

January 11, 2000

**MINUTES OF A 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, January 11, 2000, in the City Council Chambers at Torrance City Hall.

ROLL CALL

Present: Councilmembers Cribbs, Horwich, Lee, Messerlian, O'Donnell, Walker, and Mayor Hardison.

Absent: None.

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

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Agenda Item No. 16 was considered out of order at this time.

16. EXECUTIVE SESSION

At 5:32 p.m., pursuant to Government Code Sections 54957.6, 54956.9, 54957 and 54956.8, the City Council entered into a closed session to confer with the City Manager and the City Attorney on the agenda matters listed under Items 16a. Conference with Labor Negotiator, 16b. Public Employee Performance Evaluation – City Manager, 16c. Public Employee Performance Evaluation – City Manager and City Attorney and 16d. Real Property Conference with Real Property Negotiator.

At 7:21 p.m., the City Council returned to open session. Assistant City Attorney Pohl announced that the City Council, by a vote of 6-1 with Councilmember O'Donnell dissenting, authorized the City Attorney to join in an Amicus brief re: Cruz v. Briseno with the County of Los Angeles.

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Discussion returned to regular agenda order.

2. FLAG SALUTE/INVOCATION

Boy Scout Troop #310, Bruce Maass, Scoutmaster, led the Pledge of Allegiance.

Pastor Charley Miller, Hope Chapel Community, gave the invocation for the meeting.

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

MOTION: Councilmember Lee 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 Cribbs and, there being no objection, it was so ordered by Mayor Hardison.

MOTION: Councilmember Lee 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 Cribbs and, there being no objection, it was so ordered by Mayor Hardison.

Mayor Hardison asked the meeting be adjourned in memory of Lance Kendall, a storekeeper in Fleet Services; Laurie C. Haskell, a legal secretary in the City Attorney's office; Charles M. Shartle, a former Planning Director for the City of Torrance; Mary Cooper, a former Library and Traffic Commissioner; and Loring Marlette, a long-time civic leader and developer of Torrance Memorial Medical Center.

From the dais Mayor Hardison recognized students in the audience from Mrs. Wright's Government class at Torrance High School.

4. **WITHDRAWN/DEFERRED ITEMS**

City Manager Jackson withdrew Item 12b City Council Consideration of a Zone Change from ML (Limited Manufacturing) to C-2 (General Commercial District) on property located at 1840 186th Street and 18605, 18655 and 18715 Western Avenue in order to re-advertise the hearing.

Mayor Hardison indicated that she would be calling a meeting of the Legislative Ad Hoc Committee in order to study State Ballot propositions for the March election with any direct effect on the City.

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6. **COMMUNITY MATTERS**

6a. **RETIREMENT RESOLUTION GENEVIEVE (JENI) PAQUETTE**

RESOLUTION NO. 2000-01

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE COMMENDING AND CONGRATULATING GENEVIEVE (JENI) PAQUETTE UPON HER RETIREMENT FROM THE CITY AFTER THIRTY-FOUR YEARS OF SERVICE

MOTION: City Clerk Herbers read aloud the number and title for Resolution 2000-01 and Councilmember Messerlian moved for its adoption. The motion was seconded by Councilmember Horwich and passed by unanimous roll call vote.

Mayor Hardison presented Resolution 2000-01 to Genevieve (Jeni) Paquette with sincere congratulations for her years of service to the City of Torrance.

7. **CONSENT CALENDAR**

7a. **APPROVAL OF MINUTES OF OCTOBER 26, NOVEMBER 9, NOVEMBER 16, AND NOVEMBER 23, 1999**

Considered separately, see below.

7b. **BEQUEST FROM ESTATE OF POLLY WATTS**

Considered separately, see below.

7c. **AGREEMENT WITH ECHELON INDUSTRIES RE TRANSIT STATISTICS**

Recommendation

Recommendation of the Transit Director that City Council authorize the Mayor to execute and the City Clerk to attest to a one-year agreement with Echelon Industries Inc. to compile National Transit Database statistical information for an annual cost not to exceed \$25,000.

7d. **MOU - LACMTA FOR ANNUAL PROPOSITION C FUNDING**

Recommendation

Recommendation of the Transit Director that City Council authorize the Mayor to execute and the City Clerk to attest to a Memorandum of Understanding (MOU) with the Los Angeles County Metropolitan Transportation Authority for annual Proposition C 40% Discretionary funding for the Torrance Transit System.

