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Adjourned at 11:10 P.M.

# # #

Ava Cripe  
Minute Secretary

ii.

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MINUTES OF A REGULAR MEETING  
OF THE TORRANCE CITY COUNCIL

OPENING CEREMONIES:

1. CALL TO ORDER:

The Torrance City Council convened in a regular meeting on Tuesday, March 14, 1972, at 7:00 P.M. in the Council Chambers at Torrance City Hall.

2. ROLL CALL:

Present were Councilmen Brewster, Johnson, Sciarrotta, Surber, Uerkwitz, Wilson, and Mayor Miller. Absent: None.

Also present: City Manager Ferraro, Assistant City Manager Scharfman, City Attorney Remelmeyer, and City Clerk Coil. Absent: City Treasurer Rupert.

3. FLAG SALUTE:

Mr. Kenny Uyeda led in the salute to the flag.

4. INVOCATION:

The invocation was given by Reverend Gary Ivey, First Christian Church.

STANDARD MOTIONS:

5. APPROVAL OF MINUTES:

Councilman Sciarrotta moved that the minutes of February 29, 1972 be approved as recorded. His motion, seconded by Councilman Wilson, was unanimously approved by roll call vote.

6. APPROVAL OF DEMANDS:

Councilman Johnson moved that all regularly audited demands be paid. His motion was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable.

7. MOTION TO WAIVE FURTHER READING:

Councilman Uerkwitz moved that after the Clerk has given a number and read title to any resolution or ordinance on tonight's agenda, the further reading thereof be waived, reserving and guaranteeing to each Councilman the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable.

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8. COUNCIL COMMITTEE MEETINGS:

Legislative Liaison Committee:

Will meet on March 15th at 9:30 A.M.

Police, Fire, and Public Safety:

The regularly scheduled March meeting has been postponed.

Park, Recreation, and Community Development:

This Committee has met with the School Board Committee, progress is underway, and a report will be forthcoming.

PROCLAMATIONS:

9. "Friends of the Torrance Library Week" - March 19-25, 1972.

The "Friends" president, Mr. John Crain, was present to gratefully accept the document so proclaimed by Mayor Miller, and to introduce the many "Friends of the Library" in attendance.

10. "International Book Year"

So proclaimed by Mayor Miller, and accepted, with pleasure, by Library Commission Chairman John Mosley, who specifically acknowledged the outstanding community contribution of the "Friends of the Library".

It was the request of Mr. Mosley that, with the opening of the Southeast Branch, the Mayor declare a "FINE FREE" week for the return of overdue books. Councilman Wilson so MOVED; his motion was seconded by Councilman Johnson, and approval was unanimous. Mayor Miller thereupon so declared.

Noted by Councilman Sciarrotta, in connection with "International Book Year", was the fact that \$50 worth of children's books will be sent to Kashiwa, Japan, and, in return, the City will receive \$50 worth of books in the Japanese language.

11. "Kashiwa Lions Club Fifth Anniversary Day" - March 26, 1972.

So proclaimed by Mayor Miller, with Mr. Joe Bonano, on behalf of the Lions Club, describing the Sister City program.

PRESENTATIONS:

11A. Presentation of Plaques to Messrs. Kenny Uyeda, Tom Akiyama, and Walter Miyamoto.

The extraordinary generosity of these gentlemen in their donation of plants, time, and energy for Torrance Memorial Hospital was recognized by Mayor Miller who conveyed the gratitude of the Council and of the entire community.

PLANNING AND ZONING HEARINGS:

12. ZC 72-1, TORRANCE PLANNING COMMISSION. Change of zone from C-2 to C-2 (PP) on property located at the northeast corner of Vista Montana and Newton Street.  
RECOMMENDED FOR APPROVAL BY THE PLANNING COMMISSION.

An Affidavit of Publication was presented by City Clerk Coil, and it was ordered filed, there being no objection.

Mayor Miller announced that this is the time and place for the public hearing on ZC 72-1, and inquired if anyone wished to be heard; there was no response.

Councilman Sciarrotta moved that the hearing be closed; his motion was seconded by Councilman Surber, and roll call vote was unanimously favorable.

MOTION: Councilman Sciarrotta moved to concur with the recommendation of the Planning Commission. His motion was seconded by Councilman Brewster, and roll call vote was unanimously favorable.

13. ZC 72-4, TORRANCE PLANNING COMMISSION. Change of zone from C-3 to C-3 (PP) on property located at the south side of Sepulveda Boulevard between Maple Avenue and Hickory Avenue.  
RECOMMENDED FOR APPROVAL BY THE PLANNING COMMISSION.

An Affidavit of Publication was presented by City Clerk Coil, and it was ordered filed, there being no objection.

Mayor Miller announced that this is the time and place for the subject public hearing, and invited those present on this matter to speak at this time.

Mr. Al DeLucia, 2776 West 225th Street, reported the difficulties encountered by some 10 homeowners in this area in obtaining assistance from City Staff relative to the dust problems surrounding the Gallareto development. City Manager Ferraro stated that this matter would be checked out Wednesday a.m., with a report back to the Council.

There being no one else who wished to be heard, Councilman Surber moved that the hearing be closed. His motion was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable.

MOTION: Councilman Wilson moved to concur with the recommendation of the Planning Commission. The motion was seconded by Councilman Brewster, and roll call vote was unanimously favorable.

14. HEARING ON APPEAL - CUP 72-1, DEL AMO DODGE (MARVIN LAZAR).  
Appeal of a condition of approval imposed by the Planning Commission for the expansion of an existing automobile agency at the northwest corner of Hawthorne Boulevard and Spencer.  
APPROVED BY THE PLANNING COMMISSION SUBJECT TO CERTAIN CONDITIONS.

An Affidavit of Publication was presented by City Clerk Coil, and it was ordered filed, there being no objection.

Mayor Miller announced that this is the time and place for the public hearing on the subject matter, and requested, first, a Staff presentation by Planning Director Shartle, noting that the proponent has appealed the following Planning Commission-imposed condition: "That the proponents provide an irrevocable offer to dedicate over the southerly 10 feet of the subject parcel and a 25-foot radius at Hawthorne Boulevard."

