

I N D E X

City Council - March 18, 1980

<u>SUBJECT:</u>	<u>PAGE</u>
<u>OPENING CEREMONIES:</u>	
1. Call to Order	1
2. Roll Call	1
3. Flag Salute	1
4. Invocation	1
<u>STANDARD MOTIONS:</u>	
5. Approval of Minutes	1
6. Motion to Waive Further Reading	1
7. Council Committee Meetings	1
<u>8. COMMUNITY MATTERS:</u>	
8a. Special Election for Charter Amendment re: Low and Moderate Income Housing	2, 3
8b. Picture Display of Mobil Fire	4
<u>9. LIBRARY/PARK AND RECREATION MATTERS:</u>	
9a. Acceptance of Dun and Bradstreet's Account Identification Service	4
<u>10. TRANSPORTATION/PUBLIC WORKS MATTERS:</u>	
10a. Resolution re: Underground Utility District #10	4
10b. Franchise - California Water Service Company	4
<u>15. HEARINGS:</u>	
15a. 1980-81 Housing and Community Development Block Grant Application	5, 6
<u>16. APPEALS:</u>	
16a. CUP 79-55, D 79-27, Carole Wagner	6, 7
16b. CUP 79-91, Butcher Blocks	8
16c. CUP 80-01, Tony Cottone	8, 9
<u>17. ADMINISTRATIVE MATTERS:</u>	
17a. Appropriation from General Fund to Purchase Community Recognition Awards	10
17b. Resolution re: Sewer Easement - Alvin Smithart	10
<u>18. SECOND READING ORDINANCES:</u>	
18a. Ordinance No. 2952	10
18b. Ordinance No. 2953	11
<u>20. ROUTINE MATTERS:</u>	
20a. Award of Contract - Asphalt Plant Mix	11
20b. Purchase of Replacement 4-Wheel Street Sweeper	11
20c. Award of Agreement - Disposal of Solid Waste Materials	11
20d. Award of Contract for Recreation Program Trophies	12
<u>22. ORAL COMMUNICATIONS:</u>	
22a. City Manager Ferraro re: champion runner Winer	12
22b. Councilman Rossberg re: Armed Forces Day	12
22c. Mr. Mark Consalvo re: bee-keeping problems	12

* * * * *

Ava Cripe
Minute Secretary

City Council
March 18, 1980

March 18, 1980

MINUTES OF A REGULAR MEETING
OF THE TORRANCE CITY COUNCIL

OPENING CEREMONIES:

1. CALL TO ORDER:

The Torrance City Council convened in a Regular Meeting on Tuesday, March 18, 1980, at 5:30 P.M. in the Council Chambers at Torrance City Hall.

2. ROLL CALL:

Present: Councilmembers Applegate, Brown, Geissert, Rossberg, Wilson and Mayor Armstrong. Absent: Councilman Walker.

Also present: City Manager Ferraro, City Attorney Remelmeyer and Deputy City Clerk Babb. Absent: City Clerk Nelson, City Treasurer Rupert.

3. FLAG SALUTE:

Mr. Bob Fraser led in the salute to the flag.

4. INVOCATION:

The invocation was given by Reverend Joe Bellamy, South Bay Church of God.

STANDARD MOTIONS:

5. APPROVAL OF MINUTES:

None available.

6. MOTION TO WAIVE FURTHER READING:

Councilman Applegate 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 Brown, and roll call vote was unanimously favorable (Councilman Walker absent).

7. COUNCIL COMMITTEE MEETINGS:

Citizen Development and Enrichment:
March 20th at 4:00 P.M. with School Board.

1. City Council
March 18, 1980

Transportation Committee;

March meeting has been continued to April 28th at
5:00 P.M.

8. COMMUNITY MATTERS:

8a. SPECIAL ELECTION FOR CHARTER AMENDMENT RE: LOW AND MODERATE INCOME HOUSING.