7e. **LEASE RENEWALS FOR LITTLE LEAGUE FIELDS**

Recommendation

Recommendation of the Parks and Recreation Director that City Council authorize the Mayor and City Clerk to execute an agreement on behalf of the City of Torrance initiating the renewal of a five-year lease for the use of Central Torrance Little League Fields (1730 Plaza del Amo) for Central Torrance Little League; Columbia Park Little League Field (4045 190th Street) for North Torrance Little League; Lago Seco Park Little League Fields (3920 235th Street) for Riviera Little League; Doris Way Sump Little League Fields (23009 Doris Way) by Torrance American Baseball; Entradero Sump Little League Fields (5500 Towers) by West Torrance Little League for the period of January 11, 2000 through December 31, 2004.

7f. **EXTENSION OF CONTRACT SERVICES AGREEMENT C97-130 FOR ANALOG CELLULAR SERVICE**

Recommendation

Recommendation of the Information Systems Director that City Council:

- 1) Authorize an extension of Contract Services Agreement C97-130 with Arjay Telecommunications (AT & T Wireless) for analog cellular service through October 1, 1999; and
- 2) Authorize an increase of \$4,000 for a total amount not-to-exceed \$106,000.

7g. **AGREEMENT WITH PROJECT PARTNERS FOR INSPECTION OF SIDEWALK RAMPING AND GRINDING PROJECT**

Recommendation

Recommendation of the Street Services Director that City Council:

- 1) Approve a standard agreement, approved as to form by the City Attorney, with Project Partners in an amount not to exceed \$93,120 for inspection of the Citywide Sidewalk Ramping and Grinding Project; and
- 2) Authorize the Mayor and City Clerk to execute and attest said agreement.

7h. **CONTRACT FOR TRANSIT SECURITY SERVICES**

Recommendation

Recommendation of the Transit Director that City Council authorize the Mayor to execute and the City Clerk to attest to a contract extension with International Services Inc. (ISI) for transit security services from February 1, 2000 through January 31, 2002 for a sum not to exceed \$119,350.80 annually.

7i. **ACCEPTANCE OF DONATIONS**

Recommendation

Recommendation of the City Manager that City Council accept the following donations submitted for the specified purpose:

- 1) Dog Obedience Club of Torrance \$800.00 for The ATTIC Teen Center; and
- 2) Pacific Bell Telephone Company \$4,718.00 for Employees' Fitness Room.

MOTION: Councilmember O'Donnell moved for the approval of Consent Calendar Items c, d, e, f g, h, and i as written. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote.

Consent Calendar Items 7a and b were considered separately at this time.

7a. **APPROVAL OF MINUTES OF OCTOBER 26, NOVEMBER 9, NOVEMBER 16, AND NOVEMBER 23, 1999**

Mayor Hardison noted that the minutes of October 26, and November 16 were withdrawn and would be resubmitted. Councilmember Messerlian asked a correction to

the minutes of November 23, 1999, in which the last line of the second paragraph be deleted on page 16.

MOTION: Councilmember Messerlian moved for the approval of the minutes of November 9, as written and November 23 as amended. Councilmember Horwich seconded the motion and passed by unanimous voice vote with Councilmember O'Donnell abstaining from the minutes of November 23 due to her absence.

7b. **APPROPRIATION OF BEQUEST FROM ESTATE OF POLLY WATTS**

Recommendation

Recommendation of the City Librarian that City Council accept and appropriate a \$25,000 bequest from the estate of long-time Torrance resident Polly Watts. The City Librarian recommends that this be designated for construction of the Katy Geissert Civic Center Library Basement.

Councilmember Walker noted his disagreement for allocating funds solely to the construction of the library basement. He further related that this bequest should be a visible contribution.

Councilmember O'Donnell agreed as Polly Watts had served the City and many years on the Board of Education and that her memory should be preserved in a more suitable manner.

Mayor Hardison suggested City Council accept appropriation and request the City Librarian return with additional options.

MOTION: Councilmember Walker moved to accept the appropriation and defer allocation of funds until further options are available. Councilmember O'Donnell seconded the motion which passed by unanimous voice vote.

Mayor Hardison referred to Consent Item 7i noting the donation from Pacific Bell of \$4,718.00 for Employees' Fitness Room and asked that Jim Herrera, Pacific Bell, present the donation.

Mr. Herrera related that Pacific Bell was pleased to be part of the City and looked forward to many more years of City partnership.

