

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

1. CALL TO ORDER

The Torrance City Council convened in an adjourned regular session at 5:30 p.m. on Tuesday, October 22, 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 Labor Negotiator; 16b) Conference with Legal Counsel – Anticipated Litigation; and 16c) Real Property Conference with Real Property Negotiator, pursuant to California Government Code Sections 54957.6, 54956.9 (c) and 54956.8.

The Council reconvened in Council Chambers at 7:00 p.m.

2. FLAG SALUTE/INVOCATION

The Pledge of Allegiance was led by Councilmember Mauno.

City Clerk Herbers 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 WITHDRAWN OR DEFERRED ITEMS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 7j was removed from the Consent Calendar for separate consideration.

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Councilmember Scotto announced that the Finance and Governmental Operations Committee would meet on Tuesday, November 19, 2002, at 5:30 p.m., in the Council Chambers to discuss the 1st Quarter Budget Review.

Mayor Walker asked that the meeting be adjourned in memory of retired City employee Harold Boyd.

6. **COMMUNITY MATTERS**

6a. **PROCLAMATION RE "PTA MEMBERSHIP ENROLLMENT MONTH"**

Mayor Walker presented a proclamation declaring the month of October 2002 as "PTA Enrollment Month" in the City of Torrance to Torrance Council of PTAs President Joyce Barney, 2nd Vice President Jan Sawyer, and West High PTSA President Gracie McKewen. Ms. Barney expressed her appreciation for the proclamation and Ms. McKewen presented membership cards and pins to the Council.

6b. **APPOINTMENT OF 2002-2003 YOUTH COUNCIL MEMBERS**

Recommendation

Recommendation of the **Parks and Recreation Director** that City Council confirm the appointments of the members to the 2002-2003 Torrance Youth Council and have them officially sworn in by the City Clerk.

MOTION: Councilmember Scotto moved to confirm the appointments of the members of the 2002-2003 Torrance Youth Council. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

The following members were appointed to the 2002-2003 Youth Council:
Bishop Montgomery – Russell Akiyama, Sumer Alvarez, and Kim Shipley;
El Camino – Stephanie Box and Zahra Osman;
California Academy of Math and Science – Lan Nguyen and Erin Schumacher;
North High – Chris Membribes and Julio Rodriguez;
Shery High – Jamie McHaffie;
South High – Lindsey Adams and Kasia Zastawnik;
Torrance High – Stacey Sorenson, Farrokh Temory, and Jessica Whitlock;
West High – Hetmann Hsieh and Kavith Kapur.

Youth Council members introduced themselves (absent Russell Akiyama), and City Clerk Herbers administered the oath of office.

7. **CONSENT CALENDAR**

7a. **INVESTMENT REPORT FOR SEPTEMBER 2002**

Recommendation

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

7b. **CONTRACT FOR CITY HALL AND WEST ANNEX EXTERIOR PAINTING**

Recommendation

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

- 1) Award a contract to Southwest Coatings of San Pedro, CA for \$42,000 plus a 5% contingency;
- 2) Authorize a 10 % project management fee of \$4,200; and

- 3) Appropriate \$23,897 from FEAP #73 City Hall Outside Air Dampers for City Hall and West Annex Exterior Painting FEAP #27 (B2002-40).

7c. REGIONAL EZ PASS AGREEMENT WITH LOS ANGELES COUNTY MTA

Recommendation

Recommendation of the **Transit Director** that City Council, acting as the Lead Agency for the Municipal Area Express Program (MAX), authorize the Mayor to execute and the City Clerk to attest to an agreement to participate in the EZ Pass Regional Fare Program with the Los Angeles County Metropolitan Transportation Authority.

7d. AIRPORT COMISSION 2001-2002 ANNUAL REPORT

Recommendation

Recommendation of the **Building & Safety Director** and the **Airport Commission** that City Council accept and file the Airport Commission 2001-2002 Annual Report.

