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Adjourned at 9:20 P.M.

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Ava Cripe
Minute SecretaryCity Council
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November 16, 1976

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, November 16, 1976, at 5:30 P.M. in the Council Chambers at Torrance City Hall.

2. ROLL CALL:

Present: Councilmembers Armstrong, Brewster, Geissert, Rossberg, Wilson and Mayor Miller. Absent: None.

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

3. FLAG SALUTE:

Mr. Chuck Galluci led in the salute to the flag.

4. INVOCATION:

The invocation was provided by Reverend Bruce Lundberg, Lutheran Church of the Good Shepherd.

STANDARD MOTIONS:

5. APPROVAL OF MINUTES:

None available.

6. MOTION TO WAIVE FURTHER READING:

Councilman Brewster moved that after the City 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 Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilman Armstrong, and roll call vote was unanimously favorable.

7. COUNCIL COMMITTEES:

Ad Hoc Committee re: Horses:

Met on November 15th; report forthcoming to Council.

Park, Recreation and Community Development/School Board:

Will next meet on Thursday, November 18th, at 4:30 P.M. instead of 4:00 P.M.

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Public Works Committee:

Next meeting scheduled for November 22nd at 5:30 P.M.

Charter Review:

Will meet on November 17th at 5:00 P.M.

Finance Committee:

Met on November 10th re: Quarterly Budget Review.

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Councilman Armstrong introduced Mr. Yoshio Uehara, a visitor to the City of Torrance from Kashiwa City, Japan, who extended greetings from his city and commended the recent Bunkai-Sai -- Mayor Miller likewise expressed the good wishes of this City.

PRESENTATIONS:

- 8. THERMAPLAQUED RESOLUTION OF THE CITY COUNCIL recognizing Leslie Wolfsberger for outstanding achievement in gymnastics.

The congratulations of the City Council were conveyed to Miss Wolfsberger by Mayor Miller -- there was grateful acceptance of this recognition by her.

- 9. TILE PLAQUE TO GUY LEE FOR HIS SIX YEARS OF SERVICE ON THE PARK AND RECREATION COMMISSION.

Mayor Miller, concurred in by the Council, conveyed the deep appreciation for Mr. Lee's dedicated community efforts -- his pleasure in so serving was affirmed by him.

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Considered by the Council, out of order, at this time:

APPEALS - OTHER THAN PLANNING:

29. CLAIM OF LINDA JOYCE OLDS.

RECOMMENDATION OF CITY MANAGER:

That the decision of the Claims Board be upheld and that the claim be denied.

Mrs. Joyce Olds was present, and, per her request, her verbatim remarks follow:

"I'm still a law-abiding, taxpaying and a voting citizen of the city that you are responsible for. I want my comments verbatim in the minutes of the meeting, please.

"I spoke to you last week about several concerns of mine - one matter had a time limit. Mr. Ferraro said that he would study the matter and return it to you. I saw the yellow sheet of your tonight's agenda at a City library over the weekend, and the last item, number 29, referred to my request, and the agenda shows Mr. Ferraro recommends denial of my claim.

"I told you when I turned in the claim that I didn't think the City should reject the claim. You did. I presented it to you last week, and said 'I have before you a claim for less than \$100. Just because some City employee you pay at least \$6.00 an hour to collect trash doesn't have enough brain power to know not to bash trash cans against modern cars, I would like for Mr. Remelmeyer to realize that the idea is that dum-dum dented the fender of my car, and he ought to pay for it.'

"Thank you, Mr. Mayor, for moving my time up, since I called you and requested that inasmuch as I had waited until the end of your late meeting last week, and inasmuch as Mr. Ferraro was going to study it, and he is presenting it tonight, and inasmuch as I had tickets for a soccer game tonight, and I might want to bring my son to see how you people operate and a late meeting is bad for him, I appreciate your granting me this privilege of an earlier turn on the agenda.

"I would like to make a few comments on Mr. Ferraro's note and his presentation to you on this matter. Gee, considering Mr. Ferraro's valuable time, costwise to the taxpayers, and those of the other people who have had to make these supporting papers, this little claim gets more and more costly, doesn't it?