Mayor Hardison thanked Pacific Bell for also sponsoring the State of the City Address.

5. **COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

City Clerk Herbers invited the public to visit the City Clerk's office during January to view a display of oil paintings by Torrance Artists Guild Members Betty Kohler and Antoinette Feyder, all based on the theme of "Winter."

City Clerk Herbers announced February 7, as the last day to register to vote in the March 7 Municipal and Primary Election.

City Clerk Herbers announced that requests for Absent Voter ballots may be made to L.A. County Registrar between February 7 and February 28.

City Clerk Herbers announced various City Council Candidate Forums and invited calls to the City Clerk's Office.

9. PLANNING AND ECONOMIC DEVELOPMENT

9a. AMENDMENT TO HILLSIDE AND COASTAL OVERLAY ZONE ORDINANCE

Recommendation

Recommendation of the City Attorney that City Council adopt an **ORDINANCE** deleting the hardship requirement (Subsection "e") from the list of required findings for approval of a Hillside Precise Plan, set forth in Section 91.41.6 of the Hillside and Coastal Overlay Zone Ordinance ("Hillside Ordinance") and approve a summary for publication.

Deputy City Attorney Whitham noted that as a result of a challenge to a Hillside precise plan the City Attorney's office reviewed the Hillside Ordinance and concluded that required findings in Section 91.41.6 should not include a required finding that a denial would constitute a hardship. She stated that the hardship provision constitutes a waiver and should not be required finding, but rather, a mechanism by which one, due to special circumstances, may be relieved of the required findings. Deputy Attorney Whitham also stated that the Hillside Ordinance already contains a provision (Section 91.41.12) that directs an applicant for a precise plan to the waiver section of Division 9, Section 94.2.1, as the mechanism for applying for a hardship waiver. From this, she noted that the hardship provision is misplaced as a required finding, that one should not be required to meet the waiver provisions in order to qualify for a precise plan but that the waiver procedure may be pursued by one who does not otherwise qualify for a precise plan. In that instance the applicant can try to demonstrate their particular unreasonable difficulties that would arise from the strict enforcement of the Hillside Ordinance.

Deputy City Attorney Whitham noted that this revision of the hardship finding as not viewed as a weakening of the Hillside Ordinance but as a clean up of its organization and how it relates to the Land Use Division of TMC. She stated that it ultimately strengthens the ordinance and allowing the City to be better able to defend it should it be challenged in the future.

Mr. Joe Buck, 433 Via Anita, Redondo Beach, noted that following City Council approval of a precise plan to remodel a house in Hillside to a height that exceeded 14 feet, he had filed a petition with Superior Court to order revocation of approval as it did not meet provisions of the Hillside Ordinance. In settlement of litigation, on December 21 the City Council revoked that approval.

Mr. Buck stated his interpretation of the Hillside Ordinance noting that the second sentence related to definitions of hardship and argued that the revision presented changes to the substance of the whole ordinance and questioned whether it should be changed. He suggested that the residents should have the opportunity to discuss changes with the City Council. He felt they were not given adequate notice to take such action.

Mr. Buck urged the City Council to suspend action on the item pending further discussions with the Homeowner's Association.

Deputy City Attorney Whitham reiterated that the precise plan requirement would not be eliminated and would always be required along with the waiver plan.

City Attorney Fellows indicated that height limits are utterly independent from issues brought up by Mr. Buck and that this recommendation was needed in order to clarify the stipulations of the Code and prevent further legal problems in interpretation.

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

Councilmember Walker indicated support for the City Attorney's recommendation and interpretations. He further related that he had previously served on the Planning Commission when the Hillside Ordinance was originally adopted and noted the significant changes to date.

Councilmember Lee pointed out that moving this Ordinance forward would clarify the Planning Commission decisions and not change the Ordinance.

Councilmember Horwich indicated that he had previously served on the Planning Commission for eight years and was in complete agreement with the City Attorney's recommendation.

Councilmember O'Donnell related her concern with the Riviera Homeowner's Association letter regarding the amount of time given to study the matter; and therefore, could not be supportive of this item at this time.

In response to Councilmember Messerlian's inquiries as to whether this action would curtail an individual's ability to appeal, City Attorney Fellows indicated that it would not curtail an individual's right to appeal and that language for waiver and variances contained in Torrance Municipal Code are in principle comparable to provisions in State law.

Councilmember Messerlian concurred with Miss O'Donnell's concerns regarding notification issues under any other circumstances he would have taken more time for deliberation but indicated comfort with issue as proposed.

