

I N D E XCity Council - December 20, 1977

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Adjourned at 12:10 A.M. in memory of

Ross Sciarrotta.

Ava Cripe
Minute Secretary

ii.

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December 20, 1977

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, December 20, 1977, at 5:30 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:

Park and Recreation Director Milkovich led in the salute to the flag.

* * * * *

The passing of former Councilman Ross Sciarrotta was announced, with deep regret, by Mayor Miller.

In tribute, Mayor Miller noted that "Ross contributed some twenty years of his life to the City of Torrance; he was an outstanding person in his endeavors, and we are all very saddened by his passing. Our thoughts go out to his family, and we wish to pay respect to this man who gave so much to the City of Torrance."

* * * * *

4. INVOCATION:

Councilman Wilson provided the invocation for the meeting, followed by one minute of silence to the memory of Ross Sciarrotta, as directed by Mayor Miller.

* * * * *

1.

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STANDARD MOTIONS:5. APPROVAL OF MINUTES:

Councilman Armstrong moved to approve the minutes of November 8, 1977, as recorded. His motion was seconded by Councilwoman Geissert, and roll call vote was unanimously favorable.

6. MOTION TO WAIVE FURTHER READING:

Councilman Wilson moved that after the City Clerk has assigned 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:

No reports.

COMMISSION MATTERS:8. COMMISSION INTERVIEWS.RECOMMENDATION OF CITY CLERK:

That the City Council fix a time and date to interview current Commissioners and new applicants for vacancies. To allow time to place a public notice in the Daily Breeze to advertise vacancies, we would suggest that the date be set for January 10, 1978, at 7:00 P.M.

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

COMMUNITY AFFAIRS:9. RESOLUTION re: Transportation of Rose Parade Workers.RESOLUTION NO. 77-259

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING AN AGREEMENT BETWEEN THE CITY, THE TORRANCE ROSE FLOAT ASSOCIATION AND THE TORRANCE UNIFIED SCHOOL DISTRICT FOR THE USE OF SCHOOL BUSES TO TRANSPORT WORKERS TO PASADENA TO CONSTRUCT THE 1978 FLOAT

Councilman Armstrong moved for the adoption of Resolution No. 77-259. His motion, seconded by Councilwoman Geissert, was unanimously approved by roll call vote. (Further action taken -- See Item 33, Page 17.)

10. RESOLUTION re: Rose Float Parking Facility.RECOMMENDATION OF CITY MANAGER/RISK MANAGER:

1. Concur in and adopt the subject two Resolutions, subject to the Rose Float Association providing insurance for the one large parking facility;
2. Authorize a sharing of payment for the insurance policy with the City paying one-half of the cost of the insurance.

RESOLUTION NO. 77-260

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO ENTER INTO A HOLD HARMLESS AGREEMENT RELATING TO PARKING FOR ROSE FLOAT CONSTRUCTION (Becton, Dickinson Electronics Company)

Councilman Wilson moved to concur with the above stated recommendation and for the adoption of Resolution No. 77-260. His motion was seconded by Councilman Brown, and roll call vote was unanimously favorable.

RESOLUTION NO. 77-261

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO ENTER INTO A HOLD HARMLESS AGREEMENT RELATING TO PARKING FOR ROSE FLOAT CONSTRUCTION (Vemco Corporation)

Councilman Wilson moved for the adoption of Resolution No. 77-261. His motion, seconded by Councilwoman Geissert, was unanimously approved by roll call vote.

ELECTION MATTERS:

11. RESOLUTION calling General Municipal Election on March 7, 1978.

RESOLUTION NO. 77-262

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN SAID CITY ON TUESDAY, MARCH 7, 1978, FOR THE ELECTION OF CERTAIN OFFICERS OF SAID CITY AS REQUIRED BY THE PROVISIONS OF THE CHARTER OF THE CITY OF TORRANCE AND FOR THE SUBMISSION TO THE ELECTORS OF SAID CITY CERTAIN AMENDMENTS TO THE CHARTER OF SAID CITY RELATING TO DUTIES OF THE CITY CLERK, EXECUTION OF MUNICIPAL CONTRACTS, NOTICE OF SPECIAL MEETINGS, REPEAL OF REDUNDANT LANGUAGE, TORT CLAIMS AND DATES FOR PAYMENT OF COUNCIL SALARIES

3.