"Under 'Background' in the first paragraph, Mr. Ferraro says I arose to challenge the decision of the City denying my claim for property damages -- that is correct; I certainly do challenge that decision, and I also challenge some of the other doings of you people.

"Then under his 'finds' the second circle, 'The claim form was dated March 8, 1974.' -- that really was a goof; I certainly apologize for that. Please correct your file to show

that as of March 8, 1976. Gee, anyone should be able to realize that was an error because you certainly couldn't file a claim before something happened, could you? That was kind of nit-picking really, but that is good; it shows that you did scrutinize the claim this time. Why didn't Mr. Coil point that out in his letter of denial and save me this embarrassment before you and the whole world?

"The next paragraph says 'The operator and the Sanitation Supervisor returned and tried to remember whether or not he might have tossed the container...etc.' Then, 'Our analysis' -- I presume you mean the operator was he and not the Sanitation Supervisor. And the next paragraph: 'It was then, almost a year later, that Mrs. Olds filed that claim.' That is correct. Please note that your instructions on the claim forms say under number two: 'Claims for damages to real property must be filed not later than one year after the occurrence. Government Code Section 911.2'. Now really, Mr. Ferraro and others, surely your forms do not lie, so you should allow the citizens the right to trust your forms, and then if they comply with the rules, you should go by the same rules and not make exceptions to them for your purposes. There is a long story about why those forms were so long being turned in, but I will save that for another time. I'm sure you will look forward with great anticipation to my speaking here again.

"Under 'Anaylsis' on the same front page: 'The analysis made in 1975 shortly after the claim was filed seems to suggest at the most that the City had possible liability.' Really -- possible? Come on now, what is right is right, not possibly right.

"Then he comes back again: 'However, because of the late filing of the claim and the failure of the claimant to follow up on the denial of the claim made in May, 1976, we believe no further action should be taken by the City Council.' Here he is again making comments about that late filing. Please refer to the form again, second item of instructions. On the failure to follow up on the denial, please refer to the copy of Mr. Coil's letter of May 17th making that denial and quoting 'subject to certain exceptions, you have only six months from the date this notice was delivered, or deposited in the mail, to file a court action on this claim -- see Government Code Section 945.6.' Gee, is Mr. Ferraro calling Mr. Coil a liar -- six months is six months.

"You know I am pretty sure now that Mr. Ferraro and I do not communicate at all. I understand what he is saying, but he surely doesn't understand me at all. The whole reason I had to come here last week and listen to all of your meeting was because I had called Mr. Coil personally to find out what 'subject to certain exceptions' meant. Please remember that I told you he cursed me and yelled at me and refused to talk to me over the phone. Why did he say I would have to come down to his office to talk to him? Was he planning to insult me further, or hit me, or something?

"Last week and this week I am wearing a bunch of medals on my jacket -- my son teases me about it. But you City people seem to try to act like I haven't got any sense. Let me tell

you, one of these medals was for making the highest grades for my senior year in high school; another was for making the second highest grades for all the years of high school; another was for making the best grades in English for all four years in high school; and, by the way, there were 100 students in my senior class, so there was some competition. Another award was for the Freshman Honor Society in college. I went on a scholarship for one year, and then I didn't have any more funds; in those days people didn't get a bunch of free stuff just because they were poor. This is not being mentioned here to brag, although I am proud of these accomplishments. It is being said so that perhaps you will realize that I can read and write English, and think. I know that was a long time ago, but I have't just been playing tiddly-winks or watching T-V ever since.

"I think Mr. Remelmeyer should explain to all of you, and particularly to Mr. Ferraro and his staff, that 'the idea is that if a form says you have a year to file, and if a letter says you have six months, well, don't try to make an issue on those time limits; don't try to change them because you can't think of anything else to say.' The victim might be able to read and write and think, and you would look pretty stupid as everyone knows that people expect to trust their elected or appointed officials who command such high salaries.

"On the second page, the first paragraph, Mr. Ferraro is still singing that same dumb song with the same dumb reference to quite some time. You know, I told all of you all of those dates last week. He has had one week to investigate the whole thing and comes up with the same excuse repeatedly. I would like to take some exception to the latter part of that first paragraph though that says 'the records clearly show that in each step of the way, Mrs. Olds was informed of her rights and encouraged to pursue the matter.' Wow - now he's trying to act like I'm a criminal, informed of my rights indeed. The form states a year, and he is trying to get out of that; the letter states six months, and he is trying to get out of that. There must be some exceptions to that six months that the letter refers to, and Mr. Coil treated me like - well, he sure didn't treat me nice, you know that. How would you like for him to talk to you that way when you're trying to get information and clarified and find out your rights -- wow, wow, wow.

