

I N D E XCity Council - April 26, 1977

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Adjourned at 8:45 P.M.

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April 26, 1977

MINUTES OF AN ADJOURNED REGULAR  
MEETING OF THE TORRANCE CITY COUNCIL

OPENING CEREMONIES:

1. CALL TO ORDER:

The Torrance City Council convened in an Adjourned Regular Meeting on Tuesday, April 26, 1977, at 4:00 P.M. in the Council Chambers at Torrance City Hall.

2. ROLL CALL:

Present: Councilmembers Armstrong, Brewster, Brown, Geissert, Rossberg, 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:

Sr. Administrative Assistant Roy Payne led in the salute to the flag.

4. INVOCATION:

The invocation was provided by Reverend Boyd Kifer, Church of the Nazarene.

STANDARD MOTIONS:

5. APPROVAL OF MINUTES:

The minutes of March 22, 1977 were corrected by Councilwoman Geissert, as follows: Oral Communications, Item No. 40 - Delete the MOTION paragraph. (Page 13).

MOTION: Councilman Armstrong moved for the adoption of the minutes of March 22, 1977, as above corrected. His motion was seconded by Councilman Brown, and approval was unanimous.

6. MOTION TO WAIVE FURTHER READING:

Councilman Armstrong 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 Wilson, and approval was unanimous.

7. COUNCIL COMMITTEES:

Held for later in the meeting - See Page 10 - Items 31 and 33.

1.

City Council  
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PERSONNEL MATTERS:8. EXECUTIVE SESSION re: hours, wages and working conditions.

MOTION: Councilwoman Geissert moved to recess to an Executive Session to discuss hours, wages and working conditions (a proper subject matter, per City Attorney Remelmeyer). The motion was seconded by Councilman Armstrong, and approval was unanimous. The hour was 4:07 P.M.

The Council returned at 6:10 P.M.

9. HEARING - Appeal of Suspension - Police Officer James Ferguson.

Mayor Miller advised that he would ABSTAIN in this matter for the reason that the father of one of the involved parties has a real estate license in his office -- the Mayor thereupon departed from the Council Chambers, and leadership of the meeting was assumed by Mayor Pro Tem Armstrong.

Mayor Pro Tem Armstrong announced that this was the time, date and place to hear the appeal of Police Officer James R. Ferguson.

The following has occurred, per Mayor Pro Tem Armstrong:

"After an internal investigation, the Chief of Police recommended to the City Manager that Officer Ferguson be suspended for 10 days for using excessive force in making an arrest. The recommendation was upheld and the Officer was suspended for 10 days after an administrative hearing. The Officer was then served with a written statement of charges, following which he requested a hearing before the Civil Service Commission as provided for in the City Code.

"The Civil Service Commission held a hearing on the matter on November 22, 1976. Both the City and Officer Ferguson were represented by counsel. Testimony was heard and the case was argued before the Commission.

"Following the hearing, the Commission made Findings of Fact. The Commission sustained the charges against Officer Ferguson, which were:

"You did use excessive force in apprehending two suspects, Dan Goodrich and Kenneth Mumford, when you struck both of them about their heads with your service revolver.

"And that upon both subjects being removed from hiding, you struck both subjects with your feet in the neck, chest and abdomen area two or three times each. Investigative findings establish that the subjects were not offering resistance to justify your actions.

"The Commission also sustained the 10-day suspension.

"On December 28, 1976, Officer Ferguson filed an appeal from the decision of the Commission. The City Code grants the Officer the right to appeal his suspension to the City Council and provides that the City Council may, by a majority vote of the entire membership of the Council, modify or reverse such decision."

Alternatives available to the Council were then outlined by Mayor Pro Tem Armstrong, as were the procedures to be employed for the conduct of this hearing. Specifically noted by Mr. Armstrong was that no evidence not previously submitted and received into evidence by the Civil Service Commission may be heard by the City Council; that the hearing will be held only on the record on appeal from the Civil Service Commission and on the oral arguments of the attorneys.

It was confirmed by Mayor Pro Tem Armstrong that Councilmembers have read the entire record in this matter, and that the procedure proposed met with the approval of the Council and both attorneys.

Attorney Richard Goldman, representing Officer Ferguson, generally reviewed the facts as presented at the Civil Service Commission hearing -- the critical situation faced by Officer Ferguson; his response upon discovering the two concealed suspects; the testimony of Police Academy expert that Officer Ferguson did not overreact to the situation; the absence of any prior history of any incident of this type on the part of Officer Ferguson; etc.

Continuing, Mr. Goldman stated that a similar incident involving another officer occurred approximately one month later, and no punishment was imposed -- Mr. Goldman deemed this relevant material (per Code Section 14.47.15). It was the finding of Mayor Pro Tem Armstrong, concurred in by the Council, that there was no relevancy between the above and the Officer Ferguson case.