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Councilwoman Geissert moved for the adoption of Resolution No. 77-262; her motion was seconded by Councilman Wilson; roll call vote was unanimously favorable.

Further action taken by the Council is reflected below:

MOTION: Councilwoman Geissert moved that the Mayor be designated to sign the ballot arguments for the Council. The motion was seconded by Councilman Armstrong; there were no objections, and it was so ordered.

REAL PROPERTY:

12. RESUBMITTAL OF AERONCA, INC. REQUEST for approval of assignment of lease at 24751 Crenshaw Boulevard to R.G. Harris.

LAND MANAGEMENT TEAM RECOMMENDS DENIAL.
APPROVAL RECOMMENDED BY DEPARTMENT OF TRANSPORTATION
AND AIRPORT COMMISSION.

Representing Aeronca, Inc., Mr. Bill Sweeney, Suite 1059, Union Bank Tower, 21515 Hawthorne Boulevard, requested Council approval of the subject assignment of lease without a change in terms. Mr. Sweeney then reviewed the past history of the Aeronca lease, dating back to 1959, with note of its significant contributions to the community in the past as well as its reduced activities at the present time which make the subject lease assignment imperative. It was stated by Mr. Sweeney that, in his opinion, the law controls and it would be unreasonable if City consent is withheld.

Mr. Dennis Harkavey, 800 Wilshire Boulevard, Los Angeles, attorney for Mr. R.G. Harris, stated that under a lease which provides that consent should not be unreasonably withheld, and which requires that inquiry be limited to the financial ability and reputation of the assignee, there, under the circumstances, are no reasonable grounds for this body to refuse the assignment, and approval should be given at this time.

Deputy City Attorney Freeman reported on the extensive research in this matter, with the resultant conclusion that there are a substantial ^{number} of cases which indicate that the City cannot do that which the Land Management Team has proposed. Basically, the law is that where you attempt to condition a consent to an assignment or to a sublease by way of payment or increase in rents, it is not permitted and constitutes duress. It was, therefore, the finding of Mr. Freeman that there would be no authority to deny the assignment. Reconsideration of the action taken in the matter of Dr. Karl Frudenberg (Item #14, December 13, 1977) which concurred with the Land Management Team was also recommended by Mr. Freeman.

City Manager Ferraro acknowledged the foregoing remarks, as well as the apparent error in judgment by the Land Management Team.

Following review of the above comments, the Council took the action reflected below:

MOTION: Councilman Armstrong moved to concur with the recommendation of the Director of Transportation and the Airport Commission: to approve assignment of lease at 24751 Crenshaw Boulevard to Mr. R.G. Harris. The motion was seconded by Councilman Rossberg, and roll call vote was unanimously favorable. ("Reluctant" yes votes were cast by Councilmembers Brown and Geissert.)

MOTION: Councilman Armstrong moved to reconsider the request of Dr. Karl Frudenberg (Item #14, December 13, 1977). The motion was seconded by Councilman Rossberg, and carried, with roll call vote as follows:

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

NOES: COUNCILMEMBERS: Brown, Geissert (would prefer that reconsideration occur on January 3rd.)

MOTION: Councilman Armstrong moved to concur with the recommendation of the Director of Transportation and the Airport Commission: to approve partial assignment of lease at 24701 Crenshaw Boulevard (Item #14, December 13, 1977). The motion was seconded by Councilman Rossberg, and roll call vote was unanimously favorable (a "reluctant" yes vote being cast by Councilman Armstrong).

ENVIRONMENTAL MATTERS:

13. APPEAL OF TEOC APPROVAL OF OIL SITE LANDSCAPING PLAN - Shasta Pan Oil Company.

RECOMMENDATION OF AD HOC COMMITTEE ON OIL RELATED MATTERS:
That your Honorable Body give strong consideration to Plan A in concept, details to be worked out satisfactory to the Staff of the Building and Safety Department and subject to these conditions:

1. Trees to be planted outside the diked area.
2. Trees to be of type whose roots will not damage dike walls.
3. Trees should be evergreen with high moisture content to provide fire retardancy.
4. Accumulation of leaf material and other combustibles not be allowed within the site.
5. Barbed wire be installed for Oil Code requirements.
6. Irrigation system to be installed by the owner to the satisfaction of the Building and Safety Department.