Based on information received this date, it was the recommendation of City Attorney Remelmeyer that the Council not pass the resolution which has been prepared for this meeting, such resolution would put a Charter Amendment on low and moderate income housing on the ballot.

It was the further recommendation of the City Attorney that this matter be postponed until the November election (August 22nd being the last date for placing items on the November ballot) -- in the meantime, the Council should declare a moratorium on developing, constructing or acquiring low and moderate income housing, until the City Attorney and the City Manager have had an opportunity to further investigate this matter.

The basis of the above requested postponement, per Mr. Remelmeyer, is that it has come to his attention that the City of Birmingham, Michigan which had a referendum on low and moderate income housing where the people voted to turn down such housing resulted in the Attorney General filing a suit under the Civil Rights Act against the City of Birmingham to enjoin them, in effect, from carrying out the will of the people of Birmingham and to mandate the City to go forward with a proposed project for low and moderate income housing.

Continuing, Mr. Remelmeyer stated that there is sufficient similarity between Birmingham, Michigan and the City of Torrance to warrant thorough investigation of the circumstances. Good judgment would preclude the Council from going forward in light of the Birmingham case, per the City Attorney; it was his strong recommendation that the Council take the action outlined by him -- an appropriate Emergency Ordinance has been prepared.

Extensive discussion ensued. It was the consensus of the Council to support the moratorium in the belief that the best interests of the City would be served by the proposed Emergency Ordinance. It was the expressed understanding of the Council that in the meantime contacts will be made with HUD officials, both locally and in Washington, D.C.

2.

City Council
March 18, 1980

MOTION: Councilman Applegate moved that the City Clerk assign a number to an emergency ordinance which would declare a moratorium on participation by the City in development, construction or acquisition of low and moderate income housing projects and on the processing of Notices of Fund Availability for such projects, and declaring the presence of an emergency. The motion was seconded by Councilman Brown, and roll call vote was unanimously favorable (Councilman Walker absent).

Mayor Armstrong invited comments from the audience.

Desired clarification regarding the proposed moratorium action was provided Mrs. Pat Uerkwitz, 23136 Anza Avenue; and Ms. Fay Cuttyback, 3002 El Dorado.

At the request of Mayor Armstrong, Deputy City Clerk Babb assigned a number and read title to:

ORDINANCE NO. 2954

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE DECLARING A MORATORIUM ON PARTICIPATION BY THE CITY IN DEVELOPMENT, CONSTRUCTION OR ACQUISITION OF LOW AND MODERATE INCOME HOUSING PROJECTS AND ON THE PROCESSING OF NOTICES OF FUND AVAILABILITY FOR SUCH PROJECTS, AND DECLARING THE PRESENCE OF AN EMERGENCY

Councilman Applegate moved for the adoption of Emergency Ordinance No. 2954 at its first and only reading. His motion was seconded by Councilman Brown, and roll call vote was unanimously favorable (Councilman Walker absent).

* * * * *

The hour being 6:35 P.M. a 10-minute recess was ordered by Mayor Armstrong.

* * * * *

8b. PICTURE DISPLAY OF MOBIL FIRE.

The Torrance Fire Fighters Association presented the dramatic pictures of the Mobil Fire to Mayor Armstrong. There was grateful acceptance by the Mayor of the pictures and accompanying plaque.

9. LIBRARY/PARK AND RECREATION MATTERS;9a. ACCEPTANCE OF DUN AND BRADSTREET'S ACCOUNT IDENTIFICATION SERVICE.

Mrs. Claire Crain, president, The Friends of the Torrance Library, presented their donation of a gift subscription of Dun and Bradstreet's Account Identification Service, with grateful acceptance by Mayor Armstrong.

MOTION: Councilman Wilson moved to concur with the recommendation of the Library Commission: That the Council accept this generous donation of a much-needed business directory from The Friends of the Torrance Library. The motion was seconded by Councilwoman Geissert. There were no objections, and it was so ordered.

