

Torrance, California  
July 17, 1945

MINUTES OF AN ADJOURNED REGULAR  
MEETING OF THE CITY COUNCIL  
OF THE CITY OF TORRANCE

The City Council of the City of Torrance convened in an Ad-journed Regular Meeting in the Council Chamber, City Hall, Torrance, California, on Tuesday, July 17, 1945, at 8:00 P.M.

Mayor Tolson called the meeting to order.

Clerk Bartlett called the roll, those answering present being Councilmen: Cucci, Gilbert, Hitchcock, Powell and Tolson. Absent: Councilmen: None.

All those present in the Council Chamber saluted the Flag.

This being an Adjourned Meeting, the regular order of business was dispensed with.

Councilman Gilbert stated that at the last regular meeting of the City Council he made a motion to reject all bids for the Walteria Recreation Building, but due to the wording of the motion Mr. McCall had questioned the legality of it, so the motion was rescinded. He then asked Attorney McCall if he was prepared to give a legal opinion as to whether the City could reject all bids and proceed to do the work themselves.

Attorney McCall replied that he had rendered a written opinion on this subject to the City Engineer; and advised that the City Council may reject any and all bids, and may declare by a four-fifths vote of all its members that in its opinion the work in question may be performed more economically by day labor or the materials or supplies furnished at a lower price in the open market, and after adoption of the resolution may have the work done.

Mr. McCall further explained that the question was, whether the City could do part of the work and sub-let part of the work; and that it was his opinion that the City cannot sub-let part of the work, but could do all of the work.

In response to an inquiry from Councilman Cucci for an interpretation of the term "day labor", Attorney McCall stated that if the City can buy all the required material on the open market and then hire a foreman and other necessary laborers to do the work, that would be "day labor".

After some further discussion, during which it developed that it would not appear to be practicable for the City to attempt to construct the Recreation Building by "day labor", Councilman Gilbert moved that all bids for the Walteria Recreation Center be rejected and their checks returned. Councilman Hitchcock seconded the motion, which was carried by the following roll call vote: AYES: COUNCILMEN: Cucci, Gilbert, Hitchcock, Powell and Tolson. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

Councilman Gilbert moved that the City Clerk be authorized to re-advertise for bids for the construction of the Walteria Recreation Center Building. Councilman Hitchcock seconded the motion, which was carried by the following roll call vote: AYES: COUNCILMEN: Cucci, Gilbert, Hitchcock, Powell and Tolson. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

WRITTEN COMMUNICATIONS

Clerk Bartlett read a communication from Mr. Harold A. Barnett, Civil Engineer, reporting on the nine bids on the 203rd Street Sewer Project, which were received and opened at the Regular Meeting of the City Council held July 10th.

Mr. Barnett advised that there was an obvious error in the bid of Bob Bosnyak (the low bidder) as his unit price for standard strength V. C. pipe was \$6.00 per lineal foot, and his unit price bid on extra

strength V. C. pipe was \$5.50, and that these unit prices should have been in the reverse order. Mr. Barnett therefore recommended that the contract be awarded on the basis of \$5.50 per lineal foot for standard strength pipe and \$6.00 per lineal foot for extra strength pipe.

Mr. Barnett further advised that he had discussed this matter with Mr. H. H. Wheeler, who has agreed to purchase the assessment warrant from Mr. Bosnyak, and with his attorney, and had been advised by them that they would not hesitate to accept the assessment warrant if the contract should be awarded as recommended.

Mr. Barnett advised that he could see no risk to the City in awarding the contract, with the recommended correction, and submitted with his letter a "Resolution of Award of Contract" for approval of, and adoption by the City Council and further outlining the necessary legal procedure to be carried out.

A communication was read from Mr. Bob Bosnyak, the low bidder on the 203rd Sewer project, advising that he had made a mistake in the figures submitted for Items 1 and 2 of his bid. He advised that his estimate sheets show Item No. 1 as 3131 lineal feet of 21" extra strength pipe @ \$6.00 per lineal foot and Item No. 2 as 378 lineal feet of 21" standard strength pipe @ \$5.50 per lineal foot; but upon filling out the bid forms the unit prices on Items Nos. 1 and 2 were reversed; and requested that these Items be corrected and the contract awarded to the low bidder.

A second communication, dated July 17, 1945, from Mr. Bob Bosnyak, was read, advising that the bid form provided him, with the specifications for the 203rd Street Sewer project, was not correct in its unit description of Item No. 10; and that his understanding of, and his bid on, Item No. 10 is the unit price of \$20.00 per cubic yard for the concrete.

Clerk Bartlett presented and read a "Notice of Award of Contract" which had been prepared by Mr. Barnett, to be published in the Torrance Herald on July 19th and 26th, in accordance with the legal requirements to be carried out in connection with the awarding of the contract for the 203rd Street Sewer project.