Staff presentation was provided by Environmental Quality Administrator Godfrey.

Representing the proponent, Mr. Peter Lacombe affirmed the City approval, of record, regarding this site, with note of the

the efforts of the property owner, Mr. Rodney Pantages, to alleviate neighborhood concerns. It is now time to resolve the problem, per Mr. Lacombe, and it is desired to resolve it in a fair and equitable manner -- they will plant 26' trees; they will paint the tanks and the wall, but only on their own property. Concurrence with "Plan A" was indicated by Mr. Lacombe.

It was stated by Fire Chief Slonecker that the reduced dike area would have sufficient capacity to contain the volume of both tanks of oil, as required by Code.

Next to speak was Ms. Berdeana Carstensen, 20337 Donora Avenue, who reaffirmed the neighborhood problems and concerns, of record, in this matter -- Landscape "Plan B" is the most acceptable to them -- if "Plan A" is considered, it was requested that the present fence be modified so that the concrete block wall is built up even all the way around and that the chain link and barbed wire be removed. It was further requested that the trees all be of a size to compensate for the growth years the landscaping is behind.

Council discussion ensued; the difficulties surrounding this situation were acknowledged, and the following action resulted:

MOTION: Councilman Wilson moved to accept "Plan A" in concept for the solution of the problem. The motion was seconded by Councilman Rossberg, and roll call vote was unanimously favorable.

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The hour being 7:00 P.M., the Council recessed, and reconvened as the Redevelopment Agency, returning to its agenda at 7:10 P.M.

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TRANSPORTATION MATTERS:14. TORRANCE MUNICIPAL AIRPORT - LANDING AIDS REPORT.

RECOMMENDATION OF DEPARTMENT OF TRANSPORTATION AND THE CITY ATTORNEY'S OFFICE: That a public hearing be scheduled for January 10, 1978, for consideration of an amendment to the Airport Master Plan.

Councilman Brown moved to concur with the above stated recommendation. His motion was seconded by Councilwoman Geissert, and roll call vote was unanimously favorable.

FISCAL MATTERS:15. WATER MAIN ALONG SKYPARK DRIVE.

RECOMMENDATION OF WATER SYSTEM MANAGER/DIRECTOR OF TRANSPORTATION:

That the City Council approve the following:

1. Authorize installation of approximately 3,450 lineal feet of 12-inch water main along Skypark Drive from east of Madison Street to Garnier Street in conjunction with the construction of the roadway.
2. Appropriate \$36,000 from the Airport Fund and transfer same to the Water Main Extension Revolving Fund for the Airport's share of the main extension along the La Case de Vida lease frontage. Upon determination of the final costs of the total project, the Airport's exact share will be adjusted accordingly.
3. Cancel at this time the \$80,000 appropriation in the Water Revenue Fund for the cement lining of the main along Torrance Boulevard and authorize a temporary loan of this amount to the Water Main Extension Revolving Fund for the subject Skypark Drive main extension; the loan to be liquidated as reimbursements are received from benefiting property owners.
4. Appropriate \$120,000 from the Water Main Extension Revolving Fund, which includes \$4,000 currently available in that Fund, for construction of subject main extension along Skypark Drive.

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

16. ORDINANCE re: reduced license tax for map vending machines.ORDINANCE NO. 2800

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF TORRANCE AMENDING SECTION 33.5.9
OF THE TORRANCE MUNICIPAL CODE TO PROVIDE
A LICENSE TAX FOR MAP VENDING MACHINES

Councilman Brown moved for the approval of Ordinance No. 2800 at its first reading. His motion was seconded by Councilwoman Geissert, and roll call vote was unanimously favorable.

PARK AND RECREATION MATTERS:

17. RESOLUTION re: contract with Recreation Systems, Inc. - Sunnyglen Park.

RESOLUTION NO. 77-263

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING THAT CERTAIN CONTRACT FOR LANDSCAPE ARCHITECTURAL SERVICES BETWEEN THE CITY OF TORRANCE AND RECREATION SYSTEMS, INC. FOR CERTAIN DEVELOPMENTS TO BE LOCATED AT SUNNYGLEN PARK

Councilman Wilson moved for the adoption of Resolution No. 77-263. His motion was seconded by Councilman Brown, and roll call vote was unanimously favorable.