"Under 'Recommendation', Mr. Ferraro says that he recommends that the denial of the Claims Board be upheld -- then Mr. Ferraro says 'We believe to allow this appeal opens the City to other claims being filed in untimely fashion and could open the City to unknown liability.' Please think about that long and hard. He could have said: '...opens the door to honesty, fairness, decency, and we need responsible employees, and we also need to apologize for the treatment some people have received because of our actions.'

"I think right here would be a good place to refer to the quote on the front page of your agenda for tonight. It is from a really great man who held a supreme office in our land -

Mr. Abraham Lincoln: 'Nearly all men can stand adversity, but if you want to test a man's character, give him power.'

"I'd also like to quote a couple of things that men said to me when I wrote that letter that was published in the Daily Breeze, that Mr. Ferraro told me he never even read, and some of you have acted like it was unimportant. Mr. Kaltenbach, the publisher of the Breeze, and I were talking about the letter that I wrote before one of his boys edited it. Anyway, I thought he was a real red-white-and-blue American for he said something about the downfall of our country would probably come from things done by appointed officials who have so much power and are not subject to the voters. Later, after he lost the second letter that I had written, which he had had for one week before he had a letter from Mr. Ferraro and Mr. Remelmeyer jointly, my letter pointing out Mr. Remelmeyer's interpretation of laws being ideas, I told Mr. Kaltenbach that I thought our country would go down the tubes because of the news media who don't tell the truth, the whole truth, and nothing but the truth, but who inform the citizens of what they want to know and in such a way as to try to influence their thinking.

"Another big man in our city, whose name I won't mention, but who has kept up with what was going on with my fight with the City, has told me that my persistence after the truth and right is making a lot of insecure men very nervous.

"There are some more things I feel I should say here. I have been warned that Mr. Ferraro is a big Italian and I'd better be careful. I'm scared of what is going on here, but I'm a little Texan and if you will read your history books, or watch John Wayne movies, you will know we are a different breed; we can die for what we believe in.

"The final chapter in this claim is not up to you anymore. After I saw the agenda over the weekend, I went to the Small Claims office yesterday because of the time limit on the denial, and filed a suit against you, the City of Torrance. It took a lot of my time again. The clerk there thought I should have the name of the driver so I called Mr. Ferraro's office and asked to speak to him. And his girl just wouldn't let me; he just couldn't be disturbed, even though I told her I was filling out some forms and needed to know. She got Mr. Leroy Jackson on the telephone, and I later saw he must have helped with the papers since he signed them. Anyway, when I asked for the driver's name, he just didn't know. When I kind of insisted and said that they had had a whole week to investigate it and should know, and why didn't he ask Mr. Kirkruff because he should know, he left the telephone and came back later with 'I suppose it was Dick Huey.' I said 'what do you mean suppose'? He said: 'well, he had called Mr. Kirkruff and he thinks...' So that is how I had to put it on the form: 'Mr. Kirkruff thinks,

and Mr. Jackson supposes, although they have had a week to investigate this matter.'

"I also asked Mr. Jackson to write me a letter for my files to that effect, and he promised to do so although it might take a couple of days.

"So let's just close this affair between you and me. The wheels of bureaucracy that everyone talks about are grinding. It is a shame because it is going to take some more of my time, and I just don't think that is fair. I think I can think and do things as well as Mr. Ferraro, and it's just sad that we have different values. Also, it makes me feel bad now that this little \$49.00 claim also has a \$2.00 filing fee and an \$8.50 fee for the Marshall to serve Mr. Coil the notice because the law says I can't, and I surely can't ask my friends to do it; he might yell and curse at them. And if Mr. Huey is the actual driver who damaged that fender there will be another \$8.50 to serve him. If I have to pay that money in the end, in addition to having to pay the \$49.00 for the car, it sure isn't fair, and I'll be very angry. And if the City has to pay, it's no skin off of Mr. Ferraro's back, or any of yours either -- just those poor old taxpayers, and that will make me angry too.