Clerk Bartlett presented, and read in full:

RESOLUTION NO. 1737

A RESOLUTION OF AWARD OF CONTRACT FOR  
THE CONSTRUCTION OF A SANITARY SEWER  
SYSTEM IN 203RD STREET AND CERTAIN  
OTHER STREETS AND RIGHTS-OF-WAY IN  
THE CITY OF TORRANCE, CALIFORNIA.

Councilman Cucci moved that Resolution No. 1737 be adopted. Councilman Hitchcock seconded the motion, which was carried by the following roll call vote: AYES: COUNCILMEN: Cucci, Gilbert, Hitchcock, Powell and Tolson. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

Councilman Cucci stated that some time ago he had asked the City Attorney for an opinion as to whether the City could legally buy the bonds on the 203rd Street Sewer project, and said he understood from the City Attorney that the City can legally purchase the bonds.

Attorney McCall stated that was correct, but understood from the letter previously read from Engineer Barnett, that the Contractor had made other arrangements.

In reply to an inquiry from Councilman Cucci, Engineer Barnett stated that the Contractor can sell the assessment warrant to anyone he pleases, and that he had been offered a higher price for the bonds than the City had offered. He stated that the purpose of the resolution, offering to purchase the bonds, was primarily to guarantee the job and see that the City got the necessary bids; that apparently

the property is better secured than had been thought, because this particular Contractor has agreed to sell the whole assessment roll to Mr. Wheeler at 92, as compared with the offer of 90 made by the City.

Mayor Tolson said he thought the City would be better off to have them sell the bonds to someone else.

Councilman Cucci said he was thoroughly convinced, at the inception of the project, that it would be very difficult to find a purchaser for the bonds, and suggested to the Council, if it was legal, that the City purchase the bonds, but no mention was made as to any price, and that it was a complete surprise to him that the City offered to buy them at 90; and if there would be a saving to the City to buy the bonds, why they could not do so.

Engineer Barnett stated that Mr. Wheeler might be willing to negotiate with the City for the sale of part of the bonds, if they so wished, but they could not compel the sale of the bonds to the City.

Councilman Powell asked for a clarification from someone, as to who authorized it in the first place, as it had never been discussed by the Council and he did not remember that the Resolution was read, mentioning the price, and there appeared to be some irregularity.

Councilman Cucci said he did not remember the Resolution being read.

Councilman Gilbert asked if they might hear the Resolution that was offered.

Clerk Bartlett then read Resolution No. 1734.

Councilman Gilbert stated that he recalled that the Resolution had been previously read, and it was then generally agreed among the Councilmen that the Resolution had been read at a previous meeting of the City Council.

Councilman Cucci advised that a vacancy existed on the Civil Service Board, due to the resignation of Mr. Loughridge; and that inasmuch as the previous appointment had been made by him, he would like to appoint Mr. Victor Benstead, as a member of the Civil Service Board for the unexpired term of Mr. Loughridge. Councilman Powell seconded the motion.

Councilman Hitchcock offered an amendment to the motion; that Mr. Thatcher of WALTERIA be appointed on the Civil Service Board, as the previous member, Mr. Loughridge, had been from WALTERIA.

Councilman Cucci objected, stating that Councilman Hitchcock had an appointee on the Civil Service Board, and said he believed Councilman Hitchcock was out of order as they were not electing a member to the Board.

Councilman Hitchcock said he did not think Councilman Cucci had the right to make a definite appointment without the approval of the Council.

Councilman Gilbert inquired if there was any objection to holding this matter over until the next meeting of the Council and taking both names under consideration.

Councilman Powell stated that it had been the established custom that the Councilman who made the previous appointment would have the privilege of filling the vacancy by another appointment; that this was a so-called "gentlemen's agreement" among the Councilmen.

Councilman Cucci stated that inasmuch as this man is a citizen of Torrance, has attended the Council meetings and is interested in civic affairs, he couldn't see why he should not be allowed to appoint him.

Councilman Hitchcock said he thought that some of the appointments should be discussed with the rest of the Councilmen.

Mayor Tolson announced that it had been regularly moved and seconded that Mr. Victor Benstead be appointed to the Civil Service Board, to complete the unexpired term of Mr. Loughridge, and asked for a roll call vote, which was carried, as follows: AYES: COUNCILMEN: Cucci, Gilbert, Hitchcock, Powell and Tolson. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

Councilman Hitchcock moved that an appropriation of \$345.91, plus tax, be authorized as an additional appropriation for the resurfacing of 218th Street, between Cabrillo Avenue and Arlington Avenue. Councilman Gilbert seconded the motion, which was carried by the following roll call vote: AYES: COUNCILMEN: Cucci, Gilbert, Hitchcock, Powell and Tolson. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

Councilman Gilbert moved that the City Council adopt and send a resolution of condolence to Mr. Dale Riley, Superintendent of Recreation, on the death of his wife. Councilman Hitchcock seconded the motion, which was carried unanimously.

At 8:45 P.M., on motion of Councilman Hitchcock, seconded by Councilman Gilbert, the meeting adjourned.

  
CITY CLERK OF THE CITY OF TORRANCE

ATTEST:

  
MAYOR OF THE CITY OF TORRANCE