. County Civic Center Authority v. Superior Court*, she advised that the law requires that the qualifications of the low bidder be evaluated and only if they are not satisfactory, may the public entity look at the qualifications of a higher bidder. She maintained that the City had identified no reason why Condor is not qualified to perform this project, therefore, the qualifications of other bidders should be irrelevant.

Ms. Hutchins stated that a determination that Condor is not qualified could cause serious damage to the company's reputation and would adversely impact, if not prevent, Condor from competing for other public projects. She commented on the purpose of competitive bidding laws and urged the Council to protect the integrity of the process and award the contract to Condor.

Mr. Fred Weiss, Chief Executive Officer of Condor, Inc., provided information about his and his brother Earl's experience in pool construction. He reported that his grandfather was a pioneer in the commercial pool building industry; that his father and uncle continued the business after his grandfather's retirement; and that he and his brother, as part-owners of Nadar, Inc., built over 50 major aquatic facilities from 1991 until 1999, when their uncle bought them out. He explained that his brother handled the administrative functions and he had complete responsibility for the construction of the projects. He reported that they have reestablished their relationships with vendors and subcontractors, as evidenced by letters submitted from every major subcontractor and vendor on the project. He stated that while Facility Services Manager Landis might want to work with California Commercial Pools because he worked with them in past, that is not the way the competitive bidding process works. He stated that they are very familiar with the Benstead Plunge project, having visited the site twice; that the work is less complicated than past projects they have completed; and that the City would be protected because the job would be fully bonded. He maintained that taxpayers should not have to pay an additional \$40,000 for the same work and urged the Council to award the contract to his company.

In response to Mayor Walker's inquiry, Mr. Weiss indicated that Condor was incorporated in 2002, noting that he has been a licensed contractor since 1987.

Mr. Landis stated that staff does not dispute that Nadar, Inc. constructed a lot of pools or that Fred and Earl Weiss worked for them, however, the Weiss brothers have been out of the pool business for three years and have never constructed a pool under the firm name of Condor, Inc., and that was the main determining factor in staff's recommendation.

Commenting on the insinuation that California Commercial Pools has a special relationship with the City of Torrance, City Attorney Fellows advised that with regard to the weight given to the company's past performance, the City followed the letter and intent of the law. He noted that in an e-mail response from Mr. Landis to Councilmember Lieu he states that, "the fact that California Commercial Pools performed well during the last Benstead Plunge repairs is meaningful but would not carry any more weight than any other reference put in for another contractor."

City Attorney Fellows provided clarification regarding the legal issues, explaining that the Council must determine whether Condor is a responsible bidder. He recommended that if the Council was inclined to consider the Weiss brothers' prior experience, an effort should be made to establish exactly what their roles were at Nadar, Inc.

Councilmember Scotto related his understanding that the performance bond would protect the City in the event the work is not completed. Mr. Landis advised that the project could take another 12 months if the bonding company had to complete the job.

In response to questions from the Council, Mr. Weiss provided information regarding his and his brother's activities at Nadar, Inc. He explained that Earl was secretary/treasurer and ran all the financial processes in the back office and he was in charge of all projects in the field, including overseeing every aspect of the construction process from start to finish. He reported that he and his brother were on the Board of Directors and owned 50% of the business; that his uncle owned the other 50%; and that the company had 4 full-time employees. He indicated that they created software for construction project management from 1999 until they incorporated as Condor and that this would be Condor's first project. He stated that they currently have two employees and will add short-term staff as needed to complete the project, which is common among pool construction businesses. He estimated that his company would do 50% of the work on the project, with the rest to be done by subcontractors.

Commissioner Mauno expressed concerns about Condor's financial viability. Mr. Weiss offered his assurance that the company has the financial resources to do the project, noting the bonding company's requirements and his personal assets of approximately \$4 million.

Mayor Walker stated that he was concerned about the lack of continuity of the Weiss brothers' experience due to their three-year hiatus and the fact that Condor, Inc. has not done a single project.

Ms. Hutchins stated that in order for Condor to be disqualified, there has to be a determination that the company is not a responsible bidder and maintained that while staff had an overall general concern, a finding to that effect was never made. She contended that no evidence has been presented to show that the Weiss brothers could not pick up from where they left off in 1999 and reiterated her position that they should be awarded the contract because they are the lowest bidder.

Mayor Walker related his understanding that Condor does not meet the requirements that companies bidding must have completed 5 pools within the last 5 years and must derive 50% of their revenues from pool construction because the company has not constructed any pools.

Ms. Hutchins maintained that this was a distinction without significance.

City Attorney Fellows commented on the pre-qualification process and suggested that Mr. Landis report on staff's investigation of the Weiss brothers' qualifications.

Mr. Landis advised that staff contacted the references provided for 1998 and 1999; that Rowley International had positive comments about the Weiss brothers; and that Aquatic Design had no recollection of either Weiss brother being the on-site representative for the projects they designed. He stated that considering only the Rowley International projects, the 5-pool minimum requirement would be met, but staff based their determination that Condor's bid was not responsive on the fact that the company is not presently and never has been an active pool company. Noting that there is a deadline that has to be met, he explained that staff was not comfortable with the gap in the Weiss brothers' experience.

In response to Councilmember Lieu's inquiry, City Attorney Fellows advised that if the Council concludes that Condor meets the spirit of bid requirements and has the requisite experience, the Council could waive any minor defect and award them the contract.

**MOTION:** Councilmember Witkowsky moved to concur with the staff recommendation. The motion was seconded by Mayor Walker and failed as reflected in the following roll call vote.

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

Councilmember Scotto stated that he would like more evidence that Condor is able to perform, and City Attorney Fellows recommended that the Council reject all bids and direct staff to re-bid the project.

Councilmember Scotto asked about the potential delay, and Mr. Landis indicated that it would take an additional two months to complete the re-bidding process. He noted that staff had hoped to complete the project by the middle of February so high school swim teams could use the pool.

Parks and Recreation Director Barnett advised that, in addition to the Torrance Unified School District, a number of private clubs rent the facility, and that the City's own programs would also be impacted should the February target date not be met.

**MOTION:** Councilmember Scotto moved to concur with the staff recommendation. The motion was seconded by Councilmember Witkowsky and passed as reflected in the following roll call vote:

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

11. **ADMINISTRATIVE MATTERS**

11a. **SUPPLEMENTAL MOU RE TORRANCE PROFESSIONAL AND SUPERVISORY ASSOCIATION (TPSA)**  
**Recommendation**

Recommendation of the **City Manager** that City Council adopt a supplemental Memorandum of Understanding for the Torrance Professional and Supervisory Association (TPSA) adding agency shop language to the agreement.

**RESOLUTION NO. 2002-110**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 2000-128 SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE PROFESSIONAL AND SUPERVISORY ASSOCIATION (TPSA) AMENDING RESOLUTION NO. 2000-128 SETTING FORTH HOURS, WAGES, AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE PROFESSIONAL AND SUPERVISORY ASSOCIATION (TPSA)

**MOTION:** Councilmember Nowatka moved for the adoption of Resolution No. 2002-110. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.



11b. **CONTINUATION OF STATE OF LOCAL EMERGENCY RE CAROLWOOD DRIVE/SINGINGWOOD DRIVE**

**Recommendation**

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

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

11c. **INCLUSION OF VOLUNTEERS AND CONTRACT EMPLOYEES IN FINGERPRINT SUBMISSIONS**

**Recommendation**

Recommendation of the **City Manager** that City Council adopt a Resolution to include volunteers and contract employees in fingerprint submissions to the Department of Justice.

**RESOLUTION NO. 2002-111**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE TO INCLUDE VOLUNTEERS AND CONTRACT EMPLOYEES IN FINGERPRINT SUBMISSIONS TO THE DEPARTMENT OF JUSTICE

**MOTION:** Councilmember Witkowsky moved for the adoption of Resolution No. 2002-111. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

11d. **TERMINATION OF STATE OF LOCAL EMERGENCY RE TOMLEE AVENUE AREA**

**Recommendation**

Recommendation of the **City Manager** that City Council adopt a resolution terminating the state of local emergency, proclaimed August 13, 2002, for properties located in the area of the 20900 block of Tomlee Avenue.

Assistant City Manager Giordano advised that this item was held over at the October 1 Council meeting and staff was directed to continue security services for two weeks.