It was noted by City Attorney Remelmeyer that the Planning Commission's March 15th agenda will consider the matter of the 80-ft. right-of-way throughout the entire Victor Precinct area -- in view of this, it was Mr. Remelmeyer's opinion that in light of the fact that this is part of this larger problem, to grant this request at this time would effectively preclude the 80-ft. street -- it would, therefore, be wise to hold this matter over until a decision has been reached by the Planning Commission. Mr. Remelmeyer also advised that the attorney for Del Amo Dodge has served him with voluminous legal papers stating that this is unconstitutional -- hence a critical need for time to study the facts.

Mayor Miller invited those desiring to speak to do so at this time.

Mr. Byron Hayes, attorney, 3435 Wilshire Boulevard, representing the proponent, Mr. Marvin Lazar, stated that the subject condition is a requirement which cannot be imposed in connection with a Conditional Use Permit -- further, it is believed that testimony at the Planning Commission has shown that this particular use of the property will not increase the burden on Spencer Street in such a way as to justify this future requirement. It was indicated by Mr. Hayes that they would have no objection to continuing the hearing noting the reservation based on the fact that there is an open escrow between his client and the seller of the property, and agreement would be necessary.

The president of Del Amo Dodge, Mr. Marvin Lazar, clarified that the present property that is occupied by Del Amo Dodge is Chrysler Realty property -- he has entered personally into an agreement with the seller to purchase this property; obviously with the Conditional Use Permit so conditioned, the seller cannot deliver the amount of property to be purchased.

Mayor Miller inquired of the property owner, Mr. Leo Salisbury, if he would be willing to agree to the time allocation -- Mr. Salisbury responded "not at all", commenting that the escrow on this property was to close on February 4th; currently the escrow instructions read that it is to close three days after this evening's hearing (March 17th).

There are three considerations, Mr. Salisbury continued: the issuance of a Conditional Use Permit; the requirement on the part of the City that, in exchange for that Conditional Use Permit, the buyer dedicate 5 ft. of property now, along with an irrevocable offer of dedication of an additional 10 ft.; and shortly before entering into this agreement, this City granted to the Chrysler Corporation a building permit on property abutting the subject property with no 10-ft. dedication requirement

It was the further comment of Mr. Salisbury that in the event that he would agree that the escrow continue, and the City were to continue to insist that the 10 ft. irrevocably be given, at that point in time when Spencer is widened (an unlikely happening, in his opinion) the City would then have to pay for the adjoining 10 ft. of property under some kind of condemnation proceeding.

Also pointed out by Mr. Salisbury was his understanding that it is now unconstitutional for a municipality to require on the part of a property owner the dedication of property unrecompensed in exchange for the issuance of a Conditional Use Permit. Mr. Salisbury fails to understand why delay is necessary -- this problem should be resolved at this time; the equitable resolution being to waive the requirement regarding the 10 ft., because in the event Spencer needs to be widened, recompense is going to have to be paid for abutting property, in which case the subject property should also be recompensed.

There was review by the Council at this point of its previous considerations regarding the street width for the Victor Precinct, the recommended 80 ft., and the scheduled March 15th Planning Commission consideration of this very matter.

Attorney Byron Hayes returned to further comment that the statute involved in this case is explicit, the important part of same stating that "no local governmental body or any agency thereof may condition the issuance of any building or use permit for a zone variance on any or all of the following: (1) dedication of land for any purpose not reasonably related to the use of the property for which the variance, building, or use permit is requested...."

It was added by Mr. Hayes that in this case it can be demonstrated that the widening of street has no relationship to the use of the land -- further, Mr. Lazar is willing to agree, if that will be a compromise, that he will not construct a building on this portion of the property.

Mr. Charles Kastner stated his opinion that there is an existing Master Plan for the Victor Precinct -- he does not understand the study now referred to; clarification was provided by Planning Director Shartle in that a plan for the Victor Precinct evolved in 1964-65 as a result of a study made at that time--other studies have followed, the most recent decision related to 80-ft. streets in this area.

It was Councilman Surber's question as to whether or not the City would have to pay Mr. Salisbury for his property were it decided to widen the street tomorrow -- an affirmative answer was given by City Attorney Remelmeyer, with the added comment that there would be certain considerations were a 1911 Act Assessment District undertaken.

Mr. Lazar returned to comment that it is not desired to test the law; it is only desired to delete Planning Commission condition #8 of their Conditional Use Permit -- granting of this request would eliminate all urgency in the matter. A closing comment was made by Mr. Salisbury who stated that the City has just issued a building permit on adjoining property which would have to be condemned to obtain same--should subject sale not take place (a two-week delay would cause the sale not to take place because he does not intend to further extend the escrow); if that be the case, then the City, to widen the street, will have to recompense him for the property.

It being the consensus of the Council that the subject matter should be held for Planning Commission findings, Mayor Miller entertained such a motion.

MOTION: Councilman Uerkwitz moved to continue the subject hearing to the Council meeting of March 28th, a 7:00 P.M. meeting. The motion was seconded by Councilman Sciarrotta, and carried, with roll call vote as follows:

AYES: COUNCILMEN: Brewster, Johnson, Sciarrotta, Uerkwitz,  
Wilson, and Mayor Miller.  
NOES: COUNCILMEN: Surber.

The importance of the City Attorney's opinion regarding the earlier alluded to possible legal complications was stressed by Councilman Johnson.

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APPEALS - OTHER THAN PLANNING AND ZONING:

15. APPEAL OF DECISION of Oil Board regarding CWOD Drilling Permit Application DP 71-1.

An Affidavit of Publication was presented by City Clerk Coil, and it was ordered filed, there being no objection.

Mayor Miller announced that this is the time and place for the subject public hearing.

Staff presentation was made by Planning Director Shartle which reviewed the extensive background history surrounding this matter.

Noted by Mayor Miller was the just received request from CWOD attorney, Mr. Robert B. Curtiss that this matter be continued until "about April 18, 1972" for the reason: "I will be unable to appear at the hearing on March 14, and an exceedingly heavy schedule, including several contemplated trips out of town, would make a hearing during the following few weeks very difficult. Furthermore, it is desired to prepare and have ready for presentation additional material in support of the appeal." Present, representing CWOD, was Mr. C.B. Steinert who confirmed the requested need for continuance.