10. TRANSPORTATION/PUBLIC WORKS MATTERS:10a. RESOLUTION re: Underground Utility District #10.RESOLUTION NO. 80-44

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING THE GRANT OF AN UNDERGROUND UTILITY EASEMENT TO THE SOUTHERN CALIFORNIA EDISON COMPANY ACROSS CITY-OWNED PROPERTY IN THE VICINITY OF MADRONA AVENUE, IMMEDIATELY WEST OF THE NEW HORIZONS DEVELOPMENT

Councilwoman Geissert moved for the adoption of Resolution No. 80-44. Her motion was seconded by Councilman Brown; roll call vote was unanimously favorable (Councilman Walker absent).

10b. FRANCHISE - CALIFORNIA WATER SERVICE COMPANY.RECOMMENDATION OF CITY ATTORNEY/CITY ENGINEER:

That the City Council instruct the City Attorney to use the revised fee schedule (ten cents per lineal foot, subject to the Producers Price Index, All Commodities) in preparing the new franchise.

Mr. Jephtha Wade, Jr., California Water Service Company, was present to provide any desired input (January 21, 1980 communication, of record).

MOTION: Councilman Wilson moved to concur with the above stated recommendation. His motion was seconded by Councilman Brown, and carried, with roll call vote as follows:

AYES: COUNCILMEMBERS: Applegate, Brown, Geissert,
Wilson, Mayor Armstrong.
NOES: COUNCILMEMBERS: Rossberg (opposed to increase which
will be passed on to water
customers)
ABSENT: COUNCILMEMBERS: Walker.

15. HEARINGS:

15a. CONTINUATION OF SECOND PUBLIC HEARING on the 1980-81
Housing and Community Development Block Grant Application.

RECOMMENDATION OF PLANNING STAFF:

That the City Council:

1. Accept any additional input from the public at the hearing this evening;
2. Close the hearing and approve a program budget for the 1980-81 program year; and
3. Direct Staff to submit the City's 1980-81 CDBG application to the Federal Department of Housing and Urban Development.

Mayor Armstrong announced that this was the time and place for the subject public hearing.

Staff presentation was provided by Planning Associate Progen -- material on this matter was amended as follows: Page 17, Attachment A, IV. Downtown Pedestrian Malls and Walkways, it is recommended that of that \$200,000, that \$100,000 be left in that project budget and \$100,000 be reallocated to the Rehabilitation Loan Program (Item VI.) b. Commercial category which would bring that to a total of \$300,000.

Further, per Mr. Progen, Pgs. 17-18, Alternative Projects, the Fire Department has requested that a ladder truck in the amount of \$225,000 be added to the Alternative Projects.

Also noted by Planning Associate Progen was the communication received this date from the YWCA with a request for \$25,000 to improve the landscaping and sprinkler system at the YWCA. It was the opinion of Mr. Progen that this would be an ineligible activity.

Mayor Armstrong inquired if anyone wished to be heard.

5. City Council
March 18, 1980

Mr. Bob Fraser, Central Torrance Homeowners Association, reported on formal action taken by this Association re: selection of a non-profit sponsor for Section 202 Elderly and Handicapped Housing on a site at Cravens Avenue and El Prado (March 11, 1980 communication, of official record). Further reported by Mr. Fraser was Association action re: wishes of property owners in the immediate vicinity of the proposed housing development for elderly and handicapped at Cravens Avenue between El Prado and Post Avenue (March 18, 1980 communication, of official record).

There being no one else who wished to be heard, Councilman Brown moved that the hearing be closed. His motion was seconded by Councilman Rossberg, and roll call vote was unanimously favorable (Councilman Walker absent).

MOTION: Councilman Brown moved to concur with the Staff recommendation and approve the 1980-81 budget, as amended by Planning Associate Progen. The motion was seconded by Councilwoman Geissert, and roll call vote was unanimously favorable (Councilman Walker absent).