7e. IMPLEMENTATION OF RESIDENTIAL ULTRA-LOW FLUSH TOILET REBATE PROGRAM

Recommendation

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

- 1) Approve a professional services agreement with Honeywell DMC Services, Inc. with a maximum value of \$300,000, for provision of services for implementation of a Residential Ultra-Low Flush Toilet (ULFT) Rebate Program (B2002-26);
- 2) Appropriate \$300,000 to the Water Department budget from the Water Revenue Fund balance and increase Water Fund revenues by a corresponding \$300,000 to reflect the contribution reimbursement offset;
- 3) Authorize the Mayor to enter into a letter agreement with the Metropolitan Water District of Southern California (MWD) for provision of a \$60 contribution reimbursement to the Water Department for each qualified ULFT installed under the City's rebate program, with a maximum contribution of \$300,000; and
- 4) Authorize the Mayor to execute and the City Clerk to attest to the professional services agreement between the City and Honeywell DMC Services, Inc.

7f. AGREEMENT WITH CITY OF GARDENA RE WESTERN AVENUE IMPROVEMENTS

Recommendation

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

- 1) Approve an agreement with the City of Gardena for the improvement of Western Avenue from Artesia Boulevard to 182nd Street (I-7);
- 2) Approve a consulting services agreement with Penco Engineers, Inc. in an amount not-to-exceed \$156,653 for the preparation of plans and specifications for this project; and
- 3) Authorize the Mayor and City Clerk to execute and attest to said Agreements.

7g. PURCHASE OF LASER RADAR DEVICES FOR POLICE DEPARTMENT

Recommendation

Recommendation of the **Chief of Police** that City Council

- 1) Authorize a purchase order be issued for an amount not-to-exceed \$61,760 to Laser Technology Inc., of Englewood, CO for the sole-source purchase of 16 Ultralyte LRB (laser radar) speed devices and necessary accessories for use by the Police Department.
- 2) Appropriate grant funding in the amount of \$61,760 FEAP #369.

7h. APPROPRIATION AND ALLOCATION OF ASSET FORFEITURE FUNDS

Recommendation

Recommendation of the **Chief of Police** that City Council appropriate and allocate \$25,000 from the Asset Forfeiture Vice and Narcotics Special Program account to support ongoing operations.

7i. EXECUTION OF CONSULTING SERVICES AGREEMENT RE W/N BOARD

Recommendation

Recommendation of the **Human Resources Director** that City Council execute a consulting services agreement with Lee Bright Marketing International for an amount not-to-exceed \$49,500 for the period of October 16, 2002 through July 31, 2003. This will permit the Workforce Investment Network (W/N) Board to refine the previously developed Marketing Plan, assist in the implementation of the Business Services Unit Business Plan and implement the Board's Strategic Plan.

7j. SUSPENSION OF ANNUAL NEIGHBORHOOD MEETING RE RADIO INTERFERENCE

Considered separately, see page 5.

7k. CONTRACT FOR INSTALLATION OF CONTROL SYSTEMS AT PERSONNEL AND POLICE DEPARTMENT BUILDINGS

Recommendation

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

- 1) Award a contract to Nova Systems of Downey, CA for \$52,300 plus a 5% contingency, for the replacement of control systems for the Police Department (FEAP #45) and Personnel Building (FEAP #44);
- 2) Authorize a 10% project management fee of \$5,230; and
- 3) Appropriate \$26,693 from the Building Maintenance Capital Project Fund.

7l. CONTRACT RE DESIGN SERVICES FOR CULTURAL ARTS CENTER MUSIC ROOM

Recommendation

Recommendation of the **General Services Director** and **Parks and Recreation Director** that City Council authorize a contract to BOA Architecture of San Pedro, CA for amount not-to-exceed \$79,600 for design services for renovation of the Cultural Arts Center Music Room to a Black Box Theater (FEAP #338).

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

Consent Calendar Item 7 j was considered separately at this time.

