

I N D E XCouncil Meeting held January 7, 1964, 5:30 p.m.

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Torrance, California
January 7, 1964

MINUTES OF A REGULAR MEETING
OF THE TORRANCE CITY COUNCIL

1. CALL TO ORDER:

A regular meeting of the Torrance City Council was held on Tuesday, January 7, 1964, at 5:30 p.m., in the Council Chamber of City Hall, Torrance, California.

2. ROLL CALL:

Those responding to roll call by City Clerk Coil were:
COUNCILMEN: Beasley, Benstead, Drale, Miller, Sciarrotta, Vico, and Mayor Isen. Also present were City Manager Peebles and City Attorney Remelmeyer.

3. FLAG SALUTE:

At the request of Mayor Isen, Mr. Frank Burke led the salute to our Flag.

4. INVOCATION:

The Reverend H. Milton Sippel who is the past chairman and a member of Park and Recreation Commission, and Pastor of the First Christian Church, opened the meeting with an invocation.

5. APPROVAL OF MINUTES:

On motion of Councilman Sciarrotta, seconded by Councilman Beasley, there being no objection, the minutes of the regular meeting held December 30, 1963 were approved as written.

6. APPROVAL OF DEMANDS:

Councilman Benstead moved all bills regularly audited be paid. His motion was seconded by Councilman Vico and carried as follows:

AYES: COUNCILMEN: Beasley, Benstead, Drale, Miller,
Sciarrotta, Vico, and Mayor Isen.
NOES: COUNCILMEN: None.

7. MOTION TO WAIVE FURTHER READING:

Councilman Sciarrotta moved that after the Clerk has given a number and read title to any resolution or ordinance on tonight's agenda, the further reading thereof be waived; reserving and guaranteeing to each councilman the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilman Vico and carried by unanimous roll call vote.

Councilman Drale called for a point of special privilege at this point and moved that the business of this meeting, being not urgent, be continued until January 14, 1964 until 8:00 o'clock p.m., and that the Council adjourn this meeting until tomorrow evening at 6:30 p.m., to meet with members of the staff of the Attorney General. His motion was seconded by Councilman Beasley.

1.

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1054
x 1144

Mayor Isen asked for discussion on this motion as he said there are people in the audience who wish to be heard on matters listed on the agenda and he saw no reason for these items to pile up on next week's regular business. Councilman Miller also believed the matters listed for this evening could be disposed of in a reasonably short time.

Mayor Isen stated he was aware this motion was planned to be made although not through any information from the councilmen, only what he had read in the newspapers. He saw no reason to dispense with the business of this meeting.

Mr. Sam Hunegs, Director of Council 20 of AFL-Council of Municipal Employees called attention to the agenda prepared for this meeting, stated he had come a long way to attend this meeting and strenuously objected to the agenda not being followed. Mayor Isen remarked that Mr. Drale's motion was the most unorthodox motion he had ever heard and Councilman Miller called for the question.

Councilman Vico favored the holding of the proposed meeting Wednesday, the 8th, but saw no reason not to take care of this evening's business this evening. Councilman Benstead stated this evening's meeting should be held, as did Councilman Vico. Councilman Beasley explained that he believed the regular agenda items could be given the benefit of more careful consideration next week; that there was a certain amount of tension among the membership this evening. Mayor Isen denied any tension, but Councilman Sciarrotta felt there was some innuendo that three members of the Council had no right to call a meeting of which notice was to be given at this evening's meeting to the other members.

Councilman Sciarrotta read in full the letter by which the proposed Wednesday meeting is called. It was addressed to Mr. Jack Goertzen, David Rothman and Richard Cabalero, all of the Attorney General's office:

"We, the undersigned councilmen of the City of Torrance, intend to make a motion at the regular meeting of the City Council on January 7, 1964, that the City Council adjourn the meeting to the following night, Wednesday, January 8th at 6:30 p.m. for the purposes of discussing phases of your investigation of the City of Torrance.

"The undersigned councilmen request that each of you gentlemen be present at said Wednesday night meeting to address the Council on said subject. The meeting will be held in the Council Chambers of the City Hall, 3031, Torrance Boulevard.

"One of us will inform you on Wednesday Morning, January 8th, whether or not such motion has carried."

Mayor Isen contended this is not germane to the question now under discussion, whether or not to abandon this regular council meeting and send the people in the audience home without hearing the matters which were to be considered.

Councilman Benstead strongly contended that this matter which has been asked for a meeting on Wednesday, is one which should have come through the Police Commission.

Roll call on the motion made by Mr. Drale and seconded by Mr. Beasley was:

2.

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AYES: COUNCILMEN: Beasley and Drale.
 NOES: COUNCILMEN: Benstead, Miller, Sciarrotta, Vico, and
 Mayor Isen.

By denial of this motion, the regular agenda of the meeting was followed.

Mayor Isen asked that out of order the application for fireworks stand of North Torrance Lions Club now be considered in deference to three men who were present. Mr. Nelson Collum of 3415 West 188th Street, representing the Club and stated they had not met the deadline for filing the financial statement because of the absence from the State of the man who had the records. He asked for the right to file for the fireworks stand for July 4th season of this year in that the report is now in. 1221

Councilman Vico moved to grant this request and Councilman Sciarrotta seconded the motion which carried by unanimous roll call vote.

PLANNING MATTERS:

8. WAIVER NO. 63-48, LUDGER MERCIER, resubmitted. Requesting exterior side yard waiver of 5' to add garage to existing residence at 16630 Ogram Avenue. Recommended for denial. 1031 #63-48

Councilman Beasley moved to concur in the recommendation to deny and Councilman Vico seconded. The applicant was not present although Planning Director Shartle said he was notified.

Roll call vote was:

AYES: COUNCILMEN: Beasley, Benstead, Miller, Sciarrotta, Vico, and Mayor Isen.

NOES: COUNCILMEN: Drale.

The waiver was thus denied.

9. Communication from M. E. Webber, M. D., requesting variance from the provisions of Ordinance No. 1443, which it was explained by Planning Director Shartle governs the provision that not more than one main building can be constructed on a lot if the property could be split into more than one lot. 1034.1

City Attorney Remelmeyer said this would not be the way to grant the relief because this is an ordinance and there are two alternative ways by which the same effect would be gained. First, he could apply for a variance because this is a land use ordinance; secondly, the Council could pass a policy statement to the effect that this ordinance will not apply to those persons who have plans into the Building Department prior to the effective date of the ordinance. This would give equal treatment to all.

In answer to a direct question by Councilman Benstead, it was determined while final plans are not filed, the preliminary plans have been viewed by Building and Planning Departments. Mayor Isen moved in line with the City Attorney's statement that relief be granted. Councilman Beasley seconded and roll call follows:

AYES: COUNCILMEN: Beasley, Benstead, Miller, Sciarrotta, Vico, and Mayor Isen.

ABSTAIN: COUNCILMEN: Drale - because he did not have sufficient explanation, and none until this evening.

COMMUNICATION FROM PARK DEPARTMENT:

- 1041
PARK
MAD 10. Turf Aerator bid - Park Superintendent Clemmer, with concurrence of City Manager Peebles recommendation that bid be rejected.

Councilman Benstead moved to concur in the recommendation of the City Manager and Park Superintendent and his motion, seconded by Councilman Drale, carried, it being stated that there would be readvertisement for bids. There was no objection.

COMMUNICATIONS FROM TRAFFIC AND LIGHTING DEPARTMENT:

- 1247 11. Railroad signals at Torrance Boulevard and Madrona Avenue.

The recommendation of the Traffic and Lighting Engineer, concurred in by the City Manager, is that the City approve the cost estimate of \$10,076 and the proposed 50-50 sharing between the City and Santa Fe, it being noted that half of the City's cost will come back from the Public Utilities Commission.