It was the request of Park and Recreation Director Milkovich, based on Insurance Claims Board policy, that the agreement in this matter be revised as follows: Page 11 should read \$500,000 Public Liability, \$100,000 Property Damage; adding \$100,000 Errors and Omissions Insurance (instead of "One Million Dollars combined single limit"). There were no objections and it was so ordered.

18. JOB REFERRAL SERVICE.

RECOMMENDATION OF YOUTH COUNCIL:

That the City Council approve this program in two separate phases:

Phase I would be permission to initiate a public-city campaign in an effort to gather an "interested list" of potential employers and employees.

Phase II would be permission to spend available funds for the telephone and clerical supplies to implement the referral process. Expenditures would be contingent upon the successful completion of the first phase and would provide funds to establish a phone at some Civic Center facility (manned by volunteers 20 hours per week).

Youth Council further recommends they coordinate and supervise the volunteers and eventually draw upon the people using the service to keep the program working.

RECOMMENDATION OF PARK AND RECREATION STAFF:

Staff concurs with the recommendation of Youth Council and upon approval by your Honorable Body will make arrangements for implementation of Phase I.

It is further recommended that the Park and Recreation Department be authorized to expend \$300 from the current year's budget to fund this pilot program. No additional appropriation is necessary.

MOTION: Councilman Armstrong moved to concur with the above stated recommendations of the Youth Council and Park and Recreation Staff. His motion was seconded by Councilman Wilson; roll call vote was unanimously favorable.

PERSONNEL MATTERS:

19. RESOLUTION re: hourly wage scale for Census Enumerators.

RESOLUTION NO. 77-264

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE TO ESTABLISH A RATE OF COMPENSATION FOR CENSUS ENUMERATORS AND CENSUS CREW LEADERS FOR THE SPECIAL CENSUS

Councilwoman Geissert moved for the adoption of Resolution No. 77-264. Her motion, seconded by Councilman Brown, carried, with roll call vote as follows:

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

MATTERS NOT OTHERWISE CLASSIFIED:

20. RESOLUTION for withdrawal from Los Angeles County Waterworks District No. 13.

RESOLUTION NO. 77-265

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES, IN ITS CAPACITY AS BOARD OF DIRECTORS OF LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 13, TO APPROVE THE WITHDRAWAL FROM SAID DISTRICT OF ANY PROPERTY OF ANY PORTION OF THE NARBONNE RANCH WATER DISTRICT NO. 2 WHICH IS LOCATED WITHIN THE CITY OF TORRANCE FROM SAID WATERWORKS DISTRICT, AND TO DIRECT THE HOLDING OF THE NECESSARY HEARINGS BOTH BEFORE ITSELF AND BEFORE THE LOCAL AGENCY FORMATION COMMISSION

Councilman Armstrong moved for the adoption of Resolution No. 77-265. His motion was seconded by Councilman Brown, and roll call vote was unanimously favorable.

SECOND READING ORDINANCES:

21. ORDINANCE NO. 2799.

ORDINANCE NO. 2799

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 17.24.1 AND SECTION 17.24.3 OF PART II OF CHAPTER 7, DIVISION 1 OF THE TORRANCE MUNICIPAL CODE GOVERNING INSURANCE AND SICK LEAVE FOR EMPLOYEES REPRESENTED BY THE TORRANCE FIRE FIGHTERS ASSOCIATION

Councilwoman Geissert moved for the adoption of Ordinance No. 2799 at its second and final reading. Her motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable.

PLANNING AND ZONING MATTERS:

22. RESOLUTION re: Contract with California Department of Finance to Conduct a Special Census.

RESOLUTION NO. 77-266

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE TO ENTER INTO AN AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF FINANCE FOR SERVICES IN CONDUCTING A SPECIAL CENSUS

Councilwoman Geissert moved for the adoption of Resolution No. 77-266. Her motion, seconded by Councilman Armstrong, was unanimously approved by roll call vote.