Discussion was then directed to the requested delay -- questioned by the Council was the "April 18th" date and its relationship to the April 11th election; the reference to "additional material" and the possible need for Oil Board review. It was the comment of Councilman Brewster that it is difficult for him to understand what "additional material" might be presented by Mr. Curtiss -- it seems to him that the "additional material" that might be germane would be material<sup>presented</sup> by those opposed to the drilling permit showing that it is indeed abnormally noisy or dangerous, etc.; such was not really demonstrated, in Mr. Brewster's mind, before the Oil Board. What has been demonstrated, Councilman Brewster continued, is a more

basic issue -- the issue of the total question of the overlay zoning of O-1 on the subject property -- there should, more rightfully perhaps, be zoning hearings to determine if there should be any O-1 overlay at all.

The following residents were in attendance and urged that the continuance not be granted, and that the hearing proceed as scheduled: Mr. Irving Klintworth, 2524 West 230th Street; Mr. Henry Nowicki; Mr. Bill McMullen, 22633 Cerise Avenue; and Mrs. Cecilia Kelly, 230th and Crenshaw resident.

Council discussion returned to the pros and cons of the requested continuance, the propriety of such request, a reasonable date, etc. -- with Councilman Brewster reiterating his opinion that it might be well to declare a moratorium and schedule proper zoning hearings. It was the added comment of Councilman Brewster that he is of the opinion that the Oil Board had jurisdiction in this matter -- however, Mr. Brewster did not find sufficient evidence to indicate that there is substantial variation from what might have been anticipated (under Section 97.11.6) to deny the permit; to deny the subject permit it would in effect indicate that all future drilling would be denied on this piece of property and has created a prima facie change of zone.

Oil Board Chairman Babson stated at this point that it is not a question that the Oil Board would refuse to grant a permit to drill on the subject property under all circumstances -- it is simply that in this particular case it appeared to the Oil Board that there were other alternative sites which could be used for drilling which appeared to be suitable.

It was the further comment of Councilman Brewster that Section 97.11.6 provides that the Oil Board may deny a permit, based on certain findings, there being no reference to "alternate locations" -- Mr. Brewster stated that it would seem the ordinance requires that there be an abnormal circumstance from what might reasonably be expected. There was nothing in the record to state that the proposed drilling operation by CWOD was anything out of the ordinary, and appeared to be a use proposed at the time of the zoning. In conclusion, Councilman Brewster stated that, if that is true, there then is insufficient evidence to deny the permit other than that of economics and the fact that there is a preferred area, in the Board's opinion, to drill in -- if so, in the interest of proper procedure, the zoning should be removed from the subject property and placed on the preferred area.

The point at issue, according to Councilman Johnson, is based on the fact that a series of permits were issued Chanslor-Western which permitted them to drill on the subject site, as though it were an address -- it is now desired to change that to another site, using the same permit, and that is really what is at issue.

\* \* \* \*

The above discussion was interrupted when Mr. Nowicki advised that his wife had just called Mr. Curtiss <sup>who</sup> had responded to her telephone call to his home!

MOTION: Councilman Johnson moved to go ahead with the public hearing; the motion was seconded by Councilman Surber. There were no objections.

Councilman Surber suggested that Mr. Curtiss be advised of the foregoing action and invited to participate in the public hearing to follow.

In the interest of fair play, Mayor Miller requested that this item be held for approximately 30 minutes in order that Mr. Curtiss might be contacted and so advised; there were no objections.

\* \* \* \*

The hour being 8:40 P.M., Councilman Sciarrotta moved to recess as City Council and reconvene as the Redevelopment Agency. His motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable.

The Council returned to its agenda at 8:41 P.M. and took the following action: Councilman Uerkwitz moved that the Council recess for the purpose of an Executive Session re: a "meet and confer" item regarding matters of the Bus Department; seconded by Councilman Wilson, and unanimously approved. \* \* \* \*

The Council meeting resumed at 9:15 P.M. to proceed with the public hearing on agenda item #15:

Mayor Miller confirmed that Mr. Curtiss was present, and reannounced that this is the time and place for the subject public hearing.

First to speak was Mr. Robert B. Curtiss, attorney for Chanslor-Western Oil and Development Company, 4507 Sugarhill Drive, Rolling Hills Estates, who stated that at the time of his communication to the Council it was his understanding that he would be out of town on this date -- Mr. Curtiss then described his exceedingly busy schedule, and expressed the hope that this matter still might be continued, in that he simply is not prepared, having assumed that the matter more or less routinely would have been continued.

Mr. Curtiss then formally renewed his request that the hearing be continued. Councilman Uerkwitz MOVED to deny the request; his motion was seconded by Councilman Johnson; there were no objections, and it was so ordered.

With the public hearing now officially underway, it was stated by Mr. Curtiss that Chanslor-Western had applied for and received a couple of drilling permits, by paying the appropriate fee, which were assigned to the Marble Fee drillsite, noting that these wells would have been closer to existing residences than what is proposed.

It was their understanding, according to Mr. Curtiss, based on previous experience, that it would only be necessary to notify the City that they intended to transfer or relocate from the Marble site to the Getty site. Notification by the City followed, according to Mr. Curtiss, that this should be treated as an application, in view of the formation of the Oil Board, for a new drilling permit. The subsequent appearances before the Oil Board, a matter of record, were then described by Mr. Curtis with the resultant denial.

Continuing, Mr. Curtiss reiterated the offer made at the hearing to make access to the site as easy as possible by widening the entrance; there will be landscaping around the well -- it is obvious that the proposed site is the proper site for the two wells.

Referring to the Oil Board action, Mr. Curtiss stated his understanding of the motion to be that one of the reasons, if not the sole reason for the Board's action, was the feeling that CWOD had not made a showing that it was completely economically unfeasible to drill from other sites. Mr. Curtiss indicated that he would concede that it probably is possible to drill from other sites by slant drilling from 1500 to 3000 feet, but it is obvious that it is a great deal more expensive -- further, per presentation before the Oil Board, particular sanding problems in the past make slant drilling very difficult in this area.

It was the further comment of Mr. Curtiss that the shoe was placed on the wrong foot in the Oil Board consideration--CWOD should not be required to show that it was impossible to drill from another site; the Getty site is in a recognized O-1 Oil District, and they had every anticipation of using same as a drilling site. The recent rezoning to R-1, according to Mr. Curtiss, was over the objections of the property owner, Getty Oil Company; also, obviously no immediate R-1 use of the property is proposed. The burden, therefore, should have been the other way around -- there should be compelling reasons why this property should not be used as proposed in a recognized O-1 zone, per Mr. Curtiss.