"So I'll say goodnight and pleasant dreams."

Assistant to the City Manager Jackson reaffirmed the City's finding that the claim had exceeded the filing time (100 days for property damage), and requested Council concurrence in upholding the denial of the Claims Board.

Councilman Armstrong noted the above indication by Mrs. Olds that she has taken the matter to court, and deemed concurrence with Staff the appropriate action to be taken. Mayor Miller stressed the principle, not the sum of money, involved in this case, and specifically noted the absence of an admission of guilt by the employee.

City Attorney Remelmeyer commented that approval of the subject claim would set a bad precedent under the circumstances, adding that Mrs. Olds is not without remedy via the Small Claims Court.

MOTION: Councilman Armstrong moved to concur with the recommendation of the City Manager that the decision of the Claims Board be upheld and that the claim be denied. The motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable.

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ELECTION MATTERS:10. CANVASS OF RETURNS FOR SPECIAL MUNICIPAL ELECTION.RECOMMENDATION OF CITY CLERK:

That the matter of the canvass of the official returns for the Special Municipal Election and the installation of the newly-elected Councilmember be continued until 7:00 p.m., Tuesday, November 23, 1976.

MOTION: Councilman Armstrong moved to concur with the above stated recommendation of the City Clerk. The motion was seconded by Councilwoman Geissert, and roll call vote was unanimously favorable.

ENVIRONMENTAL MATTERS:11. ORDINANCE re: decoration of oil pumps.ORDINANCE NO. 2709

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING SECTION 97.6.8 TO THE TORRANCE MUNICIPAL CODE TO PROHIBIT OIL WELL DECORATIONS WHICH CONSTITUTE AN ATTRACTIVE NUISANCE TO CHILDREN

Councilman Wilson moved for the approval of Ordinance No. 2709 at its first reading. His motion was seconded by Councilman Armstrong, and roll call vote was unanimously favorable.

FISCAL MATTERS:12. RESOLUTION authorizing fire hydrant maintenance agreement with Dominguez Water Corporation.RESOLUTION NO. 76-230

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 AGREEMENT DATED _____ BY AND BETWEEN THE CITY OF TORRANCE AND DOMINGUEZ WATER CORPORATION PROVIDING FOR ASSUMPTION BY SAID CITY OF THE MAINTENANCE OF THOSE FIRE HYDRANTS SITUATED IN DOMINGUEZ SERVICE AREA IN THE CITY OF TORRANCE

Prior to taking action on the above resolution, Councilman Brewster indicated his concerns pertaining to City liability, increased salary levels in future years, and long range cost factors for the City, etc. -- in these difficult fiscal times for all municipalities, the continual expansion of municipal forces and the continual adding of permanent overhead must be very carefully watched, per Mr. Brewster.

Mr. Brewer, Dominguez Water Corporation, was present to provide desired clarification.

It was the request of Councilmembers Armstrong and Geissert that Staff investigate the merits of a similar arrangement with California Water Service.

MOTION: Councilman Armstrong moved for the adoption of Resolution No. 76-230. His motion, seconded by Councilman Wilson, carried, with roll call vote as follows:

AYES: COUNCILMEMBERS: Armstrong, Geissert, Rossberg,
Wilson; Mayor Miller.
NOES: COUNCILMEMBERS: Brewster.

PARK AND RECREATION MATTERS:

13. RESOLUTION NO. 76-232 expressing gratitude to the Southern California Edison Company.

RESOLUTION NO. 76-232

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE EXPRESSING GRATITUDE TO THE SOUTHERN CALIFORNIA EDISON COMPANY FOR THE USE OF ITS PROPERTY FOR COLUMBIA PARK AND COMMENDING IT FOR ITS GENEROUS POLICY OF COOPERATING IN PUBLIC INTEREST PROJECTS

Councilman Wilson moved for the adoption of Resolution No. 76-232. His motion was seconded by Councilwoman Geissert, and roll call vote was unanimously favorable.

14. REQUEST TO SHARE WITH THE FRIENDS OF THE MADRONA MARSH IN THE COST FOR A SITE DEVELOPMENT CONCEPT MAP FOR MADRONA MARSH TO BE PREPARED BY THE NATIONAL AUDUBON SOCIETY.