23. RESOLUTION re: Historic Preservation Program.

RESOLUTION NO. 77-267

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE FOR PERMISSION TO APPLY FOR A STATE HISTORICAL RESOURCE SURVEY GRANT

Councilman Armstrong moved for the adoption of Resolution No. 77-267. His motion was seconded by Councilwoman Geissert, and roll call vote was unanimously favorable.

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The hour being 7:25 P.M., a 15-minute recess was ordered by Mayor Miller, with an invitation to all present to join in fruit cake and punch, so graciously and generously arranged by Councilwoman Geissert.

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HEARINGS - PLANNING:

Considered together:

24. ZC 77-1 JAY KNOTT. Request for change of zone from C-2 to R-3 PD to allow construction of a 27-unit condominium complex on property located on the northeast corner of Prairie Avenue and 171st Street. RECOMMENDED FOR DENIAL BY THE PLANNING COMMISSION AND PLANNING DEPARTMENT.
25. GPA 77-3, JAY KNOTT. Request for amendment to the Land Use Element of the General Plan of the City of Torrance from Commercial to Residential designation to permit the construction of a 27-unit condominium on property located on the northeast corner of Prairie Avenue and 171st Street. RECOMMENDED FOR DENIAL BY THE PLANNING COMMISSION AND PLANNING DEPARTMENT.
26. TT 33420 and CUP 77-1, JAY KNOTT. Appeal of Planning Commission decision to deny Tentative Tract and Conditional Use Permit to allow the development of a 27-unit condominium on property located at the northeast corner of Prairie Avenue and 171st Street. DENIED BY THE PLANNING COMMISSION AND PLANNING DEPARTMENT.

Affidavits of Publication on agenda items #24, 25, and #26 were presented by City Clerk Coil, and were ordered filed, there being no objection.

Mayor Miller announced that this was the time and place for public hearings on Items #24, 25, and #26, and, following Staff presentation by Planning Associate Danielson, invited comments from the audience.

The proponent, Mr. Jay Knott, 23875 Madison Street, reviewed the background history in this matter, the long consultations with City Staff and compliance with procedures, etc. -- the recommendation for denial was completely unexpected and came as a substantial shock to this speaker. It was the request of Mr. Knott that the Council override the Planning Commission and approve the project, subject to conditions.

It was the comment of Planning Director Shartle that Mr. Knott was not encouraged to proceed -- to the contrary, Staff had indicated all along that there were problems with the project, and it is impossible for anyone to predict the ultimate outcome.

Mr. Jim Marquez, project planner, commented on Plot Plan Review Board findings which indicated overall approval.

Mr. Robert Archer, real estate broker, described the difficulties of the subject property and the unlikelihood of its development as commercial property -- also noted was the adjacent C-2 property (with gas station) and the lack of interest in same. The project proposed by Mr. Knott is a good project and would be beneficial to the City, per Mr. Archer.

Planning Commissioner Uerkwitz related the findings of the Commission -- unanimous agreement that this is an inappropriate use for that piece of property.

There being no one else who wished to be heard, Councilman Armstrong moved that the hearing on Items #24, 25 and #26 be closed. His motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable.

Council discussion ensued. That this was a poor area for commercial zoning was acknowledged by Mayor Miller, with note of surrounding residential development -- condominium development would be feasible, provided the gas station property was developed in the same manner, in the opinion of the Mayor. Were the owner of the gas station property in favor of R-TH zoning, this would alter the circumstances considerably, per Mayor Miller, who recommended Staff review of this concept. General concurrence with this approach was indicated by the Council. Councilwoman Geissert indicated that she would not favor any residential development in this area, in that it is a most incompatible location with Prairie Avenue, the freeway, etc. -- Councilman Brown shared like reservations.

It was the ultimate consensus of the Council that they would entertain a revised proposal which would incorporate the entire problem area.

ITEM #24:

MOTION: Councilman Armstrong moved to DENY ZC 77-1, without prejudice. The motion was seconded by Councilman Rossberg, and roll call vote was unanimously favorable.

It was specifically noted by City Attorney Remelmeyer that the applicant should understand that this would be a substantially different project, and it would, therefore, be necessary to repeat the procedures of environmental assessment, Planning Commission, etc., as with an original application.