In conclusion, Mr. Curtiss reiterated that at the inception of Ordinance No. 2228, it was clearly stated that existing permits would not be affected, and it was CWOD's understanding that such permits in hand could be used as desired -- Mr. Curtiss further indicated his reservations as to the propriety of the application they had to make to use the drilling permits on the Getty site. Unless it is clear that CWOD must come in for a new Conditional Use Permit to use the existing permits, the Council should be very careful not to turn the request down without very compelling reasons, reasons which just do not seem to exist.

Mayor Miller now invited speakers from the audience.

Mr. Irving Klintworth stated that were a builder given a permit to build in Northwest Torrance, that permit cannot be taken to property in Southwest Torrance for the desired building, a new permit must be obtained; this should also apply to the oil companies. Also pointed out by Mr. Klintworth was the history of the subject area wherein the Getty Oil Company, in 1959, requested that the Southwest Sun Ray area be changed to R-1, with the oil facility to remain until the oil supply was depleted, at which time those lots could be developed residentially -- in 1964 the entire Southwest Sun Ray area was removed from a list designated for future drilling of oil wells, and when the City's General Plan was adopted, the northwest corner of 230th Street and Crenshaw was excluded from future oil well districts. Again in 1966, Ordinance 1665, according to Mr. Klintworth, a combined oil district was approved, and it was at this time that the northwest corner of 230th Street and Crenshaw became a drillsite and inserted into the O-1 District.

It was the further comment of Mr. Klintworth that he has no recollection of being advised of a meeting about bringing this property into an oil well district -- there were no public hearings, to his knowledge, and

research reveals there were none; he, therefore, questions the legality of the O-1 District in that area. Mr. Klintworth also elaborated on the problems of noise, smoke, odor, dust, and vibrations which must be endured by the neighborhood; concurrence with the findings of the Oil Board in denial of the request was urged, accompanied by a petition bearing 260 signatures from Southwest Sun Ray area residents, plus a letter of opposition from Mrs. Leonard.

Mrs. Cecilia Kelly commented on the proximity of her home to the drillsite and the problems presented thereby, noting as well the likely devaluation of residential property were the request granted.

Next to speak was Mrs. Redding, a 233rd Street resident, who stated that landscaping efforts in the Marble Estates area have left much to be desired as it relates to oil wells, with the requests of the residents unheeded.

Mr. Henry Nowicki, 2535 West 232nd Street, presented, on behalf of the Marble Estates Homeowners Association, a communication to the Council and pertinent information on the subject consideration -- this material is a matter of record. Denial of the subject request was urged by Mr. Nowicki, along with presentation of a petition with 150 signatures.

Mr. Al DeLucia, 2776 West 225th Street, described his problems involving oil splatter on his property, and the lack of oil company cooperation.

SETHA president, Mr. W.D. Brugger, 2348 West 230th Street, was present to affirm that their association was originally created to handle the problems of oil drilling -- they are still very strongly opposed to increasing oil operations in the area.

Mr. Bill McMullen stated his opinion that the Council should back up the decision of the Council-created Oil Board -- further, there has been nothing presented by the oil companies to change this decision.

On behalf of the Walteria Homeowners Association, opposition to the proposed drilling was expressed by Mr. D.J. Kenwick.

Mr. Curtiss returned to comment that the only available alternative sites involve bottom-hole locations that are 1600, 2100, 3300 ft. away from the drillsite -- while it is not impossible to drill from those distances, the wells from the Getty site would be practically vertical, and, obviously, difficulties would be presented. In conclusion, Mr. Curtiss asked that the decision already made by this Council which recognized oil drilling, be applied to permit them to drill a couple of wells which are an essential part of this unit.

There being no one else who wished to be heard, Councilman Sciarrotta moved that the hearing be closed. His motion was seconded by Councilman Uerkwitz, and roll call vote was unanimously favorable.

It was the comment of Councilman Johnson that earlier references to oil permits pertained to designated locations, and is related to the building permit/house situation -- it is necessary that the location of an oil well be stipulated. On that basis, and the fact that the Oil Board thoroughly reviewed this matter, Councilman Johnson does not believe that

it has been shown why the proponent must have this particular site -- Councilman Johnson then indicated that his vote would be "no".

Concern regarding any possible "inverse condemnation" aspects was expressed by Councilman Wilson -- City Attorney Remelmeyer advised that such would not be the case.

Councilman Brewster elaborated on his earlier expressed thoughts in that there are two basic questions in this matter - (1) does the Oil Board have jurisdiction, and, if so, (2) are the findings of the Oil Board fair and reasonable to all parties, and is their ruling admissible under the ordinance? To the first question regarding Oil Board jurisdiction, Mr. Brewster continued, there is a second level question -- are permits issued for specific sites within the O-1 District or simply for x numbers of wells to be located anywhere within O-1 Districts? Councilman Brewster would concur with the majority opinions expressed at this meeting -- that permits are issued for specific sites, based on local, surrounding conditions and considerations; to transfer a permit to a different area is, in effect, a new situation and, in essence, a new permit, and, therefore, should be heard as a new permit, and the Oil Board would have jurisdiction.

Continuing, Councilman Brewster stated that the above second question is of concern to him based on the legalities and the danger of having a decision overturned by the courts, given the O-1 zone in this case; except under unusual requests, it would appear to Councilman Brewster that otherwise normal (as normal as can be properly anticipated) operations have already been found acceptable and capable of meeting the requirements of Section 97.11.6, subparagraph b, for the granting of permits. This finding then, Mr. Brewster added, must have been inherent in the decision at the time the O-1 Overlay Zone was first placed upon the property, or else the zone should never have been placed thereon.

Councilman Brewster then reviewed Section 97.11.6, subparagraph b, and the conditions defined therein, and noted that nothing has changed the basis of that original zoning decision in the interim apparently, there being no such reference in the Oil Board minutes.