16. APPEALS:

16a. CUP 79-55, D 79-27, CAROLE WAGNER: Appeal of Planning Commission denial to allow the demolition of a five-unit apartment building and the construction of a six-unit condominium on property located at 336 Paseo de la Playa.

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

Mayor Armstrong announced that this was the time and place for the subject public hearing, and, following presentation by Acting Planning Associate Woodward, invited comments from the audience.

Representing the proponent, Attorney William A. Ross, 1413 Sepulveda Boulevard, Manhattan Beach, reviewed the past history surrounding the evolvement of this project, like projects in the subject area, and deemed his client's project appropriate to the area, well designed, and in compliance with condo ordinance requirements. Were it not for the Hillside Ordinance, this project would have been routinely approved, per Mr. Ross; favorable interpretation of this ordinance in favor of Ms. Wagner was requested.

Speaking in opposition to the proposed condominium were: Dick Yockey, 163 Paseo de la Concha, Apt. 16; Ms. Edith Simpelaar, 163 Paseo de la Concha, Apt. 5; Howard Barker, 163 Paseo de la Concha, Apt. 12; and Francis Meredith, 163 Paseo de la Concha, Apt. 6. The devastating impairment to their view was the major concern expressed.

Councilman Rossberg noted a telephone call received from Ms. Marilyn G. Rutter, 163 Paseo de la Concha, #13, voicing her objections to the proposed development (January 16, 1980 communication, of record).

Architect David MacAllister, 219 Manhattan Beach Boulevard, Manhattan Beach, stated that the courtyard between the buildings will be perfectly adequate for ventilation and light -- what is proposed is acceptable by existing codes and by normal practice.

There being no one else present who wished to be heard, Councilwoman Geissert moved to close the hearing. The motion was seconded by Councilman Rossberg, and roll call vote was unanimously favorable (Councilman Walker absent).

Council discussion was directed to the complex matter of property rights, needed upgrading of the Wagner property, possible compromises, precedent-setting aspects, etc.

MOTION: Councilman Brown moved to refer this matter to the Council committee on Community Planning and Design for analysis, with a report back to Council, and to defer any action for denial at this time, to the end that some compromise may be effected. The motion was seconded by Councilman Applegate.

A SUBSTITUTE MOTION was offered by Councilwoman Geissert: That the subject matter be DENIED WITHOUT PREJUDICE which gives the developer the right to come back and resubmit revised plans. The motion was seconded by Councilman Rossberg, and carried, with roll call vote as follows:

AYES: COUNCILMEMBERS: Applegate, Geissert, Rossberg,
Wilson.
NOES: COUNCILMEMBERS: Brown, Mayor Armstrong.
ABSENT: COUNCILMEMBERS: Walker.

Councilman Brown stated that his "no" vote was "procedural" in the sense that he would have preferred it be referred to Committee and not indicating approval of this particular project. This was likewise the basis of Mayor Armstrong's negative vote.

- 16b. CUP 79-91, BUTCHER BLOCKS. Appeal of a Planning Commission denial for Conditional Use Permit which would allow an addition to and the operation of a restaurant with on-premise sale of beer and wine in an existing building in the C-5 zone at 22411 Hawthorne Boulevard. WITHDRAWN BY APPLICANT.

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

Mayor Armstrong announced that this was the time and place for the subject public hearing, and inquired if anyone wished to be heard. There was no response.

Councilman Applegate moved that the hearing be closed. His motion was seconded by Councilman Brown, and roll call vote was unanimously favorable (Councilman Walker absent).

Councilwoman Geissert moved to concur with the request of the applicant for withdrawal of CUP 79-91. Her motion was seconded by Councilman Rossberg. There were no objections, and it was so ordered.

- 16c. CUP 80-01, TONY COTTONE. City Manager's appeal of a Planning Commission approval allowing the use of a temporary trailer and sale of strawberries and other crops in the M-2 zone on the northeast corner of Maple Avenue and Sepulveda Boulevard.

Mayor Armstrong invited comments on Item 16c.