ITEM #25:

MOTION: Commissioner Armstrong moved to DENY GPA 77-3, without prejudice. The motion was seconded by Councilman Brown, and roll call vote was unanimously favorable.

ITEM #26:

MOTION: Councilman Brown moved to DENY TT 33420 and CUP 77-1, without prejudice. The motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable.

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27. V 65-20, TERREL FREY. Request for a modification of a previously approved Variance to allow the operation of a nursery school on property located at 20530 Anza Avenue. RECOMMENDED FOR APPROVAL BY THE PLANNING COMMISSION WITH CONDITIONS. PLANNING DEPARTMENT RECOMMENDATION FOR DENIAL.

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 Associate Danielson, invited comments from the audience.

The proponent, Ms. Terrel Frey, 1048 - 8th Street, Hermosa Beach, requested approval of the subject modification, and outlined her need to care for "outside" children.

Mr. Cecil Rose, Bay Village resident, reaffirmed the desire of the apartment residents that the ^{nursery school} playground area be shared. It was the suggestion of Mayor Miller that the matter of needed tenant playground area be taken up with the apartment manager. If such a condition cannot be imposed upon the subject request, denial of V 65-20 (Modification) was recommended by Mr. Rose.

The proponent's mother, Mrs. Neil, 4471 Pacific Coast Highway, commented on the need for supervised play on the playground.

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

Following discussion, Council action was taken as shown below:

MOTION: Councilman Rossberg moved to concur with the recommendation of the Planning Commission, approval of modification to V 65-20, on a six-month trial basis, subject to conditions of record (deleting conditions #4 and #6; adding conditions #8 and #9). The motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable.

APPEALS - OTHER THAN PLANNING:

28. APPEAL OF THE AIRPORT COMMISSION DENIAL OF ROBINSON HELICOPTER COMPANY, INC. REQUEST FOR APPROVAL OF SUBLEASE OF THE FRUDENFELD LEASE FACILITY AT 24747 CRENSHAW BOULEVARD.

The Airport Commission DENIED approval of the sublease request and suggested that their denial be appealed to City Council for Council's review under Council policy regarding aircraft noise abatement.

The Land Management Team and Department of Transportation recommend APPROVAL of the sublease request. (Further discussion re: recommendation - See Page 14.)

DIRECTOR OF TRANSPORTATION NOTE:

If your Honorable Body chooses to approve this item, it is recommended that the following conditions be incorporated:

1. There shall be no weekend flights.
2. There shall be no night flights.
3. All flights are to be conducted between the normal business hours of 8:00 A.M. to 5:00 P.M.
4. The rigid flight path in the subject sketch shall be strictly adhered to.
5. There shall be no increase in the number of flights over that which occurred in the research and development phase.
6. The proponent is to seek out other locations for flight certification testing, such as Palomar Airport, as soon as production justifies it.
7. All sections of the City of Torrance Noise Abatement Ordinance shall be adhered to.

In a meeting with the Airport Manager and the Director of Transportation on December 15th, Mr. Robinson agreed to these conditions in principle but does not agree to have them tied to his lease.

Specifically noted by Mayor Miller was the revised recommendation of the Land Management Team (by a 2-1 vote) for "DENIAL of the Robinson Helicopter sublease on the grounds it is not in the public interest to approve a sublease whereby the lessee will receive \$5,280 per month from the sublessees and the City receives \$58 per month. The City Attorney cast the dissenting vote and is not in agreement with this position. He recommends approval of the Robinson Helicopter sublease." (December 20th communication of record). However, in view of the Deputy City Attorney's earlier ruling in another Frudenberg matter (Item #12, Page 4), Land Management Team Chairman Scharfman withdrew this revised recommendation for denial. Approval of the request was now indicated by members of the Land Management Team.

Discussion was directed to Condition #7 above -- "All sections of the City of Torrance Noise Abatement Ordinance shall be adhered to." -- proponent Frank Robinson reaffirmed his objections to the inclusion of such conditions in the lease, as a matter of principle. Mr. Robinson indicated his intent to fully comply with the noise ordinance and all Airport regulations, but would not favor a law which would apply to him and not to anyone else. Director of Transportation Horkay pointed out that this is the first experience with a helicopter manufacturing operation; hence the stringent conditions proposed by him.