Therefore, Councilman Brewster added, unless the proposed operation is in some way obviously abnormal as far as the Section 97.11.6 (b) considerations are concerned, or is in some way pretty far removed from what might otherwise <sup>have</sup> been reasonably anticipated at the time of the O-1 zoning, one almost has to conclude that the permit cannot be denied. An argument based on economics, according to Mr. Brewster, or on alternate locations is not germane in that such is not mentioned in the ordinance as an argument for dismissing a permit -- therefore, it only remains to establish conditions to be placed upon the drilling of the subsequent operations; to deny a request now for what appears to be a fairly routine, normal drilling and pumping operation is tantamount to saying that all such requests in the future are going to be denied.

In conclusion, Councilman Brewster stated that kind of denial is, in fact, creating a change in legal use and hence in zoning without benefit of the proper zoning procedure and would seem to deny the due process in law. If it is felt the property is no longer suitable or compatible for the uses that are allowed under the O-1 zoning, and the original decision was in error, it would seem to Councilman Brewster to be better to simply table this matter at this time, and to proceed into a zoning hearing to determine

whether the O-1 zoning should be completely removed and revert the land back to R-1, or else to reaffirm the fact that O-1 is an appropriate zone. To take action on the permit would prejudice any following zoning action, per Mr. Brewster.

Apart from the above, Councilman Brewster also commented on the fact that the Torrance Unit was going to report from time to time to the homeowners in the area on the experimental data or findings re: the new Texas Import pumping unit and the soundproofing of same -- Mr. Brewster has no knowledge of any such report.

Councilman Uerkwitz noted that there appears nothing to indicate that this particular piece of property is legally in the O-1 zone -- further, it does not seem that it can be specifically stated that any one oil well is going to be acceptable at any one given time, and it could happen that a piece of an area might not be acceptable because of additional uses at a later date. Mr. Uerkwitz further noted that this is the reason for the granting, or not granting, of waivers after passage of an ordinance, and is based on things that may have happened subsequent to ordinance adoption. It was pointed out by Councilman Brewster that the proposed location of the drilling sites are as far removed from surrounding residences as is possible, so if there is any area in there that is most attractive to drilling, it is probably the area now applied for; if that is not acceptable, then nothing would be acceptable, and it would seem that the O-1 zoning is inappropriate in such case. Councilman Uerkwitz indicated that he was not in agreement with these remarks -- the fact that it is not up against the house is not the point; there may be a better location due to consolidation, etc., and O-1 zoning does not necessarily mean that drilling should be permitted any place in the area; it is necessary to apply a judgment factor.

The legality of the zoning was questioned by several Councilmen -- City Attorney Remelmeyer reviewed previous Council action relative to oil drilling through the years, and confirmed the legality thereof; also reviewed by Mr. Remelmeyer was the formation of the Oil Board and its jurisdiction.

It was the specific comment of Councilman Johnson that the development of an alternate site is not before the Council -- the action to be taken is approval or disapproval of the transfer of the application from one site to another -- were the request to be denied, and another location decided upon, then application for a new permit would be made, and it would be heard in due course. It is, therefore, according to Mr. Johnson, unnecessary to get into the zoning, etc. at this time -- zoning hearings before the Planning Commission and Oil Board would be something else again -- to be decided at this time is shall the Council deny or grant permission to transfer a site location?

Councilman Uerkwitz stated that the Oil Board was created for purposes of reviewing such matters and forwarding recommendations to Council -- and MOVED to concur with the recommendation of the Oil Board for DENIAL of the subject appeal. The motion was seconded by Councilman Johnson.

Prior to roll call vote on the motion, and at Councilman Brewster's question, City Attorney Remelmeyer advised that the consideration before the Oil Board was deemed by him an application for a new permit, and added

that whether it is a transfer or a new permit, the criteria set forth would have to be used as the situation would be the same in either case. Councilman Johnson reiterated that no permits have been approved beyond those originally granted, and assigned to the proponent by the State, when this matter was considered -- nothing has been added nor deleted. In Mr. Johnson's opinion, the proponent is asking to retain what is now approved and apply it to a new site; therefore, it is a transfer. It was Mr. Remelmeyer's response that that would make no difference, and is an exercise in semantics -- the question to be considered is whether or not the subject well, transferred to another site, meets the criteria of the ordinance section, and make a judgment thereon.

The motion carried, with roll call vote as follows:

AYES: COUNCILMEN: Johnson, Sciarrotta, Surber, Uerkwitz,  
and Wilson.

NOES: COUNCILMEN: Brewster; Mayor Miller.

It was the comment of Councilman Brewster that he must cast a "no" vote because he would prefer to table the matter and take it up as a zoning matter.

The merits of Councilman Brewster's findings were acknowledged by Mayor Miller, at the time of his "no" vote; the Mayor added that this use was granted this property and it is probably the best location for drilling, if it is to be allowed at all. Further, the Oil Board evaluation which resulted in denial lacks some credibility as to the reasons, in Mayor Miller's opinion. So long as the right to drill exists under the present overlay, denial would seem to be an action of whimsey -- perhaps there should not be drilling of oil wells in the first place, and the whole area eliminated as an overlay district. Planning Commission/Oil Board review was also recommended by Mayor Miller.

Councilman Uerkwitz commented further that he is in some agreement with the above; however, by the same token, an R-1 lot on the side of a hill was denied a building permit because of certain circumstances -- each case in this regard can have different sets of circumstances, and should be so considered.

resident

The likelihood of like/protests regarding other sites was noted by Councilman Sciarrotta. Councilman Brewster commented that the recommended study would probably involve other areas in the City and could result in replacement of the overlay zones <sup>within</sup> manufacturing areas as substitute O-1 areas.

The following action resulted:

MOTION: Mayor Miller moved that this matter, following Staff preparation of necessary background material, including homeowner, oil company, etc. input, be referred to both the Planning Commission and Oil Board, with ultimate recommendations to Council. The motion was seconded by Councilman Brewster; there were no objections, and it was so ordered.

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BUILDINGS, STRUCTURES AND SIGNS:

16. USE OF TRAILERS FOR OFFICE PERSONNEL AND IMPROVEMENTS AT CITY YARD:

RECOMMENDATION OF BUILDING AND SAFETY DIRECTOR:

That Council approve the concept of the use of trailers and this minimum expansion of the City Yard at this time, so that a budget presentation may be made to Council in the very near future which includes the above recommendations.

MOTION: Councilman Sciarrotta moved to concur with the above recommendation of the Building and Safety Director. The motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable.