Reversal of the Civil Service Commission decision was requested by Mr. Goldman.

Deputy City Attorney Freeman, representing the City, also reviewed the events which resulted in the ten-day suspension of Officer Ferguson, with charges and suspension being sustained by the Civil Service Commission -- the presence of other officers at the scene of the crime; the use of excessive force by Officer Ferguson; the lack of resistance displayed by suspects; Torrance Police Department standards relative to use of force; etc. The charge should be sustained, and the penalty should be sustained, per Deputy City Attorney Freeman.

Rebuttal by Mr. Goldman encompassed the perilous predicament of Officer Ferguson; the testimony of an expert on police survival; the circumstances of a fast-moving situation; etc.

Deputy City Attorney Freeman's rebuttal included review of City findings, and determinations pertaining thereto -- i.e. that the force used by Officer Ferguson was simply not justified under the circumstances; the appropriateness of the penalty; etc.

Mayor Pro Tem Armstrong stated that the Council would now go into Executive Session to deliberate this matter. It was the request of City Manager Ferraro that he be excused from the Executive Session in view of his role in this matter; the request was granted. City Attorney Remelmeyer indicated that he also would not attend the Executive Session unless there is a need for specific advice.

The Council recessed at 6:55 P.M., and returned at 7:10 P.M. The following action was taken:

MOTION: Councilman Wilson moved to DENY THE APPEAL and uphold the findings of the Civil Service Commission in the matter of Officer James R. Ferguson. The motion was seconded by Councilwoman Geissert, and carried, with roll call vote as follows:

AYES: COUNCILMEMBERS: Armstrong, Brewster, Brown,  
Geissert, Rossberg, Wilson.  
NOES: COUNCILMEMBERS: None.  
ABSTAIN: COUNCILMEMBERS: Mayor Miller.

\* \* \* \* \*

Mayor Miller resumed leadership of the meeting.

\*\* \* \* \* \*

INTRODUCTION:

10. Representatives of South Bay Branch, Los Angeles County Department of Consumer Affairs in Lomita.

Introductions of Mr. Al Vincent and Ms. Shirley Goldinger were made, followed by an informative presentation regarding the functions of this new office (Location: 24340 South Narbonne, Lomita; Telephone: 325-9500).

\* \* \* \* \*

At this point in the meeting, Mayor Miller invited Mr. Kenny Uyeda to introduce Mr. Shigeru Arita, a member of the industrial personnel exchange program, from Kashiwa, Japan. Mr. Arita is now returning to Kashiwa, per Mr. Uyeda; the good wishes of the City of Torrance were conveyed by Mayor Miller.

\* \* \* \* \*

PRESENTATIONS:

11. RECOGNITION OF TORRANCE STUDENT POSTER/ESSAY CONTEST WINNERS.

Appropriate tokens of recognition for the student contest winners were presented by Mrs. Barbara Maestri, Torrance Council PTA, and Mayor Miller.

12. RECOGNITION OF AMERICAN FIELD SERVICE STUDENTS.

Mayor Miller introduced the American Field Service Students in attendance at this meeting, welcomed them to Torrance, and presented plaques to them commemorating this experience.

13. QUARTERLY BEAUTIFICATION SCENE AWARDS - Spring 1977.

Chairman Frank Rizzardi, Environmental Quality Commission, presented the following Beautification Scene Awards:

Residential Land Use:

John A. Barrington  
1541 Post Avenue

Commercial Land Use:

JoJo's Restaurant  
20535 Hawthorne Boulevard

Industrial Land Use:

Southern California Edison Company  
Service Center  
505 Maple Avenue

PROCLAMATIONS:

14. AMERICAN BUSINESS WOMEN'S ASSOCIATION - SCHOLARSHIP MONTH.
15. KCET AUCTION '77
16. ANTI-LITTER MONTH
17. RESPECT FOR LAW WEEK

So proclaimed by Mayor Miller.

COMMUNITY AFFAIRS:

18. SUB AREA COUNCIL - HEALTH SYSTEMS AGENCY, LOS ANGELES COUNTY.

RECOMMENDATION OF CITY MANAGER:

That Council direct Staff to submit the name of Councilwoman Geissert for nomination to serve on the Sub Area Council of the Health Systems Agency for Los Angeles County.

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

TRANSPORTATION MATTERS:

19. RESOLUTION supporting a study of ways to improve transit services in the South Bay area.

RESOLUTION NO. 77-73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, SUPPORTING THE CONDUCT OF A JOINT STUDY WITH THE CITY OF GARDENA, CALIFORNIA, OF ALL OPTIONAL WAYS OF IMPROVING THE COST EFFECTIVENESS AND EFFICIENCY OF THE USE OF THE RESOURCES OF BOTH SYSTEMS FOR THE OPTIMIZATION OF PUBLIC TRANSIT SERVICES DELIVERED TO THE CITIZENS OF OUR CITIES AND SUBREGIONAL AREA

Prior to taking action on the above resolution, it was first pointed out by Mayor Miller that the study is to be for the South Bay area and is not limited to Torrance and Gardena.