Councilman Beasley moved to concur and Councilman Vico seconded. Roll call vote was unanimously favorable.

- 1247 12. Opening of new grade crossing at Border Avenue and closing of the crossing at 228th Street.

The recommendation is that the City accept the cost estimates of \$7,004 and the proposal that the City finance 100% of the cost of installing the railroad signals as stated by Santa Fe. Reimbursement of one-quarter of this amount will be made after completion, through the Public Utilities Commission.

Councilman Sciarrotta moved to concur in the recommendation and his motion, seconded by Councilman Vico, carried by unanimous roll call vote.

- 1063 13. COMMUNICATION FROM BUILDING DEPARTMENT:

Jack-in-the-box Restaurant sign. Assistant Superintendent of Building Inspection McKinnon, with concurrence of City Manager, recommending approval, with conditions.

The sign is in the form of a box with 8 x 8 feet sides and a figure on top, the total area being 132 square feet, with 97 feet of frontage, thus oversize. The recommendation is for approval and concurrence with the Planning Commission that the sign be located in the center of the Hawthorne frontage.

Councilman Drale moved to concur in that recommendation and his motion, seconded by Councilman Beasley, carried, as follows:

AYES: COUNCILMEN: Beasley, Drale, Miller, Vico, Mayor Isen.

NOES: COUNCILMEN: Benstead, Sciarrotta.

Councilman Benstead disapproved of the application being made by the sign company rather than the owner of the business.

COMMUNICATIONS FROM ENGINEERING DEPARTMENT:

- 1338.16 14. AWARD OF CONTRACT ON INSTALLATION OF SANITARY SEWERS IN SEPULVEDA BOULEVARD AT CRENSHAW. The contract is recommended to go to Chet Kohler Construction, Inc. for \$2,400 and all other bids be rejected.

Councilman Beasley moved to concur and his motion, seconded by Councilman Miller, carried by unanimous roll call vote.

15. TRANSMITTAL OF EASEMENT DEEDS:

Councilman Miller moved to accept the following three easement deeds:

1. Street easement deed dated December 31, 1963 to provide a corner radius at the northeast corner of Flower and Monterey Streets, over a portion of Lot 6, Block 30, Tract No. 2761, given by Verna V. and W. H. Elmore.
2. Street easement deed dated December 27, 1963 for the widening of 235th Place and 236th Street over portions of Lot 12, Tract No. 437, given by Sunnyglen Construction Co., Inc. 1177
3. Street easement deed dated December 20, 1963 for the widening of 244th Street over a portion of Lot 1, Block A, Tract No. 7506, given by Kazuo and Yoshiko R. Kita.

Councilman Benstead seconded the motion which carried by unanimous roll call vote.

16. This is an amendment of Resolution No. 63-292 dealing with monies obtained in criminal proceedings, which has been approved by the Director of Finance, the City Treasurer and the Police Department and is now recommended by the City Attorney. 1199

At the request of Mayor Isen, City Clerk Coil assigned a number and read title to:

RESOLUTION NO. 64-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING RESOLUTION NO. 63-292 IN ORDER TO PROVIDE FOR THE PLACING OF MONIES USED AS EVIDENCE IN A SAFETY DEPOSIT BOX UNDER THE DIRECTION OF THE CITY TREASURER AND TO PROVIDE FOR THE KEEPING OF AN ACCOUNT OF SUCH MONEY BY THE DEPARTMENT OF FINANCE.

Councilman Sciarrotta moved to adopt Resolution No. 64-1. His motion was seconded by Councilman Benstead and carried by unanimous roll call vote.

SECOND READING ORDINANCES:

17. At the request of Mayor Isen, City Clerk Coil presented for second reading, read title to: 1295.5

ORDINANCE NO. 1453

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING ARTICLE XI TO CHAPTER 34 OF "THE CODE OF THE CITY OF TORRANCE, 1954" TO ESTABLISH DRAINAGE DISTRICT 5-B2 AND THE RATE AT WHICH DRAINAGE FEES SHALL BE COMPUTED IN SAID DRAINAGE DISTRICT.

Councilman Miller moved to adopt Ordinance No. 1453 at its second and final reading and his motion, seconded by Councilman Vico, carried by unanimous roll call vote.

1295.3
1295.4
1295.5
1120.1
1120.2
1321

18. At the request of Mayor Issa, City Clerk Coil presented for second reading and read title to:

ORDINANCE NO. 1454

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE REMOVING THE PROVISIONS IN ARTICLE IX, CHAPTER 25 OF "THE CODE OF THE CITY OF TORRANCE, 1954" ENTITLED "DRAINAGE IMPROVEMENT FUND" PROVIDING FOR A DRAINAGE IMPROVEMENT FUND FOR PAYMENTS INTO AND FOR DISBURSEMENT THEREFROM FOR CONSTRUCTION OF DRAINAGE STRUCTURES; PROVIDING FOR THE COMPUTATION OF PAYMENTS INTO THE DRAINAGE IMPROVEMENT FUND; PROVIDING FOR CREDIT FOR PRIOR CONSTRUCTION; PERMITTING WAIVER OF THE FEE; PROVIDING FOR REFUNDS OF MONIES PAID INTO SAID FUND; ESTABLISHING CERTAIN DRAINAGE DISTRICTS; PROVIDING FOR PAYMENTS INTO THE DRAINAGE IMPROVEMENT FUND BY ANY PERSONS IMPROVING, SUBDIVIDING OR DIVIDING ANY LAND WITHIN SAID DRAINAGE DISTRICTS; DETERMINING THE BASIS OF COMPUTING PAYMENTS INTO SAID FUND FOR SUCH DRAINAGE DISTRICTS AND GIVING A CREDIT FOR APPROVED PRIVATE CONSTRUCTION; AND PLACING THE SAME PROVISIONS IN A NEW CHAPTER 34 OF SAID CODE.

Councilman Benstead moved to adopt Ordinance No. 1454 at its second and final reading. His motion was seconded by Councilman Sciarrotta and carried by unanimous roll call vote.

COMMUNICATIONS FROM CITY MANAGER:

1004
SALARY
1004
VACATION

19. Communication re action taken by Council relating to Day of National Mourning.

Mr. Sam Hunegs, Director of Southern California Council of State, County and Municipal employees, AFL-CIO, read Rule 13 of the Civil Service Code regarding overtime and referred to Finance Director Scharfman's memorandum dated December 12, 1963 on the subject of the Day of Mourning which recounted the action of the Council by which one day of vacation was added to the regular vacation of certain employees, and no additional pay was authorized. He protested the decision to grant an extra day on vacation rather than time and one-half for working on November 30, 1963. A further factor in determining this issue is the fact that there was also Thanksgiving holiday during this week of the Day of Mourning. His request was an additional half time pay for the persons listed as receiving the extra vacation day under these unusual circumstances.

City Attorney Remelmeyer concurred in the opinion expressed in City Manager's memorandum dated December 31 - it is not a regularly designated legal holiday under the City's ordinance. The particular decision on this day was up to the individual municipalities.

Councilman Drale stated: The regular working day was Monday. Due to assassination of the President of the United States that regular working day was declared a Day of Mourning. Due to this there were employees who were asked to work on their regular day off. If they performed duties on Saturday this would be normally a sixth day of the week and they would be entitled to one and one-half time - and I would so move.

Mr. Hunegs maintained these men would have worked on Saturday in any case because of the Thanksgiving Day holiday. Mayor Isen added that they never as outlined here worked more than forty hours in that week. No premium pay is given unless there is an excess of 40 hours, City Manager Peebles said.

Councilman Beasley seconded Councilman Drale's motion which was to pay an extra half time, or four hours' pay to the 31 persons involved.

City Manager Peebles acknowledged that due to the two days off in this particular week, this would be correct.

Mr. Ralph Gibson, an operator in the Sanitation Division said most of the affected employees had counted on this extra pay.

Mr. Don Foyle of 4303 West 234th Place, told how the matter was handled by the Telephone Company which employs some 350,000 people throughout the nation.

Councilman Benstead suggested this matter be referred to Finance Director Scharfman. However, Mr. Peebles said his memorandum dated December 31, 1963 embodies Mr. Scharfman's thoughts on the subject. City Manager 'Peebles' recommendation was that no further pay be given.

Councilman Sciarrotta mentioned the 31 people involved at four hours' time - 124 hours total and Councilman Miller called for the question.

Roll call vote was:

AYES: COUNCILMEN; Beasley, Drale, Miller, Sciarrotta, Vico, and Mayor Isen.

NOES: COUNCILMEN: Benstead.

20. Complaint of Torrance Police Officers' Association regarding the same subject matter as contained in Item 19. 1004
SALARY

Mr. Charles Oates was present and prepared to talk on this item, but City Manager Peebles stated to be consistent he would recommend that the Council rule the same as it did on Item 19. Councilman Sciarrotta so moved; his motion was seconded by Mayor Isen and roll call vote was unanimously favorable. 1004
VACATION

AYES: COUNCILMEN: Beasley, Benstead, Drale, Miller, Sciarrotta, Vico, and Mayor Isen.

NOES: COUNCILMEN: None.

21. At the request of Mayor Isen, City Clerk Coil assigned a number and read title to: 1329.5

RESOLUTION NO. 64-2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST AN AGREEMENT BY AND BETWEEN THE CITY OF TORRANCE AND WELDON J. FULTON DATED JANUARY 2, 1964, FOR ARCHITECTURAL SERVICES FOR A BRANCH LIBRARY TO BE LOCATED ON THE SOUTHWEST CORNER OF ARTESIA BOULEVARD AND YUKON AVENUE.

Councilman Sciarrotta moved to adopt Resolution No. 64-2 and his motion, seconded by Councilman Miller, carried by unanimous roll call vote.

Councilman Vico asked some assurance that the price would be held at the \$82,000 and City Manager Peebles said that is planned; Councilman Sciarrotta agreed with Councilman Vico and asked that any small additions be brought before Council before being done.

Councilman Beasley reminded the Council they have authorized an 8% architectural fee.

22. MISCELLANEOUS RECOMMENDATIONS:

1039 Personnel: That City Engineer Nollac be authorized to attend the 16th Annual California Street and Highway conference at Berkeley Campus, University of California ITTE and University of California, January 30 through February 1, 1964. Expenses to be charged to State Gas Tax Engineering Fund (Chapter 78, Statutes of 1949) which is a budget item.

1042 Expenditure: \$2,500 to League of California Cities for annual service charge for the calendar year 1964, a budget item.

Councilman Beasley moved to concur in both items above listed and his motion, seconded by Councilman Miller, carried as follows:

AYES: COUNCILMEN: Beasley, Benstead, Drale, Miller,
Sciarrotta, Vico and Mayor Isen.

NOES: COUNCILMEN: None.

PROCLAMATION:

1057 23. JAYCEE WEEK - January 19 to 25th. Mayor Isen proclaimed JAYCEE week for this time and welcomed Mr. Hal Smith, representing that organization.

24. Refund of permit and inspection fees collected in error.

The recommendation is that \$145.30 be refunded to Raymond R. Dollar under Engineering Department Receipt No. 5856.

Councilman Sciarrotta moved to concur in that recommendation and his motion, seconded by Councilman Beasley, carried as follows:

AYES: COUNCILMEN: Beasley, Benstead, Drale, Miller,
Sciarrotta, Vico, and Mayor Isen.

NOES: COUNCILMEN: None.

ORAL COMMUNICATIONS:

1050 CHANNEL 25. City Manager Peebles called attention of the Council to Item D under Informational letters, stating the City has succeeded in getting a left turn phase at Sepulveda and Hawthorne but failed as to Torrance and Hawthorne. Mayor Isen asked that a resurvey be made after 4 o'clock in the afternoon.

1144 INVESTIGATION 26. Starting here, the balance of this item is a verbatim transcript from the tape of the meeting:

(PG8-PG25) MR. PEEBLES: I would like, if I may, Your Honor, to clarify a couple of statements that evidently appeared in the press so that the Council is aware that there was no coercion as far as I am concerned. I wanted to publicly state that the chief has told me personally that he did not agree to order or send anyone to take any tests. The chief has told me personally that he never ordered any police officers to go downtown. It has been quoted that I overruled the Chief. I believe my statement speaks for itself.

I did not overrule the Chief. I weighed long and hard my thinking in the request that came to me. In fact, I spent a couple of rather sleepless nights trying to decide whether I personally in my own mind had this right. I felt that after reviewing three different phases of this particular problem and especially the statement of release as well as the police officers who voluntarily went down on their own. They did not take as I understand it in questioning them, they did not take the Fifth Amendment at any time. They did take an oath and most important to me was the fact of their constitutional rights of which I had to in my own heart weigh and if I may I would like to just conclude with a statement and read to you what really probably prompted my conclusion in this when I discovered that this is what one, regardless of who he is, as I understand it must sign if he is to take the polygraph test, commonly called the lie detector test.

This is an actual verified copy - "I, John Doe, do hereby agree to submit myself to an instrumental detection of deception examination. The examiner in this case is Mr. Y. I am taking examination voluntarily without any force, promise or threat. I know my rights under the State and Federal Constitution and know that I do not have to make any statements in this case. Excluding my responses to test questions, I also know that any statements made by me may be used for or against me in court. I also agree to the mechanical recording of all sounds coming from this examination."

In my heart this was, for me to order an officer, I felt that I was telling him that he no longer had any constitutional rights and that's the reason for my memo to the Police Department.

COUNCILMAN MILLER: Mr. Peebles, the phrasing on a particular item. It's an agreement that it is admissible in Court?

MR. PEEBLES: Yes, sir, "excluding my responses to test questions, I also know that any statements made by me may be used for or against me in court."

MAYOR ISEN: Where did you get this, Mr. Peebles, that you are reading?

MR. PEEBLES: The attorney for one of the officers obtained it for me from the Attorney General's office.

MAYOR ISEN: And you are telling me that anyone that goes down there, regardless of whether he is ordered or not, has to sign that?

MR. PEEBLES: It is my understanding, yes. I cannot verify this but it is my understanding, and this is the reason for my decision and the decision I made regarding the officers; constitutional rights.

COUNCILMAN DRALE: Mr. Mayor, I don't know whether this is pertinent to the subject or not. I think that these gentlemen have engaged attorneys. I think it is for their attorneys to tell them whether they should, or should not take the lie detector.

MAYOR ISEN: That's right - it's certainly not up to the City Manager.

COUNCILMAN SCIARROTTA: That was our stand, Mr. Peebles. We felt it is not within our prerogative to tell you what to do. We merely take exception to the statement that you said you would not order

these people to do so. We feel that perhaps they should have been told to go and take the test and when they get there, it's their prerogative as to whether they want to take it or not because we fully promised the Attorney General and I wish I had the speech here - I just left it home - it's on the table, that we were going to give them full cooperation.

MAYOR ISEN: I've got all the speeches here.

COUNCILMAN SCIARROTTA: Going to give them full cooperation. Now, this, of course, I don't blame the newspapers for saying that they are not getting full cooperation when a directive of that type was given so consequently our stand is not that these people have to go down there and take the test. We don't force anybody to take the test, but I think they should be ordered to take the test. When they go down there -

MAYOR ISEN: An order isn't forcing anyone?

COUNCILMAN SCIARROTTA: No, I mean this, now wait a minute, I mean we should advise them to go down there and take the test. I don't care what word you want to use, but when they get down there that's up to them as to whether they want to take it or not and we will have fulfilled our promise to the Attorney General that we invited in to make this investigation. That's the stand which we have taken. We cannot - we aren't going to -

COUNCILMAN BENSTEAD: You say "we" - who do you mean, "we"?

COUNCILMAN SCIARROTTA: The three that invited the Attorney General down here.

COUNCILMAN VICO: May I?

MAYOR ISEN: Mr. Vico?

COUNCILMAN VICO: I'd like to say something, if I may. I'm glad that this meeting was called and I'm in favor of the lie detector test, but I think just because I am in favor of it, that doesn't mean that these fellows have to take it. Now, I think it's up to each and every individual. I don't think any of us - I think it's still a free country, I don't know, I might be wrong after tonight.

MAYOR ISEN: Well, we're kind of fighting to keep it free.

COUNCILMAN VICO: I think it's up to each and every individual if they want to take it it's up to them entirely. Now, I don't think we are in a position, the City Manager, or anyone else. If they want to take it - it's as simple as that - if they want to deny themselves of taking it, they may do so.

MAYOR ISEN: Mr. Beasley?

COUNCILMAN BEASLEY: I would like to call for a motion at this time which I think will be passed unanimously by our Council and will express the views of all of us. I'd like to move at this time that it shall be the policy of this City Council to cooperate fully with the Attorney General and with the District Attorney in their investigations and we urge all elected officials and all employees of the City of Torrance to do that - to do likewise.

COUNCILMAN BENSTEAD: May I say something - you say we should get along with these people. Why haven't they notified us and why did you people go up there on your own, when you have a committee that -

COUNCILMAN DRALE: I will second Mr. Beasley's motion.

COUNCILMAN BEASLEY: I have never been up there.

COUNCILMAN SCIARROTTA: What committee are you talking about?

COUNCILMAN BENSTEAD: Well, you must have been down to somebody's office -

COUNCILMAN SCIARROTTA: I'd like to get this straight - what committee are you talking about?

COUNCILMAN BENSTEAD: You don't know?

COUNCILMAN SCIARROTTA: No, I don't.

COUNCILMAN BENSTEAD: What about the Police and Fire Commission?

COUNCILMAN SCIARROTTA: This is an entirely different matter.

COUNCILMAN BENSTEAD: I don't think it is. I don't think it is - you are the man that blew his top when somebody tried to take some thing away from you one time - don't forget that.

MAYOR ISEN: May I add an amendment onto his motion before we call on you?

COUNCILMAN MILLER: I'd like to make a statement. To begin with, I felt that we should have these gentlemen down here and I am for it 100%. I have never stated that I was for or against a test and the reason I don't is that I don't know enough about it. I don't know what a lie detector amounts to and I doubt if any more of the council up here do. Now, I have discussed this with the City Attorney and correct me if I'm wrong. He contends that we have no authority in this matter, that this is a City Manager's prerogative and we cannot order the City Manager to order the chief to order these gentlemen to take this exam. Anything we would do would be in the form of an opinion, or a feeling or an expression so I don't know other than finding out exactly what a lie detector test is, I don't know as a council what we can do except give our opinions and if I am wrong, correct me.

COUNCILMAN BEASLEY: That's the reason I made the motion I did, Mr. Miller, that it shall be the policy -

COUNCILMAN MILLER: I think we have no legal authority in this matter whatsoever and that - I cannot - the City Attorney tells me this, I have to accept it because I am not an attorney.

COUNCILMAN DRALE: Well, I don't disagree with that, but I certainly have a right to disagree and I want the record to show that I do not agree with Mr. Peebles' statement that these fellows do not have to take a lie detector test. I feel and I think this -

MAYOR ISEN: Peebles never said - he said it's optional with them.

COUNCILMAN DRALE: Let's not get excited, Mr. Mayor.

MAYOR ISEN: I'm not excited, but let's try and get it through your head. He does not order them. He says they can do it if they want to - if they don't want to, they don't have to.

COUNCILMAN DRALE: I want the record to show that I'm against Mr. Peebles' directive or statement that he sent to the Police Department -

MAYOR ISEN: Well, you've been against Mr. Peebles - period.

COUNCILMAN BENSTEAD: I don't see any difference now. This may be funny to you but it -

COUNCILMAN DRALE: Okay. I didn't interrupt you, gentlemen, when you were talking. Is the record straight? Now, just one minute, and I don't appreciate the statements that you gentlemen have made. My statement is I have the right to disagree with Mr. Peebles' statement that he made to the Police Department. I feel the Police Department of the City of Torrance has an obligation in their particular department where there are problems made, they advocate the lie detector test for the public and it is very peculiar now that when they are called on to give a polygraph test or lie detector test, they refuse to take them. Now, I'm saying in the best interests of this community - I'm not saying that they should, or whether they would or whether they can - I would suggest that they do.

MAYOR ISEN: All right, let's put it on a voluntary basis and I'll go right down the line with you, but let's not -

COUNCILMAN DRALE: You can say anything you want. I want the record to show that I am opposed to Mr. Peebles' statement

COUNCILMAN BEASLEY: My motion -

COUNCILMAN DRALE: . . . and I think that they should be authorized and requested to do and take the polygraph test, but if they don't want to, that's their business.

COUNCILMAN MILLER: My opinion is that they should, but I will not direct them to, or order them.

COUNCILMAN DRALE: I'm not directing them.

MAYOR ISEN: All right, Mr. Sciarrotta? and then you.

COUNCILMAN SCIARROTTA: My position has been this and it has been this from the moment that I read that directive. I know that Mr. Peebles did not make it mandatory. He said he would refuse to order these people to take this test and I can't tell Mr. Peebles what to do. I know how the charter reads. I cannot tell him what to do but I certainly feel like Mr. Drale feels that we can take an exception to this order because I believe that they should be ordered to go down there, but they cannot be compelled to because they do have their own constitutional rights which they can invoke at the time that they go down there and the mere fact that he says "I will not order them, these police to take these tests," merely shows one thing, that we do not want to cooperate with the attorney general. To me, that's what it means. I may be stupid but that's what it means to me.

COUNCILMAN BENSTEAD: Maybe you are -

COUNCILMAN SCIARROTTA: If I am I'm willing to live with my stupidity. You live with yours.

MAYOR ISEN: Please, please. Mr. Peebles?

MR. PEEBLES: All I have to say is, I believe it's quite clear. I have only said I would not subject any person by order, so that the record is clear. I have not and have never said that any police officer cannot go down. They can line up single file tomorrow, the whole bunch of them, and go down there if they wish, voluntarily. I just don't feel in my heart that I am jury, judge and executioner.

COUNCILMAN BEASLEY: Well, Mr. Peebles, the motion which I made was simply to this effect - that this City Council feels that it should be its policy to cooperate fully with the Attorney General and District Attorney in their investigation. It does not order anybody to do anything, but it certainly will express the feeling of the Council and I think if this motion is passed I think it can be interpreted by the department heads properly.

MAYOR ISEN: Now, may I discuss your motion, please. Is everybody through - because mine is going to be lengthy.

COUNCILMAN DRALE: I don't know why we are spending so much time if this thing isn't important and why everybody is so perturbed and particularly you, Mr. Benstead, for not having the d.a. or the attorney down here.

COUNCILMAN BENSTEAD: Why don't you tell people what you are going to do? I'm no mindreader. I get it out of the paper and then - I'm told -

COUNCILMAN DRALE: I can't help that -

COUNCILMAN SCIARROTTA: Can't violate the Brown Act.

COUNCILMAN BENSTEAD: Give me that one.

COUNCILMAN DRALE: I just want to say, Mr. Benstead, there must be according to the Attorney General's office, a conflict of testimony. Evidently those who have testified before the d.a. and the attorney general, their stories do not coincide. Now this is -

COUNCILMAN BENSTEAD: Why don't they tell us?

COUNCILMAN DRALE: Well, that's the reason that - now, this is my opinion and I have that right to say that there is a conflict of testimony and I think all the attorney general wants to do and find out are the facts. Now what is so difficult for having them come down and show us where the difference of opinion -

MAYOR ISEN: We are not arguing that, Mr. Drale, we're not arguing that. That's unanimous. We're just - There's a big principle here, must there be an order come from the executive department.

COUNCILMAN BENSTEAD: This is politics -

COUNCILMAN MILLER: May I ask the City Attorney to issue a, or make a statement to the effect, what authority do we have in this matter?

CITY ATTORNEY REMELMEYER: You are talking about the authority over the City Manager. The Charter expressly provides that the City Council shall not advise and no member thereof shall advise the City Manager privately or publicly with respect to his duties, nor shall any member of the City Council coerce the City Manager with respect to his duties. So that's quite clear. Now, secondly, the City Manager reports to the Council who are the superior of the City Manager, provided, however, that you cannot do what I just said you can't do. Now, you may issue statements of policy in this respect. You may require the City Manager to advise you as to what he does and why he does it, but you cannot overrule him.

His decision on any matter within his jurisdiction and by provision of the charter and the code of the city, he has jurisdiction over the chief of police and the Police Department so that and this is a matter, I think, affecting his duties, so that what I first said is correct. It is very clear that you may not instruct the City Manager to issue such an order, nor may you coerce him into issuing such an order. You may express your feelings on the subject, whatever they may be.

COUNCILMAN BEASLEY: My motion was in order then.

MAYOR ISEN: All right, may I please discuss this and I want to make an amendment to your motion, Mr. Beasley when I get through with my discussion. I am going to try to be as brief as possible - but may I have the floor now, gentlemen? Is it all right?

COUNCILMAN BEASLEY: I would like to have an answer to my question whether my motion was in order.

MAYOR ISEN: I haven't said your motion wasn't in order. In fact, I want to make an amendment to it. I do have some factual data that I think should be shared by this Council with the people of Torrance because memories fade very quickly and what we remember as of six months ago we have forgotten today. There has never been any attempt not to cooperate. In fact it is the reverse and before all the heated argument I was going to congratulate the three gentlemen on their ability, if such it is, to make this arrangement. I think that we should have been contacted. After all, it really doesn't matter except a few hurt feelings. I don't think there has been any violation of the Brown Act for us all to get phone calls saying what was in mind - no violation there - the violation was where there is a majority gathered to make a decision and be informed, some members including myself to have to find out what is going on in the newspapers. Now on the tenth of January it will mark quite an anniversary that will be exactly six months from the time that the deputy district attorney commenced his so-called investigation. Six months, folks. And after this had been going on for two months, I will call your attention to the minutes of September 10th, 1963. After two months and after, I don't have my date, but the black Friday I think probably before that Tuesday when the ten arrests were made - you know the story - the 8th, September 8th, three of them being San Pedroites and etc., and the Deputy District Attorney said the Torrance Police Department was in league with the underworld and caused all that damage to us and retracted it in the later editions of the paper but the retraction was made. We were certainly all put on the spot to do something for the good name of the City. As a result of that I presented a motion to this council and it was passed unanimously by Mr. Miller seconding it and Councilmen Miller, Sciarrotta, Benstead and Beasley commented favorably on the contents of the motion which carried unanimously and you've forgotten it and I want to read it to you and it is in the contents of Mr. Remel-meyer's letter to the Attorney General which I will get to next and will not repeat myself.

My motion requested the Attorney General's assistants in determining 1) if the Deputy District Attorney presently has any definite information regarding illegal activities of any member of the Torrance Police Department - we haven't found that out six months later - 2) If the Attorney General deems further investigation is necessary it can be done under the auspices of the Attorney General's office in cooperation with the City Council and the City Manager. 3) That the Attorney General conduct a thorough investigation of the political activities of Manley J. Bowler, Chief Deputy District Attorney, to determine if such

activities in Torrance are politically motivated and if he has used the Torrance Police Department as a vehicle to advance his own political ambitions via the media of newspaper, radio and television. Now, that was the motion. Immediately thereafter Mr. Bowler indicated that the District Attorney's office was getting out of the investigation and turning his portfolio, his papers and the whole works over to the Attorney General's office and he was through.

Now, on September 11th, our good City Attorney wrote a letter to Dear Mr. Attorney General and he said - this is September 11th -

At the meeting of the City Council of the City of Torrance held last night, September 10th, 1963, the Council authorized and directed I write you this letter concerning the conduct of Manley Bowler, Chief Deputy District Attorney of the County of Los Angeles, in his current investigation of the Torrance Police Department.

According to the newspaper accounts you are aware of Mr. Bowler's investigation. Specifically, the City Council requests your assistance in determining

(1, 2, 3 - the points of my motion that I have already read to you.)

A certified copy of the minutes of said Council meeting and a copy of its Mayor's statement preliminary to the meeting are attached to verify my statements. The Mayor and the City Council and the City Manager, Chief of Police and other City officials are deeply concerned by the manner in which the Deputy District Attorney conducted the investigation. It is believed that Mr. Bowler has been interested primarily in obtaining the maximum exposure on communications media and exploited the investigation of the Torrance Police Department to his own advantage. This would be irrelevant except that it has the effect of making the City of Torrance appear to be a hotbed of vice, which it is not; has seriously impaired the morale of the Torrance Police Department and it is destroying the confidence of the people in the City in its government. The City government is not seeking your help in order to cover up any crime or misconduct committed by members of the Torrance Police Department. On the contrary, we wish to be informed as to whether or not there are any facts or other information which supports such charges against any member of the Police Department. To that end the Mayor and other members of the City Council, City Manager and myself will confer and cooperate with you to the fullest extent. All facilities and services of the City will be made available to you for that purpose. The action of the Council in requesting your intervention indicates the confidence that all City officials including myself have in your integrity and ability and impartiality.

And, under Mr. Mosk's signature as of September 16th, five days later, to Mr. Remelmeyer, he says:

I have for acknowledgement your letter of September 11th with enclosures. Pursuant to your request and a similar request received from the office of the District Attorney of Los Angeles County our office is presently conducting an inquiry. We will keep you advised of developments.

And then a letter from Mr. Remelmeyer back to Mr. Mosk as of the 18th of September, saying:

The Council unanimously directed that I convey to you their appreciation for the promptness with which you have acted in this matter and the good faith which you have shown.

All right. Shortly thereafter and I don't have my date, Mr. Mosk took his vacation and took a two-month or better trip to Japan and the Orient and etc. On October 7th when nothing had happened and it had come to my attention, I wrote a letter to Attorney General Mosk which reads as follows:

October 7th, 1963 - and I will state that I have never received any reply either by writing or by telephone to this date to this letter. My letter read as follows:

Dear Mr. Mosk: I am sure you will recall the Torrance City Council's request for your good offices to investigate the Police Department as it pertains to the recent three arrests and possible other malfunctions in the department and the political implications of Deputy District Attorney Manley Bowler's so-called investigation. It has come to my investigation (sic) that a team consisting of the District Attorney investigator and an investigator from your office is now extending this investigation beyond the Police Department and even to the extent of reviewing elected officials' expenses, etc., (and I will amplify on that in a few minutes - want to read the letter exactly as it is). While this is probably within your area of jurisdiction it is a fact that my Police Department's morale each day drops further because of the continuous shadows still cast over them by the sensational publicity afforded the three police officers who were arrested by the District Attorney's office. Now the rumors are even more prevalent. Several weeks ago at a Peace Officers' meeting in Torrance I had the pleasure to sit with Harry Cooper, an investigator from your office who volunteered to sit down with me in my office and discuss this whole matter. It was my understanding at that time that Mr. Cooper was in charge of this matter in Torrance yet I have not even had the courtesy of a telephone call, nor have I been afforded the pleasure of the promised visit. I am sure you can appreciate as head of this city I would like to know something of what is going on. We are all very desirous of realigning our Police Department in all areas of its operation and to this end have requested Sheriff Pitchess' office to provide the necessary expert administrative personnel to aid us. The Council has unanimously concurred in this request to the City Manager. Sheriff Pitchess has very cooperatively agreed to help us. However, he is reluctant to do so as long as others are on the scene. I am only desirous of having an excellent police department and since Mr. Cooper or Mr. Bowler will not afford me a visit I ask of you when I could expect this matter to be finished so that the Sheriff's Department can help us constructively correct the administrative problems of the Police Department. With kindest personal regards -

This is as of October 7th. This is what? - January 7th and you three men of the Council, I congratulate you for having got some action here if the Attorney General will come out here tomorrow and I have no doubt -

Now, query, and I won't even mince words. The District Attorney's office under terms here was getting out of the investigation. Well, I don't care whether they stay in or they stay out as long as things are brought to a timely conclusion. What has happened and this is all hearsay and I think the hearsay is true and I don't ordinarily like hearsay, but as far as I know this: Everybody who was called up there went and they were called into a closed room. There was a shorthand reporter who took down every word they said. Some were represented by counsel; some were not; there were no objections made to questions; everything was answered under oath. There was no one who took the 5th amendment. There were also I think recording devices in some particular instances. This did not involve the three men who were arrested - we have to realize this - but a routine check of the entire department and anybody that went and acceded and cooperated to everything that was requested of them there and this is merely an investigation. I deplore very much the two officers who this whole issue regarding polygraph have come up - that their names have come out and been placed in the papers. If the Attorney General did this I think it is in the poorest of taste because these men are accused of no crime whatsoever and I want to say that I have the utmost confidence in these two very fine men who have been on the department and have proven themselves over all these years. I intend to ask Mr. Goertzen, if this is his name, how their names were released to the press if it was he who did it, etc. I don't know - I am told it wasn't done here in City Hall.

Now, instead of having a timely investigation, there were several months that went by - I don't know why. Thereafter and for the last two months, instead of a timely investigation this inquisitorial body has met on Thursdays and Fridays and that is all, leading one to think that this is a hearing which is intended in purpose to be carried on and on and on. I would request and request them tomorrow that they work on this from Monday to Friday and get it over with and get it over timely. Now, the request from the Council, I have read it and the entire situation was evidently to check into the Police Department as a result of these unfortunate situations that happened with three officers. It went further and the people are entitled to know. Never during the ten years of my life here for the City have I tried to hide anything and as long as I am Mayor and know all that I know regarding these details. The Attorney General promptly on the subpoenas labeled this proceeding and I may not have it exactly right, but I saw a subpoena "In the matter of the investigation of alleged crime and corruption - or misconduct and corruption - of elected and appointed officials of the City of Torrance". The District Attorney and the Attorney General have both been represented in these closed door hearings.

Folks, this has nothing to do with Grand Jury. This is a fishing expedition. They have checked the officials' bank accounts in a number of banks. I know that my bank account was checked and they are welcome to do that at any time they want to. They have spent time and had witnesses out of Planning, out of Building each week the report came out in the metropolitan papers from the Attorney General's office and I saw it - it is no hearsay - that the hearing will be conducted next Thursday and Friday and so and so and so and so and so and so are subpoenaed to appear.

Mr. Goertzen says he needs these tests to conclude this phase of the investigation. I think we are entitled to know from him whether he is going to work timely on this; whether he is going to finally get it over. This council has cooperated and invited them to do it. If they saw fit to extend it to every single branch

of City government, I say more power to them. In the meantime, just looking at the number of personnel which has been involved and I understand there are two investigators from the d.a.'s office, two of them from the Attorney General's office, the clerical help, the weeks have gone by, the work that has to be done that isn't in the hearing room - I would estimate that a half a million dollars of California and L. A. County and Torrance taxpayers' money is going to be spent on this project. Now, here it is on this date and I have made this complete exposition of it, as much as I know about it, for the particular reason that I say from now on out, yes, this Council will cooperate fully, but let's not drag the thing into the June primaries and the November general election and, of course, the April City election. It is not fair. We have a good city here; we have a clean city and an absolute injustice is being done to the people of this City who I believe have an abiding faith in the integrity of its government.

Now, I am going to move an amendment, Mr. Beasley, to your motion. Sure, we're going to cooperate, but the words you have there are too all-inclusive and open to argument and I would say excluding the requirement of any order for polygraph tests and such polygraph tests are completely voluntary on the individual called up as to whether or not he or she wants to take such tests, and I would move such an amendment.

COUNCILMAN BENSTEAD: I will second your motion. What did you say?

MAYOR ISEN: Will you read the motion, as, with the amendment tacked on it?

SECRETARY: Do you want the motion?

MAYOR ISEN: Yes, cause it all goes together, when you make an amendment to a motion. That must be about 45 pages back and I apologize for talking so much but I had to cover that field, folks, it's all there.

MR. HUNEGS: Mr. Mayor' I'd like to ask the following question.

MAYOR ISEN: May he be heard? Please identify yourself. Of course, she'll be looking for the motion -

SECRETARY: That's all right - it's all on the tape.

MR. HUNEGS: I wear two hats and I am going to ask this question as field representative. My name is Sam Hunegs, field representative of the American Federation of State, County and Municipal Employees. I am identifying myself as Field Representative for the following reason: in this capacity I am representing this Union for the entire State of California as well as International. I have been quite concerned with the comments that have been made here tonight. I am not aware of this entire story, the background of it, what has led up to this. It seems to me in passing this kind of resolution, my own feeling and I am being purely non-partisan at this point, non-political, not knowing the story. That to pass this kind of a resolution is a sort of an admission that this has not been the case before, that you have not cooperated fully.

MAYOR ISEN: Well, you heard the record.

MR. HUNEGS: Right. So it seems to me that this kind of resolution is superfluous and unnecessary. Any good political body would cooperate with the police powers and processes of this state or any state. I like to think that this has been the case here.

Certainly from the testimony I have heard, why it unquestionably has been. Now, let me ask the other part of my question at this point. Now, what happens tomorrow night? Frankly, I am quite interested in lie detectors. This Union has delivered some testimony to a State Assembly Committee. What is it? Just a meeting with the Attorney General's staff tomorrow night? Are any decisions going to be made? If so, we want to be heard.

COUNCILMAN SCIARROTTA: We want to know exactly what these men want from us. We have been living in the shadows here for four solid months and we want to have some understanding so that we can decide what we will do. We also want to find out on what basis we are not cooperating. The way this thing started -

MAYOR ISEN: Isn't it more -

COUNCILMAN SCIARROTTA: All right, six months. You see the way this thing started was this. I'll give you just a little background. It isn't going to take me long. We read the article in The Times and it implied that the City officials did not want to cooperate with the Attorney General. So consequently, the three of us and according to the Charter any three people can call a special meeting, immaterial of what anybody is saying here, and they should be given three hours notification in the event of our charter, or 24 hours if the Brown Act is being applied. So consequently, we decided that this evening we would notify everyone, but when we asked these people to come down, the first thing they did, they called the newspapers and gave the release. None of us gave any release. We don't want to appear as culprits that we gave release before our colleagues didn't know anything about this. Believe you me, we didn't do anything of the kind. However, after the Attorney General gave the release, then some of us did contact the papers and since they had the release we might just as well give it to the others also. Now, that is the purpose for which we want to get them here. We want to know exactly when they are going to bring this to a conclusion; what is it they expect and so on and so forth. Now, also the point was brought out that we don't notify people. Now, I was tickled to death to hear the letters that Mayor Isen has written to the Attorney General and I swear to God that I don't know what he has done. I don't know these communications and if I'm a member of the Council elected by the people and I don't know what goes on, I'm just as ignorant as the rest of the people in the City of Torrance of what goes on. So consequently, these are things that we want to find out. I don't know. They say we keep them in the dark, but we are the ones that have been kept in the dark if these letters which he has read are true. Courtesy would have demanded that each one of us would have gotten a copy in our boxes so we know from step to step. Now, 99% of the time this man does a good job, but

MAYOR ISEN: Ross, we didn't want to stir things up. Remelmeyer sent it out. I wanted to say "here, boys, is the answer". Meantime, Mosk had to go to Japan and I am waiting patiently.

COUNCILMAN SCIARROTTA: Now, the focal question is this and I will finish. This is the last statement I am going to make. What we have here is absolutely right, we agreed in every way shape or form, but the focal thing is, we said we would cooperate with these people in every way, shape or form. Those are not the words used, but it amounts to that. And now here comes the demand that they would like to have these people take this lie detecting test and, of course, the City Attorney issued a communication that he (sic) would not order these people to do so and consequently it's his right to do this. The only thing that we are doing is we are

objecting to this. We're not objecting to the police officers if they go down there, not taking the test, that's their business. We can't force them to take the test. That's up to them. If there is anything in our rules and regulations and our charter as to how these people are to be disciplined that's up to the Manager to invoke this thing and then of course they also have the right to go before the Civil Service Board. This is the whole thing. We're going ring around the rosy. The crux of the thing is we feel that we should cooperate. We can order but we cannot make these people do this thing - we can order but not make them - it's different. We can disagree, that's the point.

COUNCILMAN BEASLEY: In defense of my original motion -

COUNCILMAN SCIARROTTA: You can order. I don't mean we can, the City Manager can. I think I've made myself clear. We disagree with his order.

COUNCILMAN BEASLEY: In view of the newspaper publicity we felt it essential that we reiterate this by motion this evening. I did and that's the reason why I offered the motion. In view of the fact that they will be here tomorrow night, it will indicate our sentiments towards them. I didn't intend to mention the polygraph or anything else. I think that's a matter of individual conscience. This was brought in extraneous. I will not vote for the amendment and I will only vote for my original motion which is very general and simply sets up the matter of policy of cooperation. I too think this thing should be concluded as soon as possible. The City of Torrance and the people who live in the City of Torrance should rise up and demand that the Attorney General complete his investigation with all - with the utmost speed. You can't continue to live under a cloud and if there is something wrong he has the responsibility of bringing it out in the open and letting us know or letting the Grand Jury know. It's just as simple as that. Nothing to get excited about.

MAYOR ISEN: Who gets excited?

COUNCILMAN BEASLEY: Well, your polygraph statement, I think indicates - I was glad that the Mayor read those letters too because I knew nothing about them and I'm a member of the council.

MAYOR ISEN: For a big advocate of civil liberties, I don't know how you can advocate anybody against their will to have to take a polygraph.

COUNCILMAN BEASLEY: I didn't; there isn't anything in my motion -

MR. HUNEGS: Anyway, this is an open meeting tomorrow night?

MAYOR ISEN: It will be an open meeting. We might state this so we won't mislead. If the City Attorney advises and if matters under consideration come within the province of personnel it may adjourn into a closed meeting, if anyone might get hurt by public discussion.

MR. HUNEGS: But it is really in informational meeting tomorrow as I read the original motion. No actions to be taken by City Council at that time - at that point?

MAYOR ISEN: At which point?

MR. HUNEGS: Tomorrow night.

MAYOR ISEN: Oh, I can't say that either. I can't say -

MR. HUNEGS: Now this is a special meeting. It's called for one purpose.

COUNCILMAN BEASLEY: No, it's an adjourned meeting.

MAYOR ISEN: We could action. I can't say we won't. I don't want to mislead you. It will be a regular formal meeting just as much and just as - if it passes and I know it will - it will be an adjourned meeting and the Council can do any business it wants to and will be just as legal as the business we have done tonight.

MR. HUNEGS: All right. Mr. Mayor, in that case I would like an understanding with this council that no final decision be made tomorrow night because we want to be heard on this subject. We feel very strongly. I appreciate the comments that have been made by everyone of the councilmen here tonight. I respect them for the comments they make. I detected no difference of opinion between any of them. They have all felt the same way about it and that includes the City Attorney and I think Peebles is to be congratulated upon his stand and when the information is more broadly disseminated so that the people in the Los Angeles area and I would suspect that this entire thing that has been expressed by the council ought to be brought to and be disseminated all over the United States. I think that the publicity that you will be getting will be very favorable and I wouldn't be at all concerned about this and the only request that I am making is that you make no final decision tomorrow night based upon anything here because we want to appear and we want to speak upon the subject.

COUNCILMAN MILLER: Then you be here.

MR. HUNEGS: Well, I had another commitment and I'm going to try to cancel out the meeting.

MAYOR ISEN: So did I. I'm cancelling my meeting.

MR. HUNEGS: I'm going to try to cancel the meeting and be here because I think this is a very serious matter and a major policy decision involved

MAYOR ISEN: We can't assure you there will be no decision made. We certainly respect as far as I am concerned your suggestion. I think that's as far as we can go. Break your engagement. I did.

MR. HUNEGS: I think you have to realize. I have some 28 unions to be concerned about.

MR. MILLER: Bring them along.

COUNCILMAN VICO: If he can a free dinner to go to, he -

COUNCILMAN MILLER: Just a second, a comment, if I might. First of all as far as the resolution and whether we are saying we haven't been cooperating - a question of wording as to reaffirmation of the previous policy we have followed. Secondly, what concerns me and I feel very sincere about this is that if we get started getting into personalities tomorrow night, individuals and names, I think this is prejudging. I think every man has a right to his day in court if it comes to pass and I would strongly urge that if it becomes a matter of individuals that we hold a personal meeting on this. I think that the attorney - is this proper?

MR. REMELMEYER: It starts as a regular meeting. If it obviously becomes a matter of personnel, particular people, the council can adjourn to a personnel -

MAYOR ISEN: Now, Stan, there's only one thing that bothers me on that and please check the Brown Act on it. I know in the past where there are direct accusations. I don't know if there will be any direct accusations coming from Los Angeles or Sacramento or whether this will be generalized. If there are direct accusations against individuals in the past we have had those individuals present, having a right to hear them, together with their lawyers. I can remember in several situations we did that. I know I am not going to let either the District Attorney or the Attorney General trick me into violating the Brown Act. I don't intend to.

MR. REMELMEYER: That would be up to the council as to what -

MAYOR ISEN: You get my point there. This is a real big problem and you think about it between now and tomorrow.

COUNCILMAN VICO: Your Honor, can we have a meeting with all of us here tomorrow night. I mean, adjourned meeting.

MAYOR ISEN: Yes, assuming we have the motion and I know it will be unanimous, but on Miller's point I will be glad to adjourn to a personnel meeting but if there are direct accusations made to individuals X,Y,Z, it may be under the Brown Act that those individuals would be entitled to hear them there. This would be my feeling on it. Because it's still America and have their attorneys there.

COUNCILMAN BEASLEY: Mr. Remelmeyer, any accusations against individuals who are employees of the City of Torrance has to be made before the Civil Service Appeal Board.

MAYOR ISEN: The Grand Jury too.

COUNCILMAN BEASLEY: Or the grand jury.

MAYOR ISEN: No, No, they can be made before the Council. It may be if he wants to line up a number of individuals. Here's the thing. They have wasted six months on this. We may have to adjourn to another personnel meeting to allow those people to be present with their lawyers and to me this seems to be the American way of doing it. I don't know what they are going to bring up.

COUNCILMAN SCIARROTTA: Mr. Mayor, can't we find out exactly what they are going to bring up. We want to know the nature of this thing. We've been following it, but we want to know the nature of it so that naturally we will know just what to do. We didn't ask for any specific - we want to just bring this thing to an end one way or the other. In other words -

MAYOR ISEN: If you bring it to an end I'm going to vote you a permaplaque.

COUNCILMAN SCIARROTTA: Well, I hope we do, but my blood pressure was 164 yesterday, Mayor.

MAYOR ISEN: I'm going to get you another doctor.

COUNCILMAN DRALE: Well, I was glad to hear Mr. Miller make the statement about personalities, Mr. Mayor, I want to congratulate him on that.

COUNCILMAN SCIARROTA: That's right. We don't want any of that.

MAYOR ISEN: That's why I don't like these two officers being named. I've read them in the papers - two officers who refused to take the polygraph and I don't think anybody at City Hall -

COUNCILMAN DRALE: We don't know if it is two officers or a hundred. That's the reason we're saying - what are we arguing about. Invite them down - if they want 50 guys to take the polygraph, let's have them take it. What's the big argument?

MAYOR ISEN: If the 50 guys want to.

ASSISTANT CHIEF OF POLICE PORTER: Six months ago this thing started. On the 8th of September is when we got all of the unfavorable publicity. At that time I went to Mr. Bowler personally and told him that he would have to publicly clear my name if it took a court action. You are all aware that I have filed a court action against Mr. Bowler.

MAYOR ISEN: Is there a Court action.

MR. PORTER: The filing, yes.

MAYOR ISEN: What did the Board of Supervisors do.

MR. PORTER: I don't know - I haven't heard.

MAYOR ISEN: Well, you haven't actually gone to court yet, just preliminary.

MR. PORTER: Not yet, just filed. Two days after this was filed I was called by Mr. Goertzen who said "You have forced the issue. We are going to close our investigation of the Torrance Police Department." Two days later all this other shenanagin came up about the polygraph examination. When I came back, I think this occurred on a Monday, I came back to work on Tuesday and ran into this bit. The polygraph, gentlemen is an investigative tool and that's about all it amounts to, a negative type thing. This statement that Mr. Peebles read that these fellows are required to sign up there if they submit to the thing, this is the first I have run into this. I don't think that the results of a polygraph examination are admissible in court, as evidence in court again, as I say, it is an investigative tool used usually when they have a weak case and they can talk somebody into taking this thing and it shakes them up so much that they tell whatever they want to know. I don't believe that even though the Attorney General - and there is a case in San Francisco which supports the Attorney General, by the way. I don't believe that even though the Attorney General makes a demand on the Chief of Police, that the Chief of Police can, or has to order anyone to submit to a polygraph examination. I think that the Chief of Police could concede this much: that he could order the individuals named to appear at the Attorney General's office at the appointed time and date, period. It's up to the individual then. I think this is all the authority that anybody has, be it the City Manager, be it the Chief of Police, be it the Attorney General, or whoever, that this is all the authority they have, to order you to appear only, not to submit to any type of examination or any type of questioning. This is my position on this thing. This is the way I feel that I would have to act were I in the Chief's shoes. And, again, I was notified "You have forced our hand. We now are going to close our investigation of the Police Department." But this didn't come to pass. Again, the polygraph examination is merely an investigative tool usually used when they have a weak case.

MAYOR ISEN: Anyone else from the Council?

(Someone in the audience asked if there was a second to the amendment)

COUNCILMAN MILLER: I was waiting for Mrs. Shaffer to read it.

SECRETARY: I have been waiting for a time to read it.

MAYOR ISEN: Now will you read the motion and the amendment in one piece, Mrs. Shaffer?

SECRETARY: Mr. Beasley first said "I would like to offer a motion which I think will be passed unanimously and which will express the Council's feelings. I move at this time that it shall be the policy of this City Council to cooperate fully with the Attorney General and that the District Attorney in their investigation and we urge all elected officials and all employees of the City to do likewise. Then Mr. Drale seconded that motion and further on, Mr. Beasley in effect repeated his motion: the motion that I made was simply to this effect, that this City Council feels that it should be its policy to cooperate fully with the Attorney General and District Attorney in their investigation. It does not order anybody to do anything, but certainly will express the feeling of the Council. If this motion is passed I think it can be interpreted by the department heads properly. Then further on, Mayor Isen - said "I move an amendment to the motion. Sure, we'll cooperate in anything that excludes the requirement for any order for polygraph tests. Such polygraph tests would be a complete violation as to whether or not -

MAYOR ISEN: That isn't the motion. The amendment was excluding in the words fully cooperate the matter of requiring by order a polygraph test, and any polygraph tests be taken on the option of the individual of whom they are requested.

SECRETARY: It's all on the tape.

COUNCILMAN MILLER: May I mention here, to begin with, what is the object of even mentioning the polygraph test - just fully cooperate. When the City Attorney has just told us we have no authority in the matter anyway. So I think you might be agitating something by bringing it up. I think Councilman Beasley's motion as such should stand. Why provoke the thought of it since we have no authority to order - leave it up to the

COUNCILMAN SCIARROTTA: Leave it up to the officers - let's not mention it. We don't want to cast any doubt.

MAYOR ISEN: You can't keep it a secret. I don't want anyone to say when you voted for this motion which is a good motion, that when you said "fully" you were approving the forcible orders of another -

COUNCILMAN SCIARROTTA: You can't force -

COUNCILMAN BEASLEY: We can't even force the City Manager -

MAYOR ISEN: I'd like a complete record of this in the minutes, please, and with that complete record and the statements I have made I will withdraw my amendment, if you will withdraw the second to it.

COUNCILMAN BENSTEAD: Okay.

MAYOR ISEN: Roll call on the motion. As long as it is in the minutes. I might state that is the same motion that could have been made six months ago and actually it did at the time.

COUNCILMAN VICO: All right. Call for the question, let's get rolling.

ROLL CALL VOTE: AYES: COUNCILMEN: Beasley, Benstead,
Drale, Miller, Sciarrotta, Vico,
and Mayor Isen.
NOES: COUNCILMEN: None.

27. City Attorney Remelmeyer said "relative to the subject just discussed, you have before you an opinion on this subject within the purview of Mr. Peebles' request. And that's all I have to say."

28. Councilman Sciarrotta said he has been informed that a member of the Board of Education has said that the reason the Board of Education is behind in money is due to the fact that it is the fault of the Council. He felt perhaps the Board of Education is not receiving full information and moved that a copy of the minutes of the Planning Commission and of the City Council be sent to each member of the Board of Education so that there may be closer cooperation between the Council and the Board of Education. Councilman Vico seconded the motion and it carried unanimously. 1213

29. Mr. W. E. Youngs of 22620 Linden Drive, Frontier 5-3145, a long time resident of Torrance, representing the residents of his neighborhood asked that the City Council cause an investigation of a safety hazard created by the hill and excessive traffic and speed of automobiles. There was an accident which very nearly involved him and his children and did involve a neighbor. Mayor Isen asked that the word "study" be used rather than "investigation". Mayor Isen asked Traffic Engineer Whitmer to make a study of the situation described by Mr. Youngs and furnish a copy of such report as he may make to Mr. Youngs as well as to the Council. 1050
SPEED
LIMITS

30. Mr. Don Foyle of 4303 West 234th Place told of a bad situation involving silt and mud in the flood control causeways through Southwood Riviera in which large weeds are growing and which will clog the grating at the end of the causeway in case of a rain. The matter was referred to City Manager Peebles for solution. 1295
GEN

31. Councilman Drale asked for a complete report on the total cost of the improvements put on 190th Street between Hawthorne and Crenshaw and a copy of the contