

Torrance, California
July 20, 1948

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 Adjourned Regular Meeting in the Council Chamber, City Hall, Torrance, California, on Tuesday, July 20, 1948, at 8:00 p.m.

Mayor Sherfey called the meeting to order.

Clerk Bartlett called the roll, those answering present being Councilmen: Drale, Haggard, Jackson, Powell and Sherfey. Absent: Councilmen: None.

All those present in the Council Chamber saluted the Flag.

Mayor Sherfey announced that this being an adjourned meeting, the regular order of business would be dispensed with.

Mayor Sherfey announced that this is the time and place for hearing Case No. 132, Appeal of John Mayer from the decision of the Planning Commission which disapproved his Petition for a Zoning Variance to permit the removal of diatomaceous earth from Block 12, of the Walteria Tract, being at the south end of Madison Street, and located in an A-1 (Light Agricultural Zone).

Clerk Bartlett read the Appeal of John Mayer in the above case which was presented by C. T. Rippy, Attorney for Petitioner and Applicant.

City Administrator Stevens reported that only one written protest has been received, namely from the Walteria Civic Organization, enclosing therewith copies of letters addressed to the Planning Commission protesting the Petition of John Mayer for a variance to permit mining and processing of diatomaceous earth.

Mayor Sherfey called for oral protests.

Mr. Fred Gerken, 1856 West Washington, Los Angeles, stated that he owns approximately eleven acres of land adjoining the property under discussion; that he cultivates flowers for marketable purposes; and that the dust emanating from the mining of said earth and settling on his plants would prove detrimental to his business. Therefore, he protested the granting of said variance.

Mr. R. Haig, 3690 Newton Street, Walteria, is the owner of property adjoining that of Mr. Gerken. Mr. Haig declared that the Walteria people are putting up with the dust coming from the Dicalite Company located nearby in the County; that said company has spent a great deal of money trying to control this dust but without success; and that if Mr. Mayer is permitted to mine this earth the dust nuisance would be considerably worse. He declared that the people in Walteria were opposed to the granting of the above petition.

Mr. C. T. Rippy, Attorney for Petitioner, believed that the people of Walteria did not understand how Mr. Mayer proposes to conduct his business. He explained it is Mr. Mayer's intention to remove the earth and process it in another place, and when this removal is finished he intends putting sandy loam on the ground to be used later for building purposes. He said that the earth will be trucked out for processing to some other place, perhaps Wilmington. He said that Mr. Senness, subdivider of the Weston Ranch, who plans to build numerous homes in that location, is aware of the proposed removal of this earth, and since he has voiced no objections, he believes the residents in Walteria are unduly alarmed.

Mrs. R. D. Johnstone, Box 323, Walteria asked Mr. Rippy what streets the trucks were going to use if the variance is granted.

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Mr. Gerken declared that it is the hauling of the earth which creates the greater damage explaining that there is a runway there which is wet, but when it is dry and the trucks hit it excessive dust is created which is like talcum powder, and therefore, it is unfit to live anywhere near the place.

Mr. Johnstone, 3727 Newton Avenue, inquired how far up the hill Mr. Mayer proposes to dig.

Mr. Rippy replied that Mr. Mayer will go up as far as he can and then level the land.

Councilman Powell asked Mr. Rippy if he had been in the vicinity of the place and noticed the condition of his clothes.

Mr. Rippy replied in the affirmative.

Councilman Powell explained that it is impossible to mine the earth without impregnating the air all around with dust, which is also the case when it is hauled. He said that one sack will cloud a city lot with the dicalite dust, so he appreciated some of the objections being raised.

Mr. Haig declared that any day if the wind blows in that area it will pick up the dust, not from the mined material, but just from the open pit and that it will do the same when it is trucked.

Mr. George Olding, 3650 Newton also protested.

Mrs. Bessie Slonecker, Secretary of the Walteria Civic Organization, asserted that the matter has been thoroughly investigated; that the petition was for mining and manufacturing but had been changed to mining.