Attorney Michael Shapiro, 23150 Crenshaw Boulevard, representing Mr. Cottone, reviewed the long association with the City and the sincere attempts of the proponent to comply with City regulations, with note of the exacting demands of strawberry crops, time-wise. It was the request of Mr. Shapiro that Mr. Cottone be allowed to sell the berries to the public and to keep the shed he has built to protect the necessary equipment, etc. and to keep the stand constructed for sale of the berries.

Mr. Tony Cottone, 5504 Rockview Drive, reviewed the history of this matter, and affirmed the keen need to be allowed to proceed with the sale of his strawberries. At questions posed by the Council, Mr. Cottone advised that he will comply with conditions "to the best of my ability", adding "all I need is three weeks or one month to get it in shape." It was pointed out that complete compliance with

all Staff conditions would be mandatory; this was acknowledged by Mr. Cottone.

Mr. Larry Pulliam, 1734 Elm Avenue, stated that Mr. Cottone's efforts should be appreciated -- his fields are beautiful, compared to the weed patch, when his plants are not in.

There being no one else present who wished to be heard, Councilman Brown moved that the hearing be closed. His motion was seconded by Councilman Applegate, and roll call vote was unanimously favorable (Councilman Walker absent).

Council action is reflected below:

MOTION: Councilman Rossberg moved to allow Mr. Cottone to continue his harvesting, using all the facilities there, including the selling of the berries retail on the location, giving him until April 30th to comply with all of the conditions of the Planning Commission and the March 3rd list of Building and Safety Department conditions -- further, Mr. Cottone is to post a \$3000 bond. If Code conditions are not met, the operation should be given a "cease order" on April 30th and the bond be forfeited. The motion was seconded by Councilwoman Geissert, and roll call vote was unanimously favorable (Councilman Walker absent).

It was clarified by Councilman Rossberg that the bond should be posted by Friday, March 21st, at 12 Noon -- if not timely posted, the above permission would be denied. It was added by Mr. Rossberg that cash or a certificate of deposit would be acceptable.

* * * * *

17. ADMINISTRATIVE MATTERS:17a. APPROPRIATION FROM GENERAL FUND TO PURCHASE COMMUNITY RECOGNITION AWARDS.RECOMMENDATION OF CITY CLERK:

If the City Council chooses to purchase the community recognition award plaques it is recommended that \$4,906 be appropriated from the General Fund to the City Clerk's budget in order that the purchases can be made.

MOTION: Councilman Brown moved to concur with the above stated recommendation of the City Clerk. His motion was seconded by Councilman Wilson; roll call vote was unanimously favorable (Councilman Walker absent).

17b. RESOLUTION re: Sewer Easement - Alvin Smithart - Bluff Street.RESOLUTION NO. 80-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING THE SALE OF AN UNDERGROUND SEWER EASEMENT TO ALVIN SMITHART ACROSS A CITY-OWNED LOT IN THE VICINITY OF BLUFF STREET, SOUTH OF NEWTON STREET

Councilwoman Geissert moved for the adoption of Resolution No. 80-45. Her motion was seconded by Councilman Brown, and roll call vote was unanimously favorable (Councilman Walker absent).

18. SECOND READING ORDINANCES:18a. ORDINANCE NO. 2952.ORDINANCE NO. 2952

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, AMENDING DIVISION 9 OF THE TORRANCE MUNICIPAL CODE TO RECLASSIFY THAT CERTAIN PROPERTY WHICH IS LOCATED ON THE CHARLES WILSON PARK SITE AT THE SOUTHEAST CORNER OF JEFFERSON STREET AND CRENSHAW BOULEVARD AND DESCRIBED IN ZONE CHANGE CASE 77-23, TORRANCE PLANNING COMMISSION

Councilman Wilson moved for the adoption of Ordinance No. 2952 at its second and final reading. His motion was seconded by Councilwoman Geissert, and roll call vote was unanimously favorable (Councilman Walker absent).