AIRPORT MATTERS:

17. AIRPORT DAYS 1972.

RECOMMENDATION OF AIRPORT MANAGER:

That Airport Days 1972 be held on September 23 and 24, 1972.

MOTION: Councilman Wilson moved to concur with the above recommendation of the Airport Manager. His motion, seconded by Councilman Sciarrotta, was unanimously approved by roll call vote.

# # #

PARK AND RECREATION:

18. RESOLUTION requesting the Board of Supervisors to acquire the additional land necessary for the development and operation of future Columbia Park to serve the entire South Bay Area.

RESOLUTION NO. 72-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE REQUESTING THE BOARD OF SUPERVISORS OF LOS ANGELES COUNTY TO ACQUIRE THE ADDITIONAL LAND NECESSARY FOR THE DEVELOPMENT AND OPERATION OF FUTURE COLUMBIA PARK AS A REGIONAL PARK TO SERVE THE ENTIRE SOUTH BAY AREA.

Councilman Wilson moved for the adoption of Resolution No. 72-44; his motion was seconded by Councilman Sciarrotta.

Discussion ensued prior to roll call vote on the motion. It was questioned by Councilman Johnson whether there would be a reversionary clause, if this plan goes through, in the contract with the County which would state that if they do not develop the park that this land would come back to the City. City Attorney Remelmeyer commented that CBS approval might be necessary, but that he does not anticipate any problems in this regard, and that it can be arranged to carry out Mr. Johnson's intent.

Councilman Surber indicated that he did not favor the resolution -- why should this be given to the County; why not stay with the 10 and 17 acres, and rather than building a large regional park, concentrate on activities such as ball diamonds, football fields, and soccer fields, for which there is a dire need. It was pointed out by Director of Recreation Van Bellehem that the 10 acres and the 17 acres are separated by 7½ acres of privately owned land; further, the development of the CBS property would have to be done by the City because of the elaborate grounding system involving CBS broadcasting requirements -- there are further restrictions as to the use of the site as it pertains to backstops, etc. The loss of Federal and State monies with such an arrangement was also pointed out by Mr. Van Bellehem.

It was the further comment of Councilman Surber that <sup>has been an</sup> ~~there~~ expenditure of some \$600,000 for a park in another area, yet here are these 17 acres which, in his opinion, could be developed as a City park rather than worrying about getting the 52 acres to qualify for "I don't know what".

Clarification by City Manager Ferraro followed, outlining the undevelopable aspect of the 17 acres because of the conditions imposed by CBS.

Councilman Surber reiterated his lack of understanding of the reason for spending \$600,000+ for property that cannot be developed, with the subject property at hand -- why wasn't there the assumption that a City park could be built there, using the above referred to funds for this purpose? A SUBSTITUTE MOTION was then offered by Councilman Surber: That this matter be referred back to Staff, with the idea of developing a local City park, rather than a regional park, with the land that we do have, trying to work a deal to acquire some acreage therein to connect with the Edison property. The motion died for lack of a second.

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It was the comment of Councilman Sciarrotta that the fault lies with the City's image with HUD in that it is not what it ought to be-whereas if the County makes application they are in a more favorable position than the City of Torrance in getting additional funds from both the State and HUD.

The president of the League of Women Voters, Mrs. Vickie Birdsall, stated that they have always supported the concept of Columbia Park and the methods of proposed financing -- they still support Columbia Park, and are in agreement with the Staff proposal to ask the County to assume the responsibility for the land acquisition, maintenance, and development of this property.

Meetings with Supervisors Chace and Hahn were reviewed by Mayor Miller, and the support indicated in these meetings, and what is proposed should prove beneficial to all -- the Mayor would fail to understand lack of support for what is proposed, in view of fast-disappearing open space.

A need to remain consistent was pointed out by Councilman Uerkwitz -- he would still disagree that this is the most logical place in the City of Torrance for a regional park, regardless of who is paying for it -- the dollars are still the same and represent considerable money going into considerable unuseable land. Mr. Uerkwitz added that the "legalized blackmail" aspect is of concern to him -- if indeed the City's position with HUD isn't the best, then that is blackmail, and deserving of Staff investigation.

The above was deemed a ridiculous debate by Councilman Wilson -- actually, the City is requesting that the County assume this, minus any reference to HUD, with the possibility that there can be a large regional park in this area, the County having indicated a willingness to assume this undertaking.

Councilman Wilson's motion to adopt Resolution No. 72-44 carried, with roll call vote as follows:

- AYES: COUNCILMEN: Brewster, Johnson, Sciarrotta, Wilson, and Mayor Miller.
- NOES: COUNCILMEN: Surber, Uerkwitz.

WATER SYSTEM:

19. DOMINGUEZ WATER CORPORATION AGREEMENT - Carson Street Line.

RESOLUTION NO. 72-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST THAT CERTAIN PURCHASE AGREEMENT BETWEEN THE CITY AND DOMINGUEZ WATER CORPORATION FOR ACQUISITION OF TITLE TO DOMINGUEZ WATER CORPORATION'S CARSON STREET WATER LINE AND APPROPRIATING FUNDS FOR SAID PURCHASE.

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Councilman Sciarrotta moved for the adoption of Resolution No. 72-45. His motion, seconded by Councilman Johnson, was unanimously approved by roll call vote. (\*\*Item 19, See Below).

LIBRARY OPERATIONS:

20. DEDICATION OF SOUTHEAST TORRANCE LIBRARY.

With understandable pride, City Librarian West extended a cordial invitation to all to attend the dedication of the Southeast Torrance Branch Library on Saturday, March 18, 1972, at 11:00 A.M.

ITEMS NOT OTHERWISE CLASSIFIED:

21. REMOVAL OF OIL FACILITIES. (ORDINANCES "A" AND "B" RE: REMOVAL OF OIL AND GAS WELLS, OIL TANKS, AND OTHER OIL AND GAS PRODUCTION FACILITIES)  
RECOMMENDATION OF CITY ATTORNEY:

That Council refer the ordinances to the Oil Board and Planning Commission for study and recommendation.

MOTION: Councilman Sciarrotta moved to concur with the above recommendation of the City Attorney; his motion was seconded by Councilman Johnson.

Prior to roll call vote, Mr. Arnold S. Johnson, 2278 West 232nd Street, chairman, SETHA Oil Committee, stated, in their behalf, that Southeast Torrance homeowners have been waiting a long time for the abatement of the nonconforming oil nuisance in their area -- further, their members wish to thank Councilman Johnson for his effective follow-up of this matter at last week's Council meeting. SETHA concurs with the recommendation of the City Attorney, according to Mr. Johnson.

It was the recommendation of City Attorney Remelmeyer that the Oil Board first review this matter from a technical standpoint, by way of a public hearing, if so desired, forwarding their recommendation to the Planning Commission with public hearings, as a matter of course. There were no objections, and it was so ordered.

Roll call vote proved unanimously favorable.

\* \* \* \*

\*\*Item #19:

Mr. Jim Armstrong was present for Item #19 to confirm that the Council action taken above will permit progress with his "SAVE THE TREES" project (a matter of record), the target date being August 1st.

\* \* \* \*

22. RESOLUTION requesting California Legislature to enact legislation to require recording of notices of the formation of assessment districts.

RECOMMENDATION OF PUBLIC WORKS COMMITTEE:

This Committee agrees unanimously that the proposed legislation is a workable means to protect the homebuyer from the problem of a lack of knowledge of assessment districts, and therefore RECOMMENDS that the subject resolution be adopted as presented.

RESOLUTION NO. 72-46

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE REQUESTING THE LEGISLATURE OF THE STATE OF CALIFORNIA TO ENACT LEGISLATION TO REQUIRE RECORDING OF NOTICES OF THE FORMATION OF ASSESSMENT DISTRICTS.

Councilman Brewster moved for the adoption of Resolution No. 72-46; his motion was seconded by Councilman Uerkwitz, and roll call vote was unanimously favorable.

NONCONTROVERSIAL ITEMS:23. EXPENDITURES OVER \$300:RECOMMENDATION OF FINANCE DIRECTOR:

That Council approve the following purchases:

A. BUDGETED.

1. \$1050.00 to Prismo Universal Corporation to furnish and install 1000 square feet of thermo-plastic crosswalk material as requested by the Traffic and Lighting Dept. for pedestrian crosswalks in hard-to-paint areas within the City.
2. \$763.43 to Tyrco for 12 only 12-ply truck tires at a special sale price as requested by the City Garage.
3. \$1584.18 to Safeway Signs for 130 traffic regulator signs as requested by the Traffic and Lighting Department.
4. \$1525.00 to Motorola Communications & Electronics, Inc. for one only radio base station for the Police Department. (On March 7, 1972, Council did approve a request to appropriate monies to cover this purchase from the General Fund Unappropriated Surplus).
5. \$1452.52 to Campbell & Hall c/o Harry R. Wilson for 235 adult books as requested by the City Librarian.

B. REIMBURSABLE:

6. \$3006.15 to Westwood Ceramics Supply for the renewal of an annual contract for Recreation Ceramic Craft classes to supply special blends of ceramic clay and other various ceramic materials to be delivered "as requested" to the Recreation Department. The City is reimbursed for this expenditure via fees collected from class participants.

24. STORM DRAIN between Via El Chico and Riveria Way at westerly boundary of Tract No. 30035.RECOMMENDATION OF PUBLIC WORKS COMMITTEE:

That the existing storm drain be removed and replaced with a larger storm drain, and that \$5,000 from the Drainage Improvement Fund be appropriated therefor.

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25. RELEASE OF SUBDIVISION BONDS, TRACT NO. 30661.

SUBDIVIDER: Spraker & Halstead  
 BONDING CO.: Insurance Company of America  
 Performance Bond No. M556791 - Amount \$1,200  
 Labor & Materials No. M556791 - Amount \$600  
 Inspection Bond No. M556792 - Amount \$1,000

RECOMMENDATION OF CITY ENGINEER:

That subject bonds be released.

26. REFUND TO CARSON/MADRONA COMPANY - \$571.33RECOMMENDATION OF FINANCE DIRECTOR/CITY TRAFFIC ENGINEER:

That the unexpended share of advanced funds for railroad preemption equipment at Madrona Avenue and Fashion Way, in the amount of \$571.33, be refunded to Carson/Madrona Company.

27. CLAIM of Mrs. Yvonne Castner for property damages.RECOMMENDATION OF CITY CLERK:

That the above claim be DENIED and referred to the City Attorney. The insurance carrier concurs with the above.

28. CLAIMS of Oscar R. Burell, David Fultz, Melvin D. Kohler, George Leary, Francis LeBlanc, Blake A. LeFebre, Ronald May, Gary Moore, Tommy Lee Roy, and Grandville Sawyers for personal damages.RECOMMENDATION OF CITY CLERK:

That the above claims be DENIED and referred to the City Attorney.

29. CLAIM of Harry Orville Grauman for property damages.RECOMMENDATION OF CITY CLERK:

That the above claim be DENIED and referred to the City Attorney.

MOTION: Councilman Sciarrotta moved to concur with Items #23,24,25, 26,27,28, and #29 as recommended. His motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable.

ADDENDA ITEMS:30. RESOLUTION re: Priority for a Grade Separation on Prairie Avenue.RESOLUTION NO. 72-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE REQUESTING THE PUBLIC UTILITIES COMMISSION TO CONSIDER AND TO ESTABLISH A PRIORITY FOR A GRADE SEPARATION ON PRAIRIE AVENUE AT THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY AND AUTHORIZING THE LOS ANGELES COUNTY ROAD COMMISSIONER TO INITIATE PROCEEDINGS FOR THE PROPOSED IMPROVEMENT.

Councilman Uerkwitz moved for the adoption of Resolution No. 72-47. His motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable.

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31. CITY OF REDONDO BEACH - CONSTRUCTION OF STORM DRAINS.

City Manager Ferraro advised that the City of Redondo Beach is applying to the Federal Government in order to use matching funds for the construction of local storm drains -- the matching funds will come from HUD, based on a County line placed in 190th Street from approximately Anza to Hawthorne Boulevard, ultimately into the El Nido area. In return for that line, which is both in Redondo Beach and Torrance, these funds will be used for local drains -- in order to so do the Federal Government has indicated that because that drain is in the City of Torrance, they need Torrance's permission.