Mr. Rippy contended that the dicalite business has not affected the development of Walteria; that there are going to be more houses built there; and he did not believe it should interfere with the conduct of business.

Mr. A. B. Stagner, 3880 Newton, protested the removal of the earth saying that he did not wish any business there which would create a hazard to living conditions.

Mr. C. T. Hoge, 24411 Park Street, also protested.

There being no further protests, Mayor Sherfey asked the Council's decision in the matter.

Councilman Powell moved that the Council deny the Appeal of John Mayer from the decision of the Planning Commission, which disapproved his Petition for a Zoning Variance to permit the removal of diatomaceous earth from Block 12, Walteria Tract, and that the Council concur in the action of the Planning Commission in denying the Petition. Councilman Drale seconded the motion which was carried unanimously.

Mayor Sherfey announced that this is the time and place for hearing objections to the vacation of a portion of Newton Street, Ordinance of Intention No. 408 having already been adopted.

Clerk Bartlett advised that no written communications have been received.

City Administrator Stevens reported receiving only one written protest, namely, from the Walteria Civic Organization which he proceeded to read.

Mayor Sherfey called for oral protests.

Mr. B. J. Michels stated that if the street is made narrower it would be unsafe.

Mr. George Olding declared that if a portion of the street is to be vacated and then sidewalks and curbs are put in, the street would be very narrow. He asked if the City would remain the owner of the trees or if they are included in the 10' vacation.

City Administrator Stevens explained that the trees are about 60' apart and approximately 30' from the center line and if the present 80' right of way is reduced 10' on each side, the trees would be right on the property line.

There was considerable discussion regarding the heavy flow of traffic over this street; one protestant declaring that the heavy traffic during rush hours, the construction of multiple dwellings and the parked cars along the street, together with the vacation of 10' on either side, would make a very narrow street.

Mr. A. B. Stagner protested the vacation on the grounds that Newton Street is a highway and not a street; that there is considerable trucking, and narrowing the street would make it unsafe.

Mrs. Johnstone opposed the vacation saying it would create a bottleneck, and that in the proposed housing development a school is to be erected close to Newton Street, and the narrowing of the street would create a hazard for children.

Mr. J. A. Beasley, 3402 Neece Avenue, urged the Council to refer the proposed vacation back to the Planning Commission for more careful consideration so that Newton Street can be maintained as a real artery. He also stressed the fact that there is heavy traffic on this street.

Councilman Drale asked, for clarification purposes, why the Planning Commission, at the last meeting, granted two Zoning Variances (Cases 134 and 135) on condition that the applicants be required to stay back 90' from the center line of Newton Street.

Assistant City Engineer Patrick replied that the building for the nursery, (Case 135) is now 50' back from the present property line which would make it 90' from the center line of Newton Street; and the applicants in both cases stated it is not their desire to construct any building closer than 90', which will allow off street parking.

One protestant asked if the property owners would benefit if a portion of the street is vacated, saying that years ago the people had given 15' to the city for widening the road, and asked if the city could not give that back to the property owners if the street is to be narrowed.

There was further discussion on the traffic hazards which would be created if this street were to be narrowed.

Councilman Drale moved that the proposed vacation of a portion of Newton Street be referred back to the Planning Commission for further study and recommendation. Councilman Powell seconded the motion which was carried unanimously.

Mayor Sherfey announced that this is the time and place for hearing objections to the vacation of all of the alley in Block F, Tract No. 10300, Ordinance of Intention No. 410 having already been adopted.

It was explained that this property is located in Hollywood Riviera; and is triangular in shape and the owner is asking that the alley in this block be vacated as the lots are very small.

Clerk Bartlett presented for first reading and read title to:

ORDINANCE NO. 421

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE CLOSING, VACATING AND ABANDONING ALL OF THE ALLEY IN BLOCK F TRACT NO. 10300 LOCATED IN THE CITY OF TORRANCE.

Councilman Jackson moved that further reading of Ordinance No. 421 be dispensed with. Councilman Powell seconded the motion which was carried.