Responding to questions from the Council, Police Chief Herren advised that no incidents were reported over the last two weeks and that officers have made a concerted effort to stop by more frequently and to pay more attention to activities in the neighborhood.

Mr. Don Besworth, 20927 Tomlee Avenue, thanked the Mayor and the Council for providing security services for the past several weeks and the Police Chief for increasing patrols in the area. He requested that the City provide barricades to block the street off during nighttime hours and commented on a *Daily Breeze* article that misquoted him.

Police Chief Herren advised that barricading the street could hinder patrols of the area because, except for emergency situations, officers would likely use flashlights to look into the area from the barricade instead of driving down the street. City Manager Jackson commented on the difficulty of ensuring that the barricades are put in place after work crews leave, stating that the City would not want the responsibility of putting them up and taking them down each day.

A brief discussion ensued, and it was the consensus of the Council that barricades might create more problems than they solve. Mayor Walker noted that should problems develop, the matter could be brought back for reconsideration.

#### **RESOLUTION NO. 2002-112**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE  
TERMINATING THE STATE OF LOCAL EMERGENCY PROCLAIMED ON  
AUGUST 13, 2002, AS A RESULT OF THE DISASTER IN THE 20900  
BLOCK OF TOMLEE AVENUE

**MOTION:** Councilmember Witkowsky moved for the adoption of Resolution No. 2002-112. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

#### **11e. PUBLIC OPINION SURVEY AND ENVIRONMENTAL SCAN FOR STRATEGIC PLAN UPDATE**

##### **Recommendation**

Recommendation of the **City Manager** that City Council direct staff to request a proposal from consultants to conduct a public opinion survey and an environmental scan/community profile as part of the Strategic Plan update.

Assistant City Manager Giordano reported that staff was recommending that a public opinion survey and an environmental scan/community profile be conducted in conjunction with the review of the Strategic Plan, which is done every three years. She noted that once the results have been compiled, the information will be submitted for the Council to review and determine whether a full-scale revision of the Strategic Plan is warranted.

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

The Council recessed from 8:15 p.m. to 8:32 p.m.

#### **12. HEARINGS**

##### **12a. EAS02-00003, GPA02-00001, ZON02-00003, CUP02-00013, TTM53897: JCC HOMES/ RICHARD GOULD**

##### **Recommendation**

Recommendation of the **Planning Director** and the **Planning Commission** that City Council deny the appeal and take the following action on property located at 4301 190<sup>th</sup> Street:

- 1) Adopt a Mitigated Negative Declaration;
- 2) Adopt a Resolution denying a General Plan Amendment from General Commercial to Low-Medium Density Residential;

- 3) Deny a Zone Change from HBCSP NT (Hawthorne Boulevard Corridor Specific Plan Zone, North Torrance Subdistrict) to R-3 (Limited Multiple Family Residential); and
- 4) Adopt Resolutions denying a Conditional Use Permit and a Tentative Tract Map for the proposed development of 31 detached residential condominium units. EAS02-00003, (GPA02-00001, ZON02-00003, CUP02-00013, TTM53897) JCC HOMES / RICHARD GOULD

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

Planning Manager Isomoto briefly described the project; noted that the Planning Department was recommending denial due the site's proximity to a regional park; and that the Planning Commission voted unanimously to deny the project with one commissioner abstaining.

Mr. Jerry Marcil, representing JCC Homes, maintained that the proposed development would have a positive impact on the City, noting that the land has been vacant for some time; that the residents would pay for the repair and maintenance of the infrastructure (streets/streetlights/storm drains); and that the property tax base would be about ten times higher. He explained that the proposed homes, while technically detached condominiums, would function like single-family homes; that the project would have generous setbacks; and that exterior landscaping would be maintained by the homeowners association. With regard to the zoning, he advised that current zoning permits up to 27 units per acre for a mixed-use commercial/residential project, meaning that 85 units could be built on this site as opposed to the 31 units proposed. Commenting on the environmental impact, he pointed out that the Planning Commission determined that the project would not adversely impact the surrounding neighborhood or significantly increase traffic. He indicated that, in response to concerns mentioned at the Planning Commission meeting, consultants were hired to analyze the impact noise and light from adjacent uses would have on new residents and to recommend appropriate mitigation measures. He reported that a study of the nearby radio tower revealed that residents' exposure to radio frequency radiation would be approximately one-tenth of one percent of the safe exposure level. He urged approval of the proposed development, stating that it would provide quality housing with very little impact on neighbors or park users.

Councilmember Scotto asked if the applicant would object to planting trees in the park along the project's northern boundary to buffer noise, and Mr. Marcil agreed to do so. Parks and Recreation Director Barnett stated that he concurred the idea of using trees as a buffer, but would like to make sure that the trees do not interfere with park maintenance or sports activities and offered to work with Planning staff on this issue.

Councilmember Mauno recommended that in order to protect the City, the developer be required to disclose to potential buyers that the project is adjacent to a regional park with year-round sports activities.

Councilmember Witkowsky asked about the possibility of creating a turn pocket in the median on 190<sup>th</sup> Street where vehicles turning left out of the project could wait until it is safe to merge into eastbound traffic lanes. Mr. Marcil stated that he thought it was an excellent idea and offered to pay for the cost along with landscaping the median. Planning Director Gibson indicated that staff would work with the applicant on the design of the turn pocket and the median landscaping.

Councilmember Nowatka expressed concerns that the trees along the north boundary could interfere with visibility and create a problem for police officers patrolling the park. Mr. Marcil offered to install lighting at the base of the trees, making sure that it is shielded from residences.

Mr. Kurt Nelson, on behalf of JCC Homes, reported on the sound and noise studies conducted and the mitigation measures to be implemented. He indicated that a buyers awareness package has already been prepared in draft form and offered his assurance that the pros and cons of living adjacent to a park will be spelled out in plain English. He discussed the Radio Frequency Exposure Study commissioned by the applicant, which confirmed that according to safety standards set by the FCC, the radio tower does not pose a risk to residents. He voiced his agreement with the recommended conditions of approval with the following exceptions:

Condition No. 5 (requiring a pedestrian walkway throughout the interior of the project) – He explained that it was not practical to add an interior walkway given the constraints of this site.

Condition No. 8 (requiring a minimum 10-foot landscaped setback outside the perimeter wall) – He explained that plans call for up to 17 feet of landscaped setback outside the perimeter wall along 190th Street; that the applicant has agreed to plant trees in the park along the north wall; that the owner of the auto repair facility on the west side of the project is pleased with the 40-foot setback and does not want landscaping on his side of the wall; and that the applicant has offered to incorporate tree wells in the east wall, which is adjacent to a parking lot.

Condition No. 10 (requiring a minimum 10-foot landscaped front yard for each unit) – He stated that the proposed 6-foot front yards are larger than typical front yards in this type of development, including the project recently approved on Border Avenue; that the proposed layout is a good use of space; and that increasing the front yards to a full 10 feet was not practical.

Condition No. 24 (requiring that the main driveway provide a minimum throating to provide for three cars in the guest queue) – He maintained that two car lengths plus the deceleration lane, which provides an additional buffer, was adequate for a project this size.

Urging approval of the project, Mr. Nelson conceded that this was not the typical site for a residential development, but noted that there is a serious housing shortage in Torrance and very little open space.

A brief discussion ensued regarding the capacity of the throating at the project's entrance area. Mayor Walker stated that it appeared that the entrance could be reconfigured to accommodate three cars without too much difficulty. Engineering Director Burt noted that there must be room for a vehicle to make a U-turn and exit without backing out, and Mr. Nelson stated that he believed he could work it out with staff.

Mr. Patrick Furey, President of North Torrance Homeowners Association, stated that he thought it was a great project, but not appropriate for this location. He offered background information about the history of the site, noting that a number of projects have been proposed, including one by JCC Homes in 1997 for 64 single-family homes on a much larger plot of land, which was endorsed by the homeowners association. He advised that his organization's main objection is that the project does not conform to the City's Master

Plan. He expressed concerns about park security, pointing out that the project would block off a large portion of Columbia Park so that it would no longer be visible from 190<sup>th</sup> Street. He questioned whether residents of the development could waive their rights with regard to the potential nuisances surrounding the project, such as the park, auto body shop and radio antenna. He voiced his opinion that the notification area should be enlarged when a project affects a regional park and involves changing the Master Plan. He suggested that the City might want to consider acquiring this land to enlarge Columbia Park.