It was ultimately agreed that this item should be held until later in the meeting to permit further conferences between Messrs. Robinson and Horkay. (See Page 16.)

Prior to such meeting, Mayor Miller invited comments from the audience.

Mr. John LaResche, 3634 West 228th Street, deemed this a change of use from a general aviation airport to a "fly-away field" -- such use warrants an amendment to the General Plan and a focused EIR.

The president of the Torrance Area Chamber of Commerce, Mr. John Green, reported their strong support of Mr. Robinson.

The proposed operation will have a most beneficial economic impact on the City of Torrance, per Mr. Green, and favorable consideration by the Council was urged.

Mr. Ed Greene, 3205 Onrado Street, indicated concurrence with the recommendation of the Airport Commission (prepared statement of record).

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The hour being 10:00 P.M., a recess was ordered by Mayor Miller for the purpose of the Staff/Robinson conference as well as an Executive Session to discuss pending litigation. (Formal action taken -- See Item 34, Page 18.)

* * * * *

The Council returned at 10:30 P.M. Additional time was required for the Staff/Robinson conference; Mayor Miller, therefore, proceeded with the regular agenda order.

29. APPEAL OF POLICE SERGEANT'S EXAMINATION - Phillip Joseph.

RECOMMENDATION OF CIVIL SERVICE ADMINISTRATOR:

That this appeal be DENIED. The basis of this recommendation is that the protest procedure is one which is long standing; no suggestions for change were presented by the employees involved; the procedure was properly followed; and no timely appeal was made to the responsible party, the Civil Service Commission.

Mayor Miller announced that this was the time and place for the subject appeal, and, following Staff presentations by Deputy City Attorney Freeman and Civil Service Administrator Ghio, invited comments from the appellant, it being the consensus of the Council that such comments should be entertained.

Officer Phil Joseph stated his opinion that the Council did not have jurisdiction in this matter, an opinion contrary to the findings of the Superior Court -- hence his appearance at this time, in the interest of procedural follow-through.

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.

It was stated by Mayor Miller, and concurred in by the Council, that this body did not have jurisdiction to hear this matter.

MOTION: Mayor Miller moved that the Council DENY the subject appeal. The motion was seconded by Councilman Armstrong, and roll call vote was unanimously favorable.

* * * * *

The Council now returned to:

ITEM #28: ROBINSON HELICOPTER COMPANY, INC. SUBLEASE.

City Attorney Remelmeyer reported the results of the Staff/Robinson conference as follows:

Mr. Robinson would comply with all laws of the City and Airport regulations, and any amendments thereto; further, there would be compliance with the noise limits and the night operation provisions that are presently set forth in the ordinance -- should such ordinance provisions be declared unconstitutional, Mr. Robinson would still abide by those provisions.

Further, per Mr. Remelmeyer, Mr. Robinson would comply with the flight path as determined jointly by the Airport Manager and the FAA; Mr. Robinson would be permitted an average of seven departures per day, measured monthly; the proponent is to seek out other locations for flight certification testing, such as Palomar Airport, as soon as production justifies it; Mr. Robinson would also comply with the insurance provision as recommended by the Land Management Team.

Continuing, Mr. Remelmeyer advised that one point of disagreement remains: that is the average of seven departures per day measured monthly; Mr. Robinson cannot agree to restraint of this kind.

A lengthy discussion by the Council regarding desired conditions, and the basis thereof, ensued, accompanied by input from Mr. Robinson, City Attorney Remelmeyer and Director of Transportation Horkay.

Comments from the audience were invited by Mayor Miller, and speakers were:

Mrs. Alice McGuire, 5302 Via del Valle, representing the Riviera Homeowners Executive Board, stated that the proposed helicopter operation would expand noise, and noted that an EIR regarding helicopters on the Airport is presently being prepared.

Mrs. Pat Uerkwitz, 23136 Anza Avenue, expressed concurrence with the comments of the above speaker -- in view of all the work that has gone into the Master Plan, it should not now "go out the window" -- more noise is not wanted.

Mr. Ed Vroman, 2550 Pacific Coast Highway, speaking as a Robinson Helicopter employee, conveyed their interest and concern in the noise factor.