A letter has been prepared by the City of Redondo Beach, subject to Torrance Council approval, which would indicate to the Federal Government that it is permissible for Redondo Beach to do this, per Mr. Ferraro.

City Manager Ferraro further stated that because of the benefits received by Redondo Beach, Council permission is requested to do two things: (1) Allow administration the discretion of processing this application, and (2) giving administration some general permission to add a condition of approval, if so decided, in which Redondo Beach would have to put in a small line called "8151". Mr. Ferraro then clarified that the main line comes down 190th Street, and then to Hawthorne Blvd.; another channel goes up Firmona almost to the El Nido area -- under the plan being submitted to the Federal Government, a small drain which goes across the park into the sump is not a part of the City of Redondo Beach's immediate priority. It is felt, Mr. Ferraro continued, that Torrance would have some leverage, in view of the requested permission, and in conforming with the letter, at the same time put<sup>in</sup> the condition that they make "8151" a part of the work that they are going to do, which will result in effective drainage for El Nido and the sump area.

MOTION: Councilman Sciarrotta moved to concur with the above request of the City Manager: that Staff be given permission to negotiate with the City of Redondo Beach regarding their application to HUD, and to do the best possible on an "8151" line. The motion was seconded by Councilman Wilson; there were no objections, and it was so ordered.

ORAL COMMUNICATIONS:

32. Councilman Brewster stated that it is his feeling that in the weeks and months to come, the Council will be hearing from the commercial and industrial elements in this community, and suggested that the Council listen rather carefully to what they may have to say -- a big favor can be done the homeowners by being attentive, although such receptivity may not be understood or appreciated by a majority of the homeowners in this City.

An article pertaining to tax increases in another community -- a community suffering from below average public services, schools, and yet paying a prohibitive tax rate -- was cited by Councilman Brewster. It was indicated in this article that this came about because the town paid no heed to building or protecting an economic base, so that there is now no industry or commerce that can be taxed, so the residents must carry virtually the entire load of the tax burden.

The problems faced by the City of Hermosa Beach were also pointed out by Councilman Brewster, as was the fact that industry and commerce are very real, vital elements of any fiscally sound community, and, therefore, -- of any community which hopes to mature with any degree of stability -- they are, and must continue to be, two of the three legs which provide the support for a balanced community, and it's important that they be kept healthy and that their prosperity be assured.

In conclusion, it was stated by Councilman Brewster that when commercial and industrial elements speak, the Council should listen to them and to their needs and their input to Council deliberations -- it is likewise important for government officials and homeowners alike to own up to that basic and demonstrable economic fact; there is a responsibility to the future, as well as to the present.

Mayor Miller pointed out the worthy accomplishments of the City of Torrance in this regard, with a sales tax that is operating 25% of the total budget -- this would represent a healthy climate to attract commercial into a community. Mayor Miller would concur with Councilman Brewster's remarks, and indicated his optimism for Torrance's future.

33. Councilman Johnson reported on his pleasurable attendance at the second opening of "The Ark" (the First Baptist Church undertaking for young people) -- praise is due this group; a good job well done, and a model for others to follow.

34. Preservation of agenda material by the Council (rather than the present wastebasket route) was requested by Councilman Sciarrotta, on behalf of the City Clerk's office in the interest of preservation of paper, material, and strength.

35. Councilman Sciarrotta then advised that a news item this date indicated that the United States House of Representatives Ways and Means Committee has given tentative approval not only to the concept of revenue sharing, but has also tentatively approved a 5.3 billion dollar annual rate of federal funds to states, counties and cities -- as proposed, this program would be available for five years, retroactive to January 1972.

It was added by Mr. Sciarrotta that this favorable Committee action is but the first step in the federal legislative process, noting, with pride, that the Torrance City Council was one of the first local agencies to approve and endorse the concept of revenue sharing. Torrance has, in fact, gone on record by resolution supporting this form of financing -- in addition, members of this Council have met with legislators in Washington to reemphasize the need for their support of this legislation.

Now, according to Councilman Sciarrotta, is the time to give this legislation added support; he, therefore, requested that Council authorize the advising our Congressmen that it supports the measure now before the Ways and Means Committee.

In addition, it was Councilman Sciarrotta's recommendation that this legislation be referred to the Legislative Liaison Committee for further study and recommendation to Council on what other actions might be taken to help support this bill.

Councilman Sciarrotta so moved; his motion was seconded by Councilman Wilson -- there were no objections, and it was so ordered.

36. An equally enjoyable evening at "The Ark" was reported by Councilman Surber.

37. Councilman Surber stated that Mrs. Ethel Kovach had requested that he announce to Council and Staff that she intended to be present at this meeting on an agenda item, but the death of her father necessitated her being out of town.

38. An incredible letter from the Calaveras County Fair re: the "Jumping Frog Jubilee" and a "Mayor's Frog Jump" was read aloud by Mayor Miller, and promptly referred to City Manager Ferraro for appropriate action, whatever that might be.

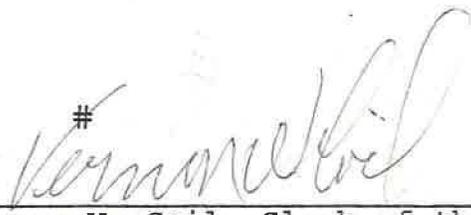
39. Mr. Steve Ross, 17014 Cranbrook, indicated his desire to be a Policeman for the City of Torrance, and that a problem is presented in the requirement that he must be 21 before the last date of filing (March 23rd) and the fact that he will be 21 on March 24th; the test is scheduled for April 8th.

Past allowances in similar circumstances were noted, as was the jurisdiction of the Civil Service Commission in this matter. It was the consensus of the Council that it would be hoped that the Civil Service Commission would look with favor on Mr. Ross' request -- Mayor Miller directed Mr. Ross to come to the City Manager's office on Wednesday in order that his request might be expeditied.

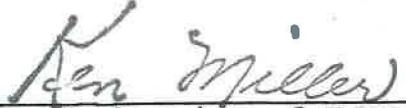
Councilman Uerkwitz requested that a report on the outcome of this matter be made to the Council, along with any possible policy determinations.

The meeting was regularly adjourned at 11:10 P.M.

# # #



Vernon W. Coil, Clerk of the City of Torrance, California



Mayor of the City of Torrance

Ava Cripe  
Minute Secretary

City Council  
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