Councilmember Lieu questioned whether the buyer awareness package proposed by the applicant was sufficient. City Attorney Fellows advised that it was sufficient from a legal perspective, however, additional notice could be required if the Council believed it was warranted.

Councilmember Lieu pointed out that anything built on this site, whether it is residential or commercial, would block the view from 190<sup>th</sup> Street into the park.

Mr. Morgan Tookey, 652 Calle Miramar, voiced support for the project, noting that the specifications for the proposed homes are very similar to R-1 standards and that the density is far less than what could be built on this site. He reported that there are several parks in the City with some sort of lighting adjacent to residences and expressed confidence that the impact on residents could be mitigated by planting trees, cautioning that they must be located so as not to interfere with activities at the park.

Ms. Gail Cole, 3701 W. 182<sup>nd</sup> Street, stated that she strongly objected to the project, noting the site's proximity to railroad tracks. She related her understanding that another party was interested in building a sports complex on the site.

Responding to Mr. Furey's comments, Mr. Marcil noted that he was involved in the project brought forward in 1997; that it was 30% more dense than the proposed project; and that the Northwest Torrance Homeowners Association voted unanimously to support it. He pointed out that anything built on the site would block the view of the park from 190<sup>th</sup> Street and emphasized that 85 units could be built on the parcel without changing the zoning.

**MOTION:** Councilmember Scotto moved to close the public hearing. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

Relating his personal experience, Mayor Walker reported that the first house he and his wife owned in Torrance was located next to a park and railroad tracks and that they found it to be a very livable place. Noting that what some view as a negative others view as a positive, he stated that he believed many people would find this development desirable because of its proximity to the park.

Noting her strong ties to northwest Torrance and her efforts to improve the area as a former president of Northwest Torrance Homeowners Association, Councilmember Witkowsky stated that she decided to support the proposed project after careful consideration because she felt it would beautify and upgrade the area. She voiced her opinion that the upscale homes would increase the value of all homes in the area, as well as take care of a parcel of land that has become blighted, and indicated that she was concerned about alternative uses, which could include commercial or mixed-use developments of a higher density. With regard to the site's proximity to railroad tracks, she noted that train traffic has been greatly reduced since the opening of the Alameda corridor.

Councilmember Scotto stated that he has been to Columbia Park numerous times; that he thought something needed to be done with the adjacent open field; and that that he felt the proposed project was a good one, especially considering the alternatives.

Councilmember Lieu commented that his first choice for this site would have been a sports complex, but related his understanding that the people involved in this proposal do not have the necessary financing. Voicing support for the proposed project, he noted that it will not affect current residents, and with regard to nuisances that may affect new residents, he maintained that it was up to potential homebuyers to decide whether or not they wish to live at this location and that it was not the role of City government to make that decision for them.

Councilmember Mauno noted his agreement with Councilmember Lieu's remarks and stated that he believed the project meets the criteria for this area. With regard to park security, he pointed out that having residents along the perimeter and a neighborhood watch program in place would likely contribute to the safety of the park. He noted that Councilmembers must make a decision based on the project before them and not on the hope that something else will be brought forward in the future.

Councilmember McIntyre commented that she would have preferred that the City buy this land to expand the park; however, that was not realistic. Voicing support for the project, she stated that she initially had concerns but believed the mitigations proposed adequately address these issues. Referring to Mr. Furey's comments, she suggested that the Council consider enlarging the notification area when a project affects many more people than those in the immediate vicinity.

Planning Manager Isomoto advised that the notification area was expanded for this hearing.

**MOTION:** Councilmember Scotto moved to approve the appeal and approve the project, deleting Condition Nos. 5, 8 and 10, and adding conditions requiring the developer to plant trees on the northern boundary, provide increased sound attenuation for windows, provide a left-turn pocket within the median on 190<sup>th</sup> street, and provide increased light protection for units on the north boundary. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

**MOTION:** Councilmember Scotto moved to adopt a Mitigated Negative Declaration. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

Planning Manager Gibson noted that Resolutions incorporating the amended conditions would be brought back to the Council for adoption at the next meeting.

## **12B. IMPLEMENTATION OF CONVENIENCE FEES FOR CREDIT CARD PAYMENTS**

### **Recommendation**

Recommendation of the **Acting Information Technology Director** and the **City Treasurer** that City Council enact a Resolution imposing a credit card convenience fee of 2.5% of the total transaction to recover the bank charges associated with accepting and processing credit card transactions.