There being no one else 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 action is reflected below:

MOTION: Councilman Armstrong moved to approve the subject sublease, subject to the following conditions:

That the sublessee will comply with the laws of the City and the Airport regulations, and any amendments thereto;

That the sublessee will comply with the noise limit and night operations provision presently in the noise abatement ordinance, even if those provisions are declared invalid by a court;

That the flight path shall be determined jointly by the Airport Manager and the FAA;

That there will be an average number of departures of seven per day, to be measured annually;

That the proponent will seek out other locations for flight certification testing, such as Palomar Airport, as soon as production justifies it; and

That the proponent comply with the insurance provisions recommended by the Land Management Team.

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

ROUTINE MATTERS:

30. PURCHASE OF AN OFFICE TRAILER for Noise Monitoring Program.
Ref. Bid #B77-74
Expenditure: \$8,773.52

RECOMMENDATION OF FINANCE DIRECTOR/BUYER:

That the Council accept the low bid submitted by Modular Facilities Leasing Company and approve of the award of a purchase order contract to them in the total amount of \$8,773.52, including sales tax.

31. FINAL TRACT MAP - Tract No. 32785.
Subdivider: Carriage Development Corporation.
Engineer: E.L. Pearson
No. of Lots: 60

RECOMMENDATION OF CITY ENGINEER/PLANNING DIRECTOR:

That Final Tract No. 32785 be approved.

MOTION: Councilman Wilson moved to concur with Staff recommendations on agenda items #30 and #31. His motion was seconded by Councilman Brown, and roll call vote was unanimously favorable.

ORAL COMMUNICATIONS:

32. City Manager Ferraro, on behalf of Staff, extended best wishes for the holiday season.
33. Assistant to the City Manager Jackson referred to Item #9 regarding the use of School District buses for transportation of volunteer workers to the Rose Parade float, and requested that

the insurance be waived on this particular contract in that the School District will be insuring the buses for their coverage, and, further, it is impossible for the Rose Float Association to obtain such coverage.

Councilman Armstrong MOVED to concur with the request. His motion was seconded by Councilman Brown; there were no objections, and it was so ordered.

34. It was the request of Deputy City Attorney Quale that formal action be taken on the matter discussed in Executive Session earlier this evening.

MOTION: Councilman Brown moved to approve an allocation of \$17,000.00 from Gas Tax Funds to allow payment of the relocation benefits to B.D. White Topsoil Company, Inc. The motion was seconded by Councilman Armstrong, and roll call vote was unanimously favorable.

35. Councilman Brown requested that this Council meeting be adjourned in memory of Ross Sciarrotta.

36. Councilwoman Geissert provided a report on the status of the proposed Supervisorial Districting for South Bay County (of record), with the request for Council concurrence in seeking a further legal opinion from the Legal Department on the matter of a special election for purposes of adopting a county charter. There were no objections, and it was so ordered.

37. Councilman Wilson requested appropriate recognition for Lieutenant Papst and the recently graduated Torrance Police reserve officers.

38. Merry Christmas - Happy New Year wishes were extended all present by the Council.

39. Mr. Jeffrey Berg, an attorney representing the Torrance Pilots Association, requested reconsideration of Ordinance No. 2784 (the Noise Abatement Ordinance) in that this ordinance is unconstitutional, in the opinion of his law firm. It was Mr. Berg's further request that the ordinance be withdrawn or, as an alternative, that the application of the ordinance be withheld until proper legal remedy can be sought; and asked that there be a hearing where legal precedent and evidence can be presented within a closed door session to see whether the Council as a whole wants to act further upon the subject request.

MOTION: Councilman Armstrong moved to deny the request. The motion was seconded by Councilwoman Geissert; roll call vote was unanimously favorable.

At 12:10 A.M., Councilman Brown moved to adjourn to Tuesday, January 3, 1978, at 5:30 P.M. -- this adjournment being in memory of former Councilman Ross Sciarrotta. The motion was seconded by Councilman Armstrong, and roll call vote was unanimously favorable.

* * * * *

Ava Cripe
Minute Secretary

City Council
December 20, 1977

APPROVED:

Ken Miller
Mayor of the City of Torrance

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