18b. ORDINANCE NO. 2953,ORDINANCE NO. 2953

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING THE LOS ANGELES COUNTY-TORRANCE CIVIC CENTER AUTHORITY TO SELL REVENUE BONDS FOR THE CONSTRUCTION OF A NEW TORRANCE POLICE FACILITIES BUILDING IN THE TORRANCE CIVIC CENTER

Councilwoman Geissert moved for the adoption of Ordinance No. 2953 at its second and final reading. Her motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable (Councilman Walker absent).

20. ROUTINE MATTERS:

- 20a. AWARD OF CONTRACT - Re: Furnishing Asphalt Plant Mix
Ref. Bic #B79-54 Anticipated Expenditure: \$229,449.00
(6 Month Contract)

RECOMMENDATION OF PURCHASING SUPERVISOR:

That your Honorable Body award a 6-month contract to Vernon Paving Company, the low bidder, for the required asphalt, in the total anticipated amount of \$229,449.00.

- 20b. PURCHASE OF A REPLACEMENT 4-WHEEL STREET SWEEPER.
Expenditure: \$47,435.00

RECOMMENDATION OF PURCHASING SUPERVISOR:

That Council approve of the purchase of one of the previously ordered Mobile Sweepers from the Nixon-Egli Equipment Company in the total amount of \$47,435.00, including tax.

- 20c. AWARD OF AGREEMENT - Disposal of Solid Waste Materials.
Anticipated Expenditure: \$25,000.

RECOMMENDATION OF PURCHASING SUPERVISOR:

That Council approve of the City of Torrance entering into an annual agreement for the disposal of 10,000 tons annually of solid fill materials with the Chandler's Palos Verdes Sand and Gravel Company in the amount of \$2.50 per ton or \$25,000 anticipated annual expenditure.

- 20d. AWARD OF CONTRACT for Recreation Program Trophies.
Ref. Bid No. B80-20 Expenditure: \$13,642.14

RECOMMENDATION OF PURCHASING SUPERVISOR:

That the Council accept the low bid submitted by Palos Verde Awards, Rancho Palos Verdes, California, and approve the award of an annual contract to them in the total amount of \$13,642.14, including sales tax and all required engraving.

MOTION: Councilman Applegate moved to concur with Staff recommendations on agenda items 20a, 20b, 20c and 20d. His motion was seconded by Councilman Brown, and roll call vote was unanimously favorable (Councilman Walker absent).

* * * * *

The hour being 8:40 P.M., the Council recessed and reconvened as the Redevelopment Agency, returning to its agenda at 9:00 P.M.

* * * * *

22. ORAL COMMUNICATIONS:

22a. City Manager Ferraro extended congratulations to Sr. Administrative Assistant Elaine Winer for placing in the Tom Sullivan 10K Run -- the Council joined in praise of Elaine's talent. Councilman Rossberg deemed it a "well organized Run".

22b. Councilman Rossberg reported that the Armed Forces Day Ad Hoc Committee has raised some \$7,000 in donations -- further, Admiral Donald C. Davis will be the Grand Marshall for the Armed Forces Day Parade.

22c. Mr. Mark Consalvo, 22305 Osage Court, reported on problems surrounding the bee-keeping activities of a neighbor. Following discussion, the Council took the following action:

MOTION: Councilman Brown moved that the City Attorney be directed to prepare an Emergency Ordinance, and that it be brought back as an agenda item. The motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable (Councilman Walker absent).

It was the further direction of the Council that the City Manager seek an interim solution to the problem.

At 9:15 P.M., Councilman Wilson moved to adjourn to Tuesday, March 25, 1980, at 6:00 P.M. His motion was seconded by Councilman Brown, and approval was unanimous (Councilman Walker absent).

Ava Cripe
Minute Secretary

12.

City Council
March 18, 1980

Sherie L. Nelson

SHERIE L. NELSON, Clerk of the City
of Torrance

James R. Armstrong

Mayor of the City of Torrance