Councilman Jackson moved that Ordinance No. 421 be adopted for first reading. Councilman Drale seconded the motion which was carried by the following roll call vote: AYES: COUNCILMEN: Drale, Haggard, Jackson, Powell and Sherfey. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

Clerk Bartlett presented for first reading and read title to:

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ORDINANCE NO. 422

AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF TORRANCE CLOSING, VACAT-
ING AND ABANDONING A PORTION OF THE
ALLEY SHOWN AS LOT A-27 OF BLOCK 27,
TORRANCE TRACT.

Councilman Jackson moved that further reading of Ordinance No. 422 be dispensed with. Councilman Haggard seconded the motion which was carried.

Councilman Jackson moved that Ordinance No. 422 be adopted for first reading. Councilman Drale seconded the motion which was carried by the following roll call vote: AYES: COUNCIL-
MEN: Drale, Haggard, Jackson, Powell and Sherfey. NOES:
COUNCILMEN: None. ABSENT: COUNCILMEN: None.

The aforementioned Public Hearings having been held, Clerk Bartlett advised that he had Ordinance No. 420 to present for final reading, but asked if he should first proceed with the communications.

Mayor Sherfey replied that the program indicates there should be a hearing on Ordinance No. 420.

Clerk Bartlett explained that the Ordinance was adopted for first reading at the meeting of July 13th and is now ready for final adoption.

Before Clerk Bartlett had an opportunity to read the title of the Ordinance, Councilman Haggard moved that further reading of Ordinance No. 420 be dispensed with. Councilman Jackson seconded the motion which was carried.

Mrs. R. C. Brown, 1004 Crenshaw Boulevard, declared that according to Ordinance No. 409 this is the date set for objecting to the vacating of a portion of Beech and other streets, but it appeared to her that the Council is trying to pass something over their heads, to which she strenuously objected.

City Administrator Stevens explained that Ordinance of Intention No. 409 has already been adopted and the notices posted; that the City Attorney has determined that at a previous time the necessary hearing had been held, and now the ordinance ordering the vacation should be adopted for final reading.

Mrs. Brown claimed that no notices have been seen posted on the property, and that this is the night they are going to protest.

Mayor Sherfey asked Attorney Smith if, in view of the misunderstanding, it would be in order for the Council to hold a hearing tonight on this matter.

Attorney Smith explained that sometime in November of 1947 there was an Ordinance of Intention introduced, which was before his association with the City. At that time the ordinance was published and the notices required by law were posted upon the property. The law requires that a notice shall be posted every 300' on the street and at least 4 notices shall be posted. The matter was taken up with Mr. Patrick of the Engineering Department, who had a copy of the ordinance duly signed by the Mayor and attested by the Clerk, and also a newspaper clipping which showed that the matter had been published. Mr. Smith continued, saying that the Council requested him to draw an ordinance, the engineering office furnishing him with a description of the property, and not knowing that this matter had been previously handled before his time, he proceeded to draw an ordinance of intention. The Ordinance of Intention was drawn and published and therefore, there are two ordinances of Intention. After talking the matter over it was determined that there was no necessity of going into the matter further, as the law does not require any additional posting, so he prepared the ordinance to vacate which is being presented by the Council tonight.

Mrs. Brown said that she was representing the people in her district who protest the vacation of the streets in question. She declared that no notices have been posted or seen on the property. She contended that the vacation of the alleys would create a great inconvenience to getting in and out of their neighborhood and that this is a right of way which they do not wish to give up even if the Santa Fe tracks can be eliminated.

Mr. Petersen, 816 Beech Avenue, agreed with Mrs. Brown's views on the matter, adding that the people in that district wished to keep the streets and alleys as they are.

Mr. Schultz, 815 Beech Avenue, also protested the vacation.

Mrs. Cheadle, 816 Crenshaw Boulevard, also protested the vacation.

There being no further protests, Councilman Haggard moved that Ordinance No. 420 be adopted for first reading. Councilman Jackson seconded the motion which was carried by the following roll call vote: AYES: COUNCILMEN: Haggard, Jackson and Sherfey. NOES: COUNCILMEN: Drale and Powell. ABSENT: COUNCILMEN: None.