Desired clarification regarding the proposed joint study was provided by Director of Transportation Horkay.

Councilman Brewster commented on the need to make sure that the study is an unbiased one -- further, as things are presently constituted in the public transportation business, he would be opposed to a sub-regional system because of the intangible risks and exposures which cannot be measured by any study. It was the further comment of Councilman Brewster that

of further concern to him is the fact that in the few months the County Transportation Commission has been in operation it is obvious that it is a long way from functioning very well. Mr. Brewster then reiterated that he has no objection to the subject study, so long as it is an unbiased one.

MOTION: Councilman Armstrong moved for the adoption of Resolution No. 77-73. His motion, seconded by Councilman Wilson, was unanimously approved by roll call vote.

20. IMPROVEMENT OF CARSON STREET AND MADRONA AVENUE.

RECOMMENDATION OF THE DIRECTOR OF TRANSPORTATION:

That the City Council, convened as the Redevelopment Agency, instruct the Executive Director with the assistance of the Agency Counsel, to contract with the City to provide such traffic control devices and street improvements at Carson and Madrona as will be needed to benefit the Fashion Way Redevelopment Project.

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

21. STATEMENT OF INCOME AND EXPENSES - Water Department.

Noted by the Council.

PERSONNEL MATTERS:

22. SETTLEMENT re: Tara Lee Adams - EEOC charge.

RECOMMENDATION OF CITY MANAGER:

That Council concur in the proposed settlement with Tara Lee Adams as authorized by the Equal Opportunity Commission, and that your Honorable Body concur in the payment of \$1895 from the Unappropriated Reserve of the General Fund to Tara Lee Adams.

MOTION: Councilman Brewster moved to concur with the above recommendation of the City Manager. His motion was seconded by Councilman Rossberg, and roll call vote was unanimously favorable.

PLANNING AND ZONING MATTERS:

23. ORDINANCE re: bird quarantine stations in the M-2 zone.

ORDINANCE NO. 2736

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF TORRANCE ADDING SECTION 95.3.35  
TO THE TORRANCE MUNICIPAL CODE TO PROVIDE  
FOR BIRD QUARANTINE STATIONS IN THE M-2  
ZONE

Councilwoman Geissert moved for the approval of Ordinance No. 2736 at its first reading. Her motion, seconded by Councilman Wilson, was unanimously approved by roll call vote.

24. ORDINANCE re: ZC 76-5, North Torrance Medical Group.

ORDINANCE NO. 2737

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 CRENSHAW BOULEVARD IMMEDIATELY SOUTH OF THE DOMINGUEZ CHANNEL AND DESCRIBED IN ZONE CHANGE 76-5  
(North Torrance Medical Group)

Councilman Wilson moved for the approval of Ordinance No. 2737 at its first reading; his motion was seconded by Councilwoman Geissert, and carried, with roll call vote as follows:

AYES: COUNCILMEMBERS: Brewster, Geissert, Rossberg,  
Wilson; Mayor Miller.  
NOES: COUNCILMEMBERS: None.  
ABSTAIN: COUNCILMEMBERS: Armstrong, Brown (not present  
at hearing)

25. ORDINANCE re: ZC 76-4, Southland Development Company.

ORDINANCE NO. 2738

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 AT THE SOUTHEAST CORNER OF REDONDO BEACH BOULEVARD AND YUKON AVENUE AND DESCRIBED IN ZONE CHANGE 76-4  
(Southland Development Company)

Councilman Wilson moved for the approval of Ordinance No. 2738 at its first reading. His motion, seconded by Councilwoman Geissert, carried, with roll call vote as follows:

AYES: COUNCILMEMBERS: Brewster, Geissert, Rossberg,  
Wilson; Mayor Miller.  
NOES: COUNCILMEMBERS: None.  
ABSTAIN: COUNCILMEMBERS: Armstrong, Brown. (not present  
at hearing).

HEARINGS - PLANNING:

26. PP 77-6, Gene and Dorothy Duley.

The Planning Staff opinion that the applicants are endeavoring to bring about an acceptable solution by engaging an architect, and the fact that the appellant, although anxious to settle the matter, has agreed to a time extension, was noted. Further noted was the Staff request that the subject case be held until the May 24th Council meeting.

MOTION: Councilman Wilson moved to continue Item #26 to the Council meeting of May 24, 1977, at 7:30 P.M. The motion was seconded by Councilman Armstrong, and roll call vote was unanimously favorable.