RECOMMENDATION OF PARK AND RECREATION DIRECTOR:

That Council approve engaging the National Audubon Society to produce an overall site concept map, interpretative building design concept, and exterior building renditions.

It is further recommended that an amount of \$1,050 be appropriated to jointly share with the Friends of Madrona Marsh in the funding of this project.

MOTION: Councilman Armstrong moved to concur with the above stated recommendation of the Park and Recreation Director. His motion was seconded by Councilman Armstrong, and carried, with roll call vote as follows:

AYES: COUNCILMEMBERS: Armstrong, Brewster, Geissert,
Wilson; Mayor Miller.
NOES: COUNCILMEMBERS: Rossberg.

PERSONNEL MATTERS:

15. ORDINANCE - Supplemental Memorandum of Understanding between Management and the representatives of AFSCME re: 28-day cycle work schedule.

ORDINANCE NO. 2710

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE REPEALING SECTION 17.55.1

DEALING WITH OVERTIME COMPENSATION AND
 ADDING A NEW SECTION 17.55.1 DEALING
 WITH THE SAME SUBJECT OF ARTICLE 5,
 PART V, OF CHAPTER 7, DIVISION 1 OF THE
 TORRANCE MUNICIPAL CODE

Councilman Armstrong moved for the approval of Ordinance No. 2710 at its first reading. His motion, seconded by Councilman Wilson, was unanimously approved by roll call vote.

16. REPORT OF CIVIL SERVICE COMMISSION RE: EXECUTIVE OFFICER.

Mayor Miller noted the request of Phil Joseph, TPOA, to hold this item for one week since he is out of town on this date.

Councilman Rossberg MOVED to concur with the subject request. His motion was seconded by Councilman Armstrong, and roll call vote was unanimously favorable.

17. REVISED CLASS SPECIFICATION FOR STREET MAINTENANCE SUPERINTENDENT.

RECOMMENDATION OF PERSONNEL MANAGER:

That Council adopt the revised class specification of Street Maintenance Superintendent.

It was the recommendation of Councilman Brewster, concurred in by the Council, that under the "Ability to:" section, the pertinent statement be revised to state: "Work effectively with other departments, the City Council, the public and other government agencies."

MOTION: Councilman Wilson moved to concur with the recommendation of the Personnel Manager to adopt the revised class specification of Street Maintenance Superintendent, as above amended. The motion was seconded by Councilman Armstrong, and roll call vote was unanimously favorable.

18. MODIFICATION OF CIVIL SERVICE COMMISSION BUDGET FOR SPECIAL TESTING.

RECOMMENDATION OF CITY MANAGER:

That Council concur in transferring \$2,500 each from salary savings created by the current vacancy of Park and Recreation Director and the pending vacancy of Street Maintenance Superintendent to the Civil Service Commission's budget for the purpose of assessment center testing of candidates for both Street Maintenance Superintendent and Battalion Chief.

MOTION: Councilman Armstrong moved to concur with the above stated recommendation. His motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable.

19. SELECTIVE CERTIFICATION.

Mr. Ben Kidner, on behalf of AFSCME, stated their feeling that Selective Certification protects their 361 employees and is a needed method of appointment.

Discussion followed, and the action taken is reflected below:

MOTION: Councilman Armstrong moved to receive and file the subject letter from the Civil Service Commission. The motion was seconded by Councilwoman Geissert, and roll call vote was unanimously favorable.

20. BUDGET MODIFICATION - CITY ATTORNEY AND ENGINEERING DEPARTMENT.

CIVIL SERVICE

RECOMMENDATION OF CITY MANAGER/PERSONNEL MANAGER/COMMISSION:

That Council concur in the subject two reallocation studies regarding Legal Secretary to Secretary-City Attorney's Office and Senior Typist Clerk to Typist Clerk -Engineering Department and authorize the appropriate modification to the City Budget to reflect the same.

MOTION: Councilman Armstrong moved to concur with the above stated recommendation. The motion was seconded by Councilman Rossberg, and roll call vote was unanimously favorable.