7j. **SUSPENSION OF ANNUAL NEIGHBORHOOD MEETING RE RADIO INTERFERENCE**

Recommendation

Recommendation of the **Land Management Team** that City Council suspend until December 2002, **RADIO INTERFERENCE SECTION 8(B)** of Lease Number C2000-129 relating to City-owned property located at 5020 Calle de Arboles (Radio Tower) requiring an annual meeting to be held in October 2002.

Land Management Team Chairman Sunshine reported that staff was recommending that the annual neighborhood meeting concerning radio interference from the radio tower, located at 5020 Calle de Arboles, be suspended until December 2002 because the lessee is in negotiations to relocate the radio tower and expects to have more information at that time.

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

9. **PLANNING AND ECONOMIC DEVELOPMENT**

9a. **EAS02-00003, GPA02-00001, ZON02-00003, CUP02-00013, TTM53897: JCC HOMES/RICHARD GOULD**

Recommendation

Recommendation of the **Planning Commission** and the **Planning Director** that City Council take the following action on property located at 4301 190th Street:

- 1) Adopt an Ordinance approving a Zone Change from HBCSP-NT (Hawthorne Boulevard Corridor Specific Plan Zone North Torrance Subdistrict) to R-3 (Limited Multiple Family Residential);
- 2) Approve an Ordinance Summary for publication; and
- 3) Adopt Resolutions approving:
 - A General Plan Amendment from General Commercial to Low Medium Density Residential;
 - A Conditional Use Permit to allow the construction of a 31-unit condominium project; and
 - A Tentative Tract Map for condominium purposes.

EAS02-00003, GPA02-00001, ZON02-00003, CUP02-00013, TTM53897: JCC HOMES / RICHARD GOULD

Planning Manager Isomoto noted supplemental material available at the meeting consisting of correspondence from Patrick Furey, President of Northwest Torrance Homeowners Association.

Ms Marilyn Throssel, 3905 W. 176th Street, described the land uses surrounding the JCC Homes project site, which include a regional park, two large radio towers, an

automobile repair shop, manufacturing/industrial facilities, a five-lane thoroughfare and railroad tracks, and posed the following questions: Can emergency vehicles gain access through the front gates? Can large fire engines maneuver on streets within the tract? Are there smooth sidewalks in front of each home? Will the City be responsible for the trees planted on park property by the developer to shield residents?

Ms. Throssel expressed concerns about the impact the adjacent park/parking lot and radio towers would have on residents and discussed potential safety issues involving trains/railroad tracks and industrial pollution. She questioned whether trees should be planted inside the east and west boundaries of the tract to ensure future privacy and whether there will be a sidewalk along 190th Street so that residents can walk to nearby restaurants and schools.

Ms. Throssel noted her agreement with the Planning Department's assessment that this location is not suitable for a residential development; pointed out that the Planning Commission also rejected the project due to non-conformity with the General Plan; and commented on potential liability issues should lawsuits be filed against the City because negative factors were not disclosed to homebuyers. She suggested that there might be a more suitable proposal with less risk to the City.

Mayor Walker noted that the Council spent a considerable amount of time on the disclosure issue at the last meeting; that the Fire Department makes sure that there are no accessibility problems before signing off on a project; and that the developer will work with the Parks and Recreation Director to ensure that any trees planted do not interfere with the use or maintenance of the park.

Planning Director Gibson and Planning Manager Isomoto responded to Ms. Throssel's questions and confirmed that all of the issues that she mentioned were discussed/addressed at previous hearings.

City Attorney Fellows advised that Ms. Throssel's comments would have been appropriate during the public hearing at last week's meeting, however, the public hearing was closed and the project was approved. He explained that the Council's action at this meeting was simply to confirm that the Ordinance/Resolutions brought forward accurately reflect the directions given to staff last week.

ORDINANCE NO. 3526

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 4301 190TH STREET FROM HBCSP-NT (HAWTHORNE BOULEVARD CORRIDOR SPECIFIC PLAN ZONE, NORTH TORRANCE SUBDISTRICT) TO R-3 (LIMITED MULTIPLE FAMILY RESIDENTIAL) **ZON02-0003: CITY OF TORRANCE**

MOTION: Councilmember Witkowsky moved for the adoption of Ordinance No. 3526. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

MOTION: Councilmember Scotto moved to approve an ordinance summary for publication. The motion was seconded by Councilmember Witkowsky and passed by unanimous roll call vote.