MOTION: Councilmember Walker moved to concur with staff recommendations. Councilmember Lee seconded the motion and passed by majority roll call vote, 6-1, with Councilmember O'Donnell dissenting.

ORDINANCE NO. 3477

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING ARTICLE 41 OF CHAPTER 1 OF DIVISION 9 OF THE TORRANCE MUNICIPAL CODE, RELATING TO THE HILLSIDE AND LOCAL COASTAL OVERLAY ZONE, DELETING THE HARDSHIP PROVISION

MOTION: City Clerk Herbers read aloud the number and title for Ordinance 3477 and Councilmember Messerlian moved for its adoption. The motion was seconded by Councilmember Walker and passed by a majority roll call vote, 6-1, with Councilmember O'Donnell dissenting.

MOTION: Councilmember Messerlian approved the publication of summary. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote.

11. ADMINISTRATIVE MATTERS

11a. REVISED ADMINISTRATIVE ANALYST CLASS SPECIFICATION

Recommendation

Recommendation of the Human Resources Director and the Civil Service Commission that City Council approve the revised class specification for Administrative Analyst. The Human Resources Director recommends adoption of a supplemental TPSA Memorandum of Understanding amending the salary for Administrative Analyst.

MOTION: Councilmember Cribbs moved to approve the revised class specification for Administrative Analyst. The motion was seconded by Councilmember Horwich and passed by unanimous roll call vote.

RESOLUTION NO. 2000-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 98-121 SETTING FORTH HOURS, WAGES AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY THE TORRANCE PROFESSIONAL AND SUPERVISORY ASSOCIATION (TPSA)

MOTION: City Clerk Herbers read aloud the number and title for Resolution 2000-02 -Memorandum of Understanding and Councilmember Messerlian moved for its adoption. The motion was seconded by Councilmember Cribbs and passed by unanimous roll call vote.

11b. **ADDITION TO CIVIL SERVICE ADVERTISING BUDGET**

Recommendation

Recommendation of the Civil Service Administrator that City Council approve the addition of \$25,000 per fiscal year to the Civil Service Department advertising budget.

MOTION: Councilmember Messerlian moved to approve the addition to the budget. The motion was seconded by Councilmember Walker and passed by unanimous roll call vote.

11c. **CONSIDERATION OF COUNCIL DARK NIGHTS**

Recommendation

Recommendation of the City Manager that City Council consider as Council dark nights, the following dates all of which occur on Tuesdays in 2000: February 29, March 7, March 28, May 30, July 4, August 29, and October 31.

Mayor Hardison pointed out that in addition to the 5th Tuesdays of the month which are traditionally dark nights, March 7 is election day and July 4 is a holiday, both of which are traditionally dark council nights.

MOTION: Councilmember Walker moved to concur with staff recommendations. The motion was seconded by Councilmember O'Donnell and passed by unanimous roll call vote.

12. **HEARINGS**

12a. **APPEAL OF PLANNING COMMISSION DENIAL OF DIV99-00024: EDMOND MASCIANA**

Recommendation

Recommendation of the Planning Director that City Council deny the appeal and deny Division of Lot (DIV99-00024) to allow a lot line adjustment between two existing lots on property located in the R-1 zone at 2455 231st Street. DIV99-00024: EDMOND MASCIANA

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

In response to Mayor Hardison's request for clarification of the site, Planning Manager Isomoto indicated that Parcel B had an oil well on site.

In response to Mayor Hardison's inquiry as to whether in recent history any R-1 lots had been approved with less than 5,000 square feet, Planning Director Gibson indicated that he did not recall any approved lots of less than 5,000 square feet.

Mr. Ed Masciana, 2455 W. 231st Street, pointed out that the only reason he requested a lot line adjustment is for a larger lot in order to conform to the rest of the neighborhood. He further explained that he had lived next door to this lot for 28 years

and does not plan on leaving the area. He invited the City Council to read the signed declaration of many of his neighbors who did not object to his plan.

In response to Councilmember Horwich's inquiry as to the history of the lot division, Mr. Masciana indicated that the lot was subdivided because the bank would not loan on a house that is within 36 feet of an oil well and so the lot lines were based upon that stipulation. He further explained that he purchased the lot from the previous owner.

MOTION: Councilmember Walker moved to close the public hearing. The motion seconded by Councilmember Lee passed by unanimous roll call vote.