27. W 76-63, John and Grace Cominis - Appeal of Planning Commission approval of a request to waive fence height and side yard setback requirements on property located at 22213 Shadycroft Avenue. PLANNING COMMISSION APPROVED REQUEST, designating it as Validation Permit 77-1, and requiring avigation easement as condition.

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 -- an appeal of the avigation easement requirement. Staff presentation was provided by Planning Associate Danielson, recommending deletion of avigation easement requirement.

The proponent, Mr. John Cominis, was present, and introduced an unrelated matter pertaining to an existing shed on his property -- this problem was referred to Building Regulations Administrator Grippo.

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.

MOTION: Councilwoman Geissert moved to concur with the recommendation of the Planning Staff re: W 76-63 that Condition #2-"That an avigation easement shall be granted to the City." - be deleted. The motion was seconded by Councilman Armstrong, and roll call vote was unanimously favorable.

Considered together:

28. ZC 76-10, Robert Halbert and Horace Allen.  
29. TT 32881, Robert Halbert and Horace Allen.

The request of Planning Staff that the above two items be postponed to May 3, 1977, in order to insure that a well designed, environmentally acceptable subdivision is provided was noted by the Council.

Mr. Robert Halbert indicated concurrence with such continuance.

MOTION: Councilman Wilson moved to continue Items #28 and #29 to the Council meeting of May 3, 1977. The motion was seconded by Councilman Brewster, and roll call vote was unanimously favorable.

ROUTINE MATTERS:

30. AWARD OF CONTRACT for 10 Police Patrol vehicles re: Cooperative Purchase Program with County of Los Angeles. REF. Bid #T-1366  
Expenditure: \$51,393.68

RECOMMENDATION OF FINANCE DIRECTOR/PURCHASING SUPERVISOR:

That Council approve of the award of a contract for 10 Police Patrol vehicles (Chevrolet Novas) to the successful bidder of Los Angeles County's Bid #T-1366, Harry Mann Chevrolet, in the total amount of \$4,848.46, plus tax, each or \$51,393.68 total, including tax.

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

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The hour being 8:21 P.M., the Council recessed and reconvened as the Redevelopment Agency, returning to its agenda at 8:24 P.M.

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ORAL COMMUNICATIONS:

31. Councilman Armstrong announced the May 2nd meeting of the Legislative Liaison Committee at 5:00 P.M.
32. Councilman Armstrong advised that a business commitment will necessitate his leaving the May 3rd Council meeting at an early hour, and returning later to the meeting, if possible.
33. A Finance Committee meeting on April 27th at 5:30 P.M. was noted by Councilwoman Geissert.
34. Appropriate recognition for Mr. Charles Hosler and his efforts relative to the Income Tax Assistance Center at the Plunge was requested by Councilwoman Geissert. It was the further request of Mrs. Geissert that a letter of thanks go forward to the others involved in this program.
35. Councilman Rossberg reported on recent hearings re: the South Bay Corridor Study and the pending final report from the consultant. It was the recommendation of Mr. Rossberg that a coordinated transportation improvement type of program should be developed for the entire South Bay area -- in doing so, each jurisdiction should be involved in its preparation so that the final program has area-wide support and will give the area its best chances of obtaining outside funding for the projects.

Further, per Councilman Rossberg, since each agency has staff personnel who have the technical background, as well as a feel for the political environment, that staff should develop a proposed program and present it to the policy makers of each jurisdiction.

There was Council concurrence with Mr. Rossberg's request that he recommend to the Steering Committee at its next meeting that a Task Force comprised of key staff members from each city be formed to develop such an improvement program.

36. Councilman Wilson reviewed the recent trip to view the City of San Leandro's Downtown Redevelopment Project -- a most unique, successful project. The manner in which they accomplished their goals was outlined by Dr. Wilson.

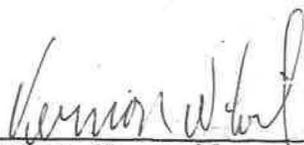
It was the opinion of Councilman Wilson that, with the techniques being used by San Leandro, it would seem that redevelopment of Downtown Torrance could be accomplished by eliminating only substandard or marginal structures, while revamping those that are qualified.

Councilman Wilson then requested that the City Manager be directed to set up a meeting of the Council Ad Hoc Downtown Committee and interested parties in the near future to determine whether there is substantial support and need for such a project in the downtown area. There were no objections, and it was so ordered.

37. Director of Transportation Horkay announced that the 17th annual Citywide Bike Rodeo will be held on April 30th at Victor Elementary School.

The meeting was regularly adjourned at 8:45 P.M.

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

APPROVED:



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

Ava Cripe  
 Minute Secretary

11.

City Council  
 April 26, 1977