21. RESOLUTION authorizing contract for Cooperative Personnel Services.RESOLUTION NO. 76-231

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TORRANCE AUTHORIZING A CONTRACT
WITH COOPERATIVE PERSONNEL SERVICES

Councilman Wilson moved for the adoption of Resolution No. 76-231. His motion, seconded by Councilwoman Geissert, was unanimously approved by roll call vote.

SECOND READING ORDINANCES:22. ORDINANCE NO. 2705.ORDINANCE NO. 2705

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF TORRANCE AMENDING CERTAIN PROVISIONS
OF THE OIL CODE GOVERNING IDLE WELLS, DRILL-
ING CONDITIONS AND DRILLING DISTANCES

Councilman Wilson moved for the adoption of Ordinance No. 2705 at its second and final reading; his motion was seconded by Councilwoman Geissert; roll call vote was unanimously favorable.

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23. ORDINANCE NO. 2706.ORDINANCE NO. 2706

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 91.4.13 AND ADDING SECTION 91.4.15 TO THE TORRANCE MUNICIPAL CODE TO PROVIDE THAT THE PLANNING COMMISSION MAY APPLY MORE STRINGENT LIMITATIONS THAN THOSE ESTABLISHED BY THE CODE WHEN REVIEWING PRECISE PLANS ON HILLSIDE DEVELOPMENT AND REPEALING EMERGENCY ORDINANCE NO. 2704 RELATING TO THE SAME MATTER

Councilman Wilson moved for the adoption of Ordinance No. 2706 at its second and final reading. His motion was seconded by Councilman Armstrong, and roll call vote was unanimously favorable.

24. ORDINANCE NO. 2707.ORDINANCE NO. 2707

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING DIVISION 9 OF THE TORRANCE MUNICIPAL CODE TO RECLASSIFY THAT CERTAIN PROPERTY WHICH IS LOCATED ON THE EAST SIDE OF LADEENE AVENUE BETWEEN 236TH AND 238TH STREETS AND DESCRIBED IN ZONE CHANGE 76-12
(Torrance Planning Commission)

Councilman Armstrong moved for the adoption of Ordinance No. 2707 at its second and final reading. His motion was seconded by Councilman Wilson, and carried, with roll call vote as follows:

AYES: COUNCILMEMBERS: Armstrong, Rossberg, Wilson;
Mayor Miller.
NOES: COUNCILMEMBERS: Brewster, Geissert

25. ORDINANCE NO. 2708.ORDINANCE NO. 2708

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING AND ADOPTING THE REDEVELOPMENT PLAN FOR THE SKYPARK REDEVELOPMENT PROJECT

Councilwoman Geissert moved for the adoption of Ordinance No. 2708 at its second and final reading. Her motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable.

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12.

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The hour being 7:15 P.M., the Council recessed and reconvened as the Redevelopment Agency. A 5-minute recess followed at 7:17 P.M.

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PLANNING HEARINGS:

26. PP 76-23 (EA 76-91), Sam S. Djujic: Appeal of condition of approval by the Planning Commission for a Precise Plan of Development to allow the construction of a single-family residence on a hillside lot located on the north side of Via El Chico approximately 300 feet west of the easterly end of the cul-de-sac.

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

Mayor Miller announced that this was the time and place for the subject public hearing, and, following Staff presentation by Planning Director Shartle, invited comments from the audience.

The proponent, Mr. Sam S. Djujic, 4503 Newton Street, reviewed the basis of his appeal of Condition #2 - "That the height of the proposed building shall be not more than 14 feet from the top of the curb at the center line of the lot, or whatever is reasonable as far as sight line, and approved by the Planning Commission." This condition necessitates redesign, per Mr. Djujic; further, he has done everything which possibly could be done under the circumstances in his efforts to comply with all the rules and requirements, with specific note of his substantial financial investment to date.

Mr. Djujic then elaborated on the relationship of the existing homes to his proposed development as it relates to the view, and indicated his willingness to reduce the height an additional 2½ feet thereby insuring the view for those concerned.

Continuing, Mr. Djujic stated that he could not afford to start all over again -- in the event of Council disapproval he would be in no position to pursue the matter legally, whether it be legally sound or not, nor would he have a desire to do so because ultimately "I would be suing myself in one way or another".