RESOLUTION NO. 2002-113

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A GENERAL PLAN AMENDMENT FROM GENERAL COMMERCIAL TO LOW-MEDIUM DENSITY RESIDENTIAL ON PROPERTY LOCATED IN THE R-3 ZONE (ZONE CHANGE PENDING) AT 4301 WEST 190TH STREET **GPA02-00001: JCC HOMES/RICHARD GOULD**

MOTION: Councilmember Witkowsky moved for the adoption of Resolution No. 2002-113. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

RESOLUTION NO. 2002-114

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 CONSTRUCTION OF 31 DETACHED CONDOMINIUM UNITS ON PROPERTY LOCATED IN THE R-3 ZONE (ZONE CHANGE PENDING) AT 4301 WEST 190TH STREET **CUP02-00013: JCC HOMES/RICHARD GOULD**

MOTION: Councilmember Witkowsky moved for the adoption of Resolution No. 2002-114. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

RESOLUTION NO. 2002-115

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A TENTATIVE TRACT MAP FOR CONDOMINIUM PURPOSES ON PROPERTY LOCATED IN THE R-3 ZONE (ZONE CHANGE PENDING) AT 4301 WEST 190TH STREET **TTM53896: JCC HOMES/RICHARD GOULD**

MOTION: Councilmember Witkowsky moved for the adoption of Resolution No. 2002-115. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

11. ADMINISTRATIVE MATTERS

11a. 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 Nowatka and passed by unanimous roll call vote.

11b. NOVEMBER 5, 2002 GENERAL ELECTION BALLOT MEASURES

Recommendation

Recommendation of the City Council **Legislative Ad Hoc Committee** that City Council concur with the ballot positions recommended by the committee and adopt a Resolution in support of Measure E.

Assistant to the City Manager Keane reported that the Legislative Ad Hoc Committee met the previous week to consider State, County and local initiatives on the November 5, 2002 General Election ballot. She outlined the criteria used to determine whether the City should support, oppose or take a neutral position on a ballot measure. She summarized each measure; discussed the potential impact on the City of Torrance; and reviewed the Committee's recommendations.

After a brief discussion, the Council voted as follows:

State Ballot Number	Title	Committee Recommendation	Council Vote
46	Housing and Emergency Shelter Trust Fund Act of 2002	Unanimous to Oppose	Oppose. (Scotto/Nowatka) Yes: Mauno, McIntyre, Nowatka, Scotto, Witkowsky, Walker No: Lieu
47	Kindergarten-University Public Education Facilities Bond Act of 2002	Unanimous to Support	Support. (Witkowsky/Scotto) unanimous
48	Court Consolidation. Legislative Constitutional Amendment	Unanimous to Support	Support. (Scotto/Nowatka) unanimous
49	Before and After School Programs. State Grants. Initiative Statute	Support – Scotto, Witkowsky Oppose - Nowatka	Support. (Witkowsky/Scotto) Yes: Lieu, Mauno, Scotto, Witkowsky, Walker No: McIntyre, Nowatka
50	Water Quality, Supply and Safe Drinking Water Projects. Coastal Wetlands Purchase and Protection. Bonds. Initiative Statute.	Support – Scotto, Nowatka Oppose – Witkowsky	Support. (Scotto/Nowatka) Yes: Lieu, Mauno, McIntyre, Nowatka, Scotto, Walker No: Witkowsky
51	Transportation. Distribution of Existing Motor Vehicle Sales and Use Tax. Initiative Statute.	Unanimous to Oppose	Oppose. (Scotto/Nowatka) unanimous
52	Election Day Voter Registration. Voter Fraud Penalties. Initiative Statute.	Unanimous to Oppose	Oppose. (Scotto/Nowatka) unanimous
County Measure A	Earthquake and Fire Safety Bond	Neutral	Neutral. (Scotto/Nowatka) Unanimous
County Measure B	Preservation of Trauma Centers and Emergency Medical Services; Bio-terrorism Response.	Support – Scotto, Nowatka Neutral * Witkowsky *Changed to Support at meeting	Support. (Witkowsky/Scotto) Unanimous
Local Jurisdiction Measure			
**E	Issuance of General Obligation Bonds in the Amount of \$394,516,464 for Specified School Improvements. El Camino College	Support – Unanimous	(Scotto/Witkowsky)