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

Parks and Recreation Director Barnett advised that staff had no formal presentation but was available to answer any questions.

In response to questions from the Council, Parks and Recreation Director Barnett reported that many public agencies are now charging either a flat fee or a percentage of the transaction to recoup the cost of processing credit card transactions and confirmed that the public will be notified that a convenience fee will be added to credit card payments.

**MOTION:** Councilmember Scotto moved to close the public hearing. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

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

**RESOLUTION NO. 2002-116**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE  
IMPOSING A CONVENIENCE FEE FOR CREDIT CARD PAYMENTS FOR  
CITY FEES AND SERVICES

**MOTION:** Councilmember Witkowsky moved for the adoption of Resolution No. 2002-116. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

\*

The Redevelopment Agency met from 9:45 p.m. to 9:46 p.m.

**16. ORAL COMMUNICATIONS**

Fire Chief Bongard thanked staff of Police, General Services, and Street Services for assisting the Fire Department with the service for Battalion Chief McCarter.

City Clerk Herbers announced that the Red Ribbon Week kick-off luncheon would be held on Thursday, October 24<sup>th</sup> from 11:30 a.m. – 1:00 p.m. in the Health Conference Center at Torrance Memorial Medical Center, 3330 Lomita Boulevard, contact Linda Smukler (310) 972-6141 for reservations.

City Clerk Herbers also announced that a Candidate Forum for Congressional Districts 36 & 37, State Senate District 28, and State Assembly Districts 53 & 55 would be held on Thursday, October 17<sup>th</sup> from 7:00 p.m. – 9:15 p.m. at the Katy Geissert Civic Center Library Meeting Room.

City Attorney Fellows commented on his recently acquired appreciation for soba noodles.

Councilmember Lieu reported that he and Councilmember McIntyre attended the 4th Annual Employee Variety Show, noting that the talent was amazing and that he looks forward to next year's event.

Councilmember Lieu also commented that he was honored to attend the firefighters' retirement dinner and that the City was blessed by those who protect and serve the City of Torrance.

Councilmember Mauno commented on his attendance at the funeral service for Battalion Chief McCarter, noting that it was a very dignified and moving service.

Commenting on his trip to Japan, Councilmember Mauno shared that as part of the delegation to Kashiwa, he learned more about the Torrance Sister City Association and the direct business impact the City of Torrance has had through this organization.

Councilmember McIntyre related a story about her suggestion for Mayor Walker to visit the Miho Museum in Kyoto.

Councilmember Scotto echoed Councilmember Mauno's comments on Chief McCarter's funeral service, noting that he was impressed at the attendance and that Chief McCarter would be sorely missed.

Councilmember Scotto commented on his trip to Japan, stating that he particularly enjoyed the visit to an elementary school where he watched the students perform and later mingled with them in the classroom.

Councilmember Witkowsky shared a story about lunch being made in the classroom during the Kashiwa trip, noting that the people were all very friendly, and that the Japanese delegation would be visiting Torrance in February.

Councilmember Witkowsky echoed the comments of Councilmembers Mauno and Scotto on the funeral service for Battalion Chief McCarter, commenting on the firefighters' family atmosphere.

Councilmember Witkowsky announced she would be participating in the Avon 60-mile walk from Malibu to Santa Barbara to fight breast cancer.

Mayor Walker stated he had known Jack McCarter for 25 years, that he was a dear friend and a wonderful person, and that the slide presentation at the funeral services was very moving.

17. **EXECUTIVE SESSION**

Considered earlier in the meeting, see page 1.

18. **ADJOURNMENT**

At 10:03 p.m., the meeting was adjourned to Tuesday, October 22, 2002, at 5:30 p.m. for an executive session with the regular meeting commencing at 7:00 p.m.

***Adjourned in Memory of  
Fire Battalion Chief Jack McCarter and Evelyn Kildoo-Hull***

Attest:

/s/ Dan Walker

\_\_\_\_\_  
Mayor of the City of Torrance

/s/ Sue Herbers

\_\_\_\_\_  
Sue Herbers  
City Clerk of the City of Torrance

Approved on December 17, 2002

Sue Sweet  
Recording Secretary