Via El Chico residents expressing their objections to the subject development were: Thomas Stopnagle (456), William Forrest (452), Ted Bettwing (464), Dr. Ronald Woods (448), Ned Brown (444), Roger Cook (460), John van Oppen (440), Roger Stanton (351), and Bob David (424 Via El Chico). Reasons cited were: new development on the downhill side should be consistent with existing homes, the precedent setting aspects, the creation of a "tunnel effect", the dramatic negative impact on the view of the existing residences and those on Riviera Way, etc.

Representing Riviera Homeowners Association, Mr. Spencer Willens indicated their support of Planning Commission findings in this particular action, reserving the right to monitor each Precise Plan on its individual merit.

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

Council discussion followed - specifically noted was the fact that the width of Via El Chico is only 44 ft., normal residential streets being 54 ft. in width; the precedent to be set by action taken at this time; neighborhood compatibility; etc. The following action resulted:

MOTION: Councilman Armstrong moved to DENY, without prejudice, the subject request, and to concur with the recommendation of the Planning Commission. The motion was seconded by Councilwoman Geissert, and roll call vote was unanimously favorable.

27. CUP 76-85, SUNNY KANG. Appeal of Planning Commission denial of a Conditional Use Permit to allow the operation of a seafood restaurant with on-premise sale and consumption of beer and wine in an existing building located on the east side of Hawthorne Boulevard between Torrance Boulevard and Emerald Street (21002 Hawthorne Boulevard). DENIED 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 was the time and place for the subject public hearing, and, following presentation by Planning Director Shartle, invited comments from the audience.

Mr. Fidel Schmitz, 3455 Torrance Boulevard, attorney representing A&C Investments (owners of the subject property), advised that since this matter has come up the various owners have met and the parking lot has been upgraded (resurfaced and striped) as a result. Further, per Mr. Schmitz, property owner Charles Cake has indicated that he has no objections to installing street trees as would pertain to his property but not for the remainder of the property -- sign control was deemed most difficult; parking lot landscaping would prove counter-productive in that it would take needed parking spaces.

Representing the proponent, Mr. Jack Lester noted the position of Mr. Kang, a lessee; the substantial funds already invested in the proposed operation; the likely success of this business; etc.

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

Council discussion was directed to the overall problems at this shopping center, with note of recent upgrading efforts.

MOTION: Councilman Armstrong moved to approve CUP 76-85, subject to conditions, with the following modifications:

Delete conditions #2 and #3;

Condition #4 to read: "That a sign program for the use be subject to the Planning Director's approval."

Condition #5 to read: "That street trees be installed and maintained along the Cake frontage."

The motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable.

APPEAL - OTHER THAN PLANNING:

28. APPEAL OF ACTION OF STREET NAMING COMMITTEE to retain the name "Prairie Avenue" assigned to the street between Del Amo Boulevard and 190th Street, creating a tie between Prairie and Madrona Avenue across the Mobil Oil property.

The request of Del Amo Fashion Square that the City assign the name "Prairie-Madrona" to this section of the street was noted.

MOTION: Councilman Armstrong moved that the request be filed and that the original name be retained. The motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable.

29. CLAIM OF LINDA JOYCE OLDS.

Heard earlier in the meeting - See Page 2.

ORAL COMMUNICATIONS:

30. A pending appeal by Officer Mark Johnson was noted by City Attorney Remelmeyer. It was the direction of the Council that a date satisfactory to all concerned be established by Mr. Remelmeyer.

31. Councilman Armstrong commended Mrs. Miko Haggott and all others responsible for the recent highly successful Bunka-Sai.

32. Councilman Armstrong noted recent correspondence from Mrs. Aubrey Atkins regarding a desired change in mailing address from Gardena to Torrance, and requested appropriate Staff follow-through in this matter.

At 9:00 P.M., Councilman Wilson moved to recess for the purpose of an Executive Session to discuss pending litigation (a proper subject matter, per City Attorney Remelmeyer). The motion was seconded by Councilman Rossberg, and roll call vote was unanimously favorable. The Council returned at 9:20 P.M. for formal adjournment; no action was taken.

Ava Cripe
Minute Secretary

15.

City Council
November 16, 1976

Vernon W. Coil

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

APPROVED:

Ken Miller

Mayor of the City of Torrance