Mr. Rick Marshall, 2065 W. 235th Street, noted his opposition to State Proposition 47, stating that the \$873 million annual expense will necessitate either a reduction in services or an increase in taxes, and his opposition to Measure E, citing the long-term burden on local property taxpayers.

Ms. Catherine Bise, 18915 Cordary Avenue, voiced support for Measure E, stating that the renovations to El Camino College are urgently needed and noting that many local firefighters, police officers, and health care personnel received their training at this community college.

Mayor Walker expressed support for Measure E, stating that El Camino College is a great asset to the community and the improvements are long overdue.

RESOLUTION NO. 2002-117

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE
IN SUPPORT OF MEASURE E: EL CAMINO COMMUNITY COLLEGE DISTRICT
BOND MEASURE FOR EXCELLENCE AND EDUCATION

MOTION: Councilmember Witkowsky moved for the adoption of Resolution No. 2002-117. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

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Mayor Walker announced that subsequent to the posting of the agenda on October 17, 2002, the City Manager and the Chief of Police determined that mutual cooperation with the City of Palm Springs regarding deployment of motor officers for military parades is necessary and appropriate. Because the Palm Springs parade is to be held on November 11, 2002, it is necessary to take immediate action. In order to add an item to the agenda, California Government Code Section 54954.2(b)(2) requires a determination by two-thirds vote of the Council that immediate action is necessary and that the need to take action arose subsequent to the posting of the agenda.

MOTION: Councilmember Scotto moved to add Item 11c to the agenda. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

**11c. TRAFFIC CONTROL ASSISTANCE TO PALM SPRINGS POLICE
DEPARTMENT FOR 2002 VETERAN'S DAY PARADE**

Recommendation

Recommendation of the **Chief of Police** that City Council authorize the deployment of six motor officers and one Sergeant to assist the City of Palm Springs with traffic and parade route control for their 2002 Veteran's Day Parade to be held November 11, 2002.

Police Chief Herren reported that for the past three years, the cities of Torrance and Palm Springs have worked closely in the planning of their military-related parades; that they have been informed that the Military Police who usually assist in traffic control will not be available this year; and that staff was recommending that the cities exchange the services of one sergeant and six motor officers to perform traffic control duties at their respective parades.

In response to Councilmember Nowatka's inquiry, Chief Herren advised that the officers will leave and return on the same day and that the trip will also serve as a training exercise for the personnel involved.

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

12. HEARINGS

12a. PRE01-00043: STORM WESTERN DEVELOPMENT/ DAVID DUGGINS

Recommendation

Recommendation of the Planning Director that City Council deny the appeal and adopt a Resolution approving a Precise Plan of Development (PRE01-00043) to allow the construction of a new, two-story residence on property located in the R-1 zone, Hillside Overlay District, at 5627 Edgemere Drive.

PRE01-00043: STORM WESTERN DEVELOPMENT (DAVID DUGGINS)

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 noted that this item was continued at the July 23, 2002 City Council meeting to allow the applicant an opportunity to meet with neighbors and to revise the plans. Displaying three different profiles of the street, she contrasted the ridgeline of the project as approved by the Planning Commission; the ridgeline with the southern setback decreased to the minimum 8 feet 6 inches; and the ridgeline as proposed. She discussed the modifications that were made to achieve a reduction in the height of the project.

Mr. Lonnie Cope, 5627 Edgemere Drive, voiced his opposition to the project. He maintained that the layout of the home was an inefficient use of space and expressed concerns about the safety of children forced to play in the street because of oversized homes, which leave no yards for children to play in. He submitted a slide of the property with a mound of dirt approximating the ridgeline of the new home and noted that there are no two-story homes within 100 yards of this site.

Ms. Karen Beverly, 5626 Edgemere Drive, stated that the proposed residence does not adhere to the Code requirements outlined in the Hillside Overlay Ordinance; related her understanding that the ordinance limits construction to one-story homes not to exceed 14 feet in height; and maintained that the developer ignored the Council's directives to grade the lot down to curb level at the midpoint and to meet with neighbors to discuss their concerns. She contended that Councilmembers would not be representing the views of the citizens who elected them should they approve the project, noting that the neighborhood raised funds to finance this appeal.

At Mayor Walker's request, Planning Manager Isomoto clarified that the Hillside Overlay Ordinance requires the approval of a Precise Plan of Development for projects exceeding 14 feet in height, however, it does not prohibit second stories or limit homes to 14 feet.

Mr. Lance Wayman, 20431 Tomlee Avenue, indicated that he still opposes the project, contending that only minor changes were made which do not address residents' concerns. He stated that the developer did not meet with neighbors, lower the ridgeline in step with other properties or grade the lot down, as directed to by the Council at the July 23 meeting. He voiced his opinion that the Council should give more consideration to the needs of current residents instead of the needs of developers and future residents.

Mr. David Duggins, Storm West Development, 1309 W. Sepulveda Boulevard, reported that, as requested at the July 23 meeting, he revised the plans to move the residence as close possible to the south property line, however, the neighbor who is most affected, Nelson Caraballo, 5623 Edgemere Drive, did not like the plans and expressed his preference for the original location. He explained that after consulting with the Planning Department, the plans were revised using a split-level design at the original location with a lowered ridgeline to minimize the impact on views. He indicated that he asked Mr. Caraballo to share the revised plans with neighbors and that Mr. Caraballo reported that neighbors were still opposed to the project and wanted it lowered. He stated that he did not know what else could be done because everything he has tried has met resistance from neighbors.

In response to Councilmember Scotto's inquiry, Mr. Duggins provided clarification regarding the finished grade of the property, noting that it would be almost identical to the adjacent JCC Homes project's southerly property line. He indicated that it was not possible to grade the lot down any further because the slope of the driveway would exceed the maximum allowed by Code.

Returning to the podium, Ms. Beverly related her understanding that that the problem with the driveway/subterranean garage could be addressed by requesting a drainage easement from Mr. Caraballo.

Councilmember Lieu asked if Mr. Caraballo had shared the revised plans with neighbors, and Ms. Beverly stated that Mr. Caraballo did indicate that he had received a drawing from Mr. Duggins.

In response to Councilmember Witkowsky's inquiry regarding concerns mentioned at the previous hearing, Mr. Duggins confirmed that the privacy issues with Mr. Caraballo had been resolved, noting that there was a letter to that effect included in the agenda material. Commenting on the reduction in the height of the structure, he stated that he thought the revised ridgeline provides a fairly smooth transition from the two-story homes to the north and the one-story homes to the south. With regard to drainage, he indicated that there will be a trench drain in front of the garage which will send water out the southwest corner through the curb.

Councilmember Scotto noted that while the proposed residence is approximately 3,600 square feet, the Code permits up to 6,000 square feet on a lot of this size.

At Mayor Walker's request, Planning Manager Isomoto summarized the revisions that were made to the project in response to comments at the July 23 hearing (per written material of record).

MOTION: Councilmember Scotto, seconded by Councilmember Witkowsky, moved to close the public hearing; the motion by passed by unanimous roll call vote.

MOTION: Councilmember Scotto moved to concur with the staff recommendation to deny the appeal and approve PRE01-00043. The motion was seconded by Councilmember McIntyre and passed by unanimous roll call vote.

RESOLUTION NO. 2002-118

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DENYING THE APPEAL AND 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 NEW, TWO-STORY, SINGLE-FAMILY RESIDENCE IN THE R-1 ZONE WITHIN THE HILLSIDE OVERLAY DISTRICT AT 5627 EDGEMERE DRIVE
PRE01-00043: STORM WESTERN DEVELOPMENT/DAVID DUGGINS

MOTION: Councilmember Witkowsky moved for the adoption of Resolution No. 2002-118. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

The Council recessed from 8:51 p.m. to 9:13 p.m.

13. APPEALS

13a. APPEAL OF JOY SPA BUSINESS LICENSE REVOCATION

Recommendation

Staff recommends that City Council concur with the decision of the License Review Board (LRB) to revoke the business license issued to Joy Spa, for numerous violations of the City of Torrance Municipal Code.

City Attorney Fellows announced that Michael Miller would serve as legal counsel for the City Council during this hearing because Deputy City Attorney Heather Whitham would be representing the City.

For the City of Torrance:

Deputy City Attorney Heather Whitham

For the Appellant:

Jeffrey C. Jackson, Esq.
4891 Pacific Highway, Suite 220
San Diego, CA 92110

For the City Council:

Michael H. Miller, Esq.
3826 Sunset Drive
Los Angeles, CA 90027

Mayor Walker announced that this was the time and place for a public hearing on the License Review Board's revocation of the Business License issued to Joy Spa. He noted that a record of the proceedings before the License Review Board was provided to the Council, including a transcript/minutes of the Board meeting and decision and all exhibits accepted into evidence by the Board. He indicated that the findings of the License Review Board, the City's appeal brief and Joy Spa's appeal were also provided for the Council's review. He outlined the procedure for the hearing.

ARGUMENT – APPELLANT

Mr. Jeffrey Jackson noted that his client Ji Yon Lee was not present at this hearing and that her husband was appearing on her behalf. He stated that in the brief he submitted in support of Joy Spa, he raised procedural issues because it was not his intent to go over the factual issues at this hearing, although he believes they are substantive in nature and should be considered by an independent adjudicator.

Mr. Jackson stated the following:

- That under the due process clause of both the United States and the California Constitution, everyone is provided an opportunity to have an impartial adjudicator hear his or her case.
- That with regard to Joy Spa, the revocation process was initiated by the Torrance Police Department, litigated by the City Attorney's Office, and decided by the Torrance License Review Board, which is comprised of the City's Transportation Manager, Library Manager and Assistant City Manager.
- That at every stage of the process, issues involving Joy Spa were decided by officials and employees of the City of Torrance.
- That while case law is cited in his brief, one does not have to be an attorney to understand that someone facing revocation of a business license would prefer an impartial adjudicator.

Mr. Jackson suggested that the City could obtain qualified independent adjudicators through the Los Angeles County Hearing Officers or the Office of Administrative Hearings of the State of California and maintained that this was the appropriate avenue to pursue in a business license revocation. He noted that a number of cities have reciprocal arrangements whereby employees of one city hear cases from another city and related his experience that most cities are utilizing independent adjudicators because they recognize the problem. He contended that had an impartial adjudicator heard the facts in this case, the decision would have been different.

Mr. Jackson further stated:

- That he was sure that there are a number of businesses operating in Torrance that have violated Torrance Municipal Code sections.
- That before undertaking business license revocation proceedings there should be substantial violations, notification of those violations, and failure to correct them.
- That, in this case, the appellant received one notice from the fire department.
- That Joy Spa was the subject of a lengthy investigation to determine if prostitution activities were occurring at the location.
- That when the police officers were unable to come up with evidence of prostitution, they came up with other issues, including Municipal Code violations, such as failure to register clients and failure to wear proper clothing.
- That a three-month suspension of Joy Spa's business license would be an appropriate penalty for these violations.

Mr. Jackson reported that his client was in Brazil when the violations occurred; conceded that she is not sophisticated or as familiar with the Torrance Municipal Code as she should have been; and indicated that she now has a much better understanding of what needs to be done. He commented on the financial hardship the appellant would endure should Joy Spa's business license be revoked and urged a suspension of the license if the Council feels a penalty is warranted.

ARGUMENT – CITY

Deputy City Attorney Whitham noted that in addition to the materials Mayor Walker mentioned, the Council was also provided with copies of Joy Spa's opposition brief and the City's reply brief.

Ms. Whitham stated that Joy Spa has no valid grounds to overturn the decision of the License Review Board and has chosen to attack the process as unfair since the merits of the revocation cannot be disputed. She noted that, in her reply brief, she thoroughly addresses Joy Spa's challenge to the City's License Review Board and maintained that there is no legal basis for the challenge and no relevant authority cited in support of the appellant's position.

Ms. Whitham stated the following:

- That it is perfectly legal for the City to have a board composed of City employees to administer the City's licensing scheme.
- That any perceived conflict raised by Joy Spa is too attenuated to require disqualification without a showing of actual bias.
- That the decisions of the Board in no way impact each member's employment with the City.
- That participation on the Board constitutes a very small fraction of each Board member's duties with the City.
- That two of the three Board members are protected by Civil Service and all three are subject to the Political Reform Act.

Ms. Whitham contended that Joy Spa operated in complete defiance of the laws of the State of California and the City of Torrance for a period of at least 10 months; noted that Joy Spa's attorney at the License Review Board hearing conceded that those violations occurred; and maintained that there was overwhelming evidence to support the decision to uphold the revocation and deny the appeal.

QUESTIONS FROM THE COUNCIL

Councilmember Scotto questioned why Ms. Lee was not present at this hearing. Mr. Jackson explained that Ms. Lee preferred to have her husband represent her because he is better able to understand the proceedings and because she found this matter too upsetting.

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

DELIBERATIONS

Mayor Walker proposed that the Council recess to closed session for deliberations, and Mr. Miller advised that, unlike personnel matters, deliberations concerning business license revocations must be conducted in open session.

MOTION: Councilmember Scotto moved to deny the appeal and to sustain the decision of the License Review Board. The motion was seconded by Councilmember Nowatka and passed by unanimous roll call vote.

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The Redevelopment Agency met from 9:29 p.m. to 9:30 p.m.

16. ORAL COMMUNICATIONS

16a. City Clerk Herbers announced that the Red Ribbon Week kick-off luncheon would be held on Thursday, October 24, from 11:30 a.m. – 1:00 p.m. in the Health Conference Center at Torrance Memorial Medical Center, located at 3330 Lomita Boulevard, contact Linda Smukler (310) 972-6141 for reservations.

16b. Councilmember Lieu encouraged everyone to vote on November 5th.

16c. Councilmember Lieu noted that former councilman Jack Messerlian and wife Sherry have opened up a Quiznos at the corner of Crenshaw and Sepulveda Boulevards.

16d. Councilmember Mauno commented on his attendance at the Korean Catholic Church dedication along with Mayor Walker and Councilmember Nowatka.

16e. Councilmember Mauno also noted attending Congresswoman Jane Harman's State of the Region address at a Chamber of Commerce luncheon and that the City of Torrance is a part of the most dynamic district in the United States with regards to technology and education.

16f. Councilmember McIntyre commented on councilmembers' Halloween ties.

16g. Councilmember Nowatka announced the birth of his seventh grandchild, Benjamin Luke Matis on October 7.

16h. Councilmember Nowatka invited everyone to attend the Harvest Health Fair at Wilson Park on Saturday, October 26, from 9:00 a.m. to 1:00 p.m.

16i. Councilmember Nowatka asked staff to verify that the pumpkin patch located on the corner of Hawthorne Boulevard and Pacific Coast Highway is being properly run.

16j. Councilmember Nowatka echoed Councilmember Mauno's comments on the Korean Catholic Church dedication.

16k. Councilmember Nowatka noted that the County Board of Supervisors would be voting on the closing of Harbor General Hospital on October 29 and stressed the importance of retaining this first class trauma center.

16l. Councilmember Scotto reminded everyone to have a safe Halloween and to make sure that children are not trick or treating alone and that they have a flashlight so they are visible to motorists.