Clerk Bartlett presented and read title to:

RESOLUTION NO. 1918

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TORRANCE AMENDING RESOLUTION
NO. 1741.

Councilman Jackson moved that Resolution No. 1918 be adopted. Councilman Haggard seconded the motion which was carried by the following roll call vote: AYES: COUNCILMEN: Drale, Haggard, Jackson, Powell and Sherfey. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

Clerk Bartlett presented and read title to:

RESOLUTION NO. 1919

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TORRANCE APPROVING AGREEMENT
FOR MAINTENANCE OF STATE HIGHWAY IN
THE CITY OF TORRANCE.

Councilman Powell moved that Resolution No. 1919 be adopted. Councilman Jackson seconded the motion which was carried by the following roll call vote: AYES: COUNCILMEN: Drale, Haggard, Jackson, Powell and Sherfey. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

A communication, with statement attached, from Standard Gas Company, was read showing gross receipts earned in the amount of \$967.20 under Franchise Ordinance No. 389, for the year ending July 10, 1948, and enclosing their check therefor. Matter of record.

A communication was read from the Pacific Indemnity Company, insurance carriers for the City's public liability insurance, with regard to Tatum vs. Santa Fe Railroad Company and City of Torrance suit. The Pacific Indemnity Company reminded the Council that the limit of liability for one person injured is a maximum of \$50,000.00, and that the suit is for \$190,000.00. Therefore, the Pacific Indemnity Company wishes to know if the City Council would like to have the City Attorney join in the defense of the suit, or if the insurance company is to handle the case alone.

Mayor Sherfey moved that the communication be referred to the City Attorney for a written opinion on the advisability of Mr. Smith entering the case for the purpose of protecting the City's interests. Councilman Jackson seconded the motion which was carried unanimously.

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A communication was read from the Los Angeles City Board of Education enclosing agreements to be entered into with the Torrance Municipal Bus Lines; one for furnishing school ticket books and the other for the transportation of Nathaniel Narbonne High School pupils residing in the Walteria area to the intersection of Narbonne Avenue and Highway 101 in Lomita, at the rate of \$1.50 per day, for approximately 20 pupils, during the school year 1948-49.

Clerk Bartlett advised that the Manager of the Bus Lines recommended that the agreement be signed.

Councilman Jackson asked Mr. Stevens for his recommendation.

City Administrator Stevens concurred in the recommendation of the Bus Manager.

Councilman Jackson moved that the Council concur in the recommendation of the Bus Manager and City Administrator that the agreement with the Los Angeles City Board of Education for the transportation of pupils, be executed. Councilman Powell seconded the motion which was carried by the following roll call vote:
 AYES: COUNCILMEN: Drale, Haggard, Jackson, Powell and Sherfey.
 NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

Clerk Bartlett presented for renewal Lease with the Pacific Electric Railway Company covering said company's Torrance Line right-of-way property, between Western and Border Avenue, at a rental fee of \$5.00 for a five year term. It was explained that this lease was for beautification purposes of the property.

Councilman Powell moved that the Lease be referred to the Council for further study. Councilman Jackson seconded the motion which was carried unanimously.

A copy of a communication, addressed to the Civil Service Board, from James M. Hall, Attorney, 5405 Sharynne Lane, Torrance, was read concerning a notice he received stating that the qualifications required to take the Civil Service Examination for City Attorney in Torrance have been changed from those specified in the previous call for applications. It was his opinion that all that is required (aside from one year's residence in Torrance) as a prerequisite to taking this examination has been clearly defined in the Torrance City Charter. He substantiated his statements by enclosing a memorandum of excerpts from the City Charter re. City Attorney examination, which was also read.

Councilman Powell moved that Mr. Hall's communication be referred to the City Council for study. Councilman Jackson seconded the motion which was carried unanimously.

City Administrator Stevens recommended that \$1112.98 be appropriated for the purchase of a three-wheel motorcycle for the Police Department.

Councilman Jackson moved that the appropriation be made in accordance with the City Administrator's recommendation. Councilman Haggard seconded the motion which was carried by the following roll call vote: AYES: COUNCILMEN: Drale, Haggard, Jackson, Powell and Sherfey. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

At 9:22 p.m. Mayor Sherfey declared a short recess.

At 9:30 p.m. the meeting reconvened.

Clerk Bartlett called the Council's attention to the fact that an error had been made in adopting Ordinance No. 420 for first reading; that this Ordinance had been adopted for first reading at the meeting of July 13, 1948; and it should now be adopted for final reading. He suggested that the former motion be rescinded and a new motion made.

Councilman Powell moved that the Council's earlier motion adopting Ordinance No. 420 for first reading be rescinded. Councilman Haggard seconded the motion which was carried.

Councilman Powell moved that Ordinance No. 420 be adopted for final reading. Councilman Jackson seconded the motion which was carried by the following roll call vote: AYES: COUNCILMEN: Haggard, Jackson, Powell and Sherfey. NOES: COUNCILMEN: Drale. ABSENT: COUNCILMEN: None.

The tentative budget for the fiscal year 1948-49 was again presented for final approval.

Mayor Sherfey asked for questions on the budget, there being none, City Administrator Stevens proceeded to read the budget by departments.

Mr. R. I. Plomert, Jr., Chairman of the Industries' Tax Committee, again complimented the Council and City Staff for a very excellent budget, and advised that the Committee urges its adoption. However, he asked that the City not set the tax rate until the new assessed valuation is received from the County Assessor's office, and he believed that the rate can be reduced without affecting the budget.

Mr. C. T. Rippy, representing the Chamber of Commerce, was in accord with Mr. Plomert's statements concerning the budget, and commended the Council and department heads for their fine work during the past year in helping to reduce the indebtedness of the City. He, too, urged that the tax rate be kept low so as to induce industries to locate here.

Councilman Haggard moved that the City budget for the fiscal year 1948-49 be adopted, subject to the receipt of the new assessed valuations, and the setting of the tax rate. Councilman Jackson seconded the motion which was carried by the following roll call vote: AYES: COUNCILMEN: Drale, Haggard, Jackson, Powell and Sherfey. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

Mr. Elder asked what progress has been made on the Santa Fe Railroad Franchise.

City Administrator Stevens reported that he and Mr. Connolly, Engineer for the Santa Fe Railroad, went over the present route with the possibility of rerouting along Madrona Street. The subject was thoroughly discussed. Mr. Connolly said he would turn the matter over to the company's engineers and promised a report sometime in August.

Mrs. Brown, representing petitions protesting the dust nuisance on Crenshaw Boulevard, which is owned by the Santa Fe Railroad, said that nothing seems to have been done to abate the nuisance. She asked that the City rezone the land for residences; that it be done immediately as the lease expires in October, and that the City Planning Commission be notified of the people's wishes.

Councilman Powell moved that the wishes of the people as outlined by Mrs. Brown, with regard to the rezoning of the Santa Fe Railroad land, be referred to the Planning Commission for study. Councilman Jackson seconded the motion which was carried unanimously.

City Administrator Stevens reported that he had requested the Planning Commission to undertake a study of the rezoning of the Santa Fe Railroad land which is now being farmed and thereby creating a dust nuisance.

City Attorney Smith reported that the attorney for the C.C.M.O. had informed him that this matter has been taken up with a representative of the Agricultural Department of the United States Government, in which there is a department of Soil Conservation; that a meeting is to be held within a few days and he (Mr. Smith) will receive a report of the meeting.

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Councilman Jackson moved that all bills properly audited be paid. Councilman Haggard seconded the motion which was carried by the following roll call vote: AYES: COUNCILMEN: Drale, Haggard, Jackson, Powell and Sherfey. NOES: COUNCILMEN: None. ABSENT: COUNCILMEN: None.

At 9:55 p.m., upon motion of Councilman Jackson, seconded by Councilman Haggard, and unanimously carried, the meeting adjourned.



CITY CLERK OF THE CITY OF TORRANCE

APPROVED:



MAYOR OF THE CITY OF TORRANCE