Councilmember Lee indicated agreement with the request to move the lot line noting that a house could still be built on the lot even if the request was denied.

MOTION: Councilmember Lee moved to approve the appeal and the division of the lot. The motion was seconded by Councilmember Walker.

Mayor Hardison related her preference for a substitute motion pointing out that the current lot size was 5,700 square feet, which is a standard size in Southeast Torrance even though 6,000 square feet is the average in the City.

Councilmember O'Donnell indicated her support of the Mayor's substitute motion.

Councilmember Walker indicated that there was no question in his mind that the best design options available to Parcel B would still be a small house and that he supported the original motion.

Councilmember Horwich indicated that he would support a substitute motion since with the existing lot size, a house with 1,570 square feet could be built which was actually larger than the house on the neighboring lot. He further related that he could see no purpose served by making a small lot smaller and making the other lot larger.

In response to Councilmember O'Donnell's inquiry as to whether this 1,500 square foot house could have a second story thus increasing the square footage, Planning Manager Isomoto indicated that it would be possible thus increasing the square footage to about 1,900 square feet.

SUBSTITUTE MOTION: Mayor Hardison moved to deny the appeal and division of lot. The motion was seconded by Councilmember Horwich and passed by majority vote, 4-3, with Councilmembers Cribbs, Lee and Walker dissenting.

RESOLUTION NO. 2000-03

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF TORRANCE, CALIFORNIA, DENYING A DIVISION
OF LOT TO ALLOW A LOT LINE ADJUSTMENT OF THE
EASTERN PROPERTY LINE OF PROPERTY LOCATED
IN THE R-1 ZONE AT 2455 231ST STREET
DIV99-00024: /Edmond Masciana**

MOTION: City Clerk Herbers read aloud the number and title for Resolution-2000-03 and Councilmember Messerlian moved for its adoption. The motion was seconded by Councilmember Horwich and passed by majority vote, 4-3, with Councilmembers Cribbs, Lee and Walker dissenting.

15. **ORAL COMMUNICATIONS**

15a. City Attorney Fellows related that Ms. Laurie Haskell was an outstanding employee of the City who could be counted on to do a good job and will be sorely missed and thanked the City Council for adjourning in her memory.

15b. Councilmember Cribbs commended staff for their hard work in supporting the City's efforts in preventing any Y2K problems.

15c. Councilmember Horwich reiterated the importance of properly utilizing the funds appropriated from the estate of Polly Watts who was such an outstanding lady and had made vast contributions to the City. He then wished a Happy Birthday to Gene Barnett and Leroy Jackson.

15d. Councilmember Lee thanked everyone who worked on New Year's Eve to make sure every operation within the City transitioned smoothly.

15e. In response to Councilmember Messerlian, Street Services Director Bell stated there had been waterline work on Pacific Coast Highway and into Crenshaw Boulevard during the past week.

15f. Councilmember O'Donnell wished everyone a Happy New Year and thanked staff who had cheerfully accepted their Y2K assignments. She further commended the Rose Float Association for a wonderful job and noted that the City's float was a prize winner.

15g. Councilmember O'Donnell expressed concern with the visibility of house addresses from alleys for police and fire personnel during emergencies. Police Chief Herren indicated that he would look into the matter.

15h. Mayor Hardison thanked everybody who worked on potential Y2K problems and appreciated the notes from people who thanked the City for the smooth transition.

15i. Mayor Hardison speaking to New Years Day events congratulated the Rose Float Association who received the "Most Beautiful Non-Commercial" Award. She complimented the Kashiwa City Band on a fantastic job in the parade and for their excellent concert at the James Armstrong Theater.

15j. Mayor Hardison then proudly announced the arrival of her new grandson, Ryan Joseph Hardison, born on December 28, 1999.

16. **EXECUTIVE SESSION**

At 9:00 p.m., pursuant to Government Code Sections 54957.6, 54956.9(c), and 54957, the City Council recessed into a closed session to further discuss matters listed on the meeting agenda.

At 9:09 p.m., the City Council reconvened and Mayor Hardison with no formal action taken on any other matter heard during closed session.

17. **ADJOURNMENT**

At 9:10 p.m., City Council and Redevelopment Agency adjourned to Tuesday, January 18, 2000, at 5:30 p.m. for an Executive Session, with the regular meeting commencing at 7:00 p.m. in the Council Chambers.

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***Adjourned in Memory of
Lance Kendall, Laurie Haskell,
Chuck Shartle, Mary Cooper, and
Loring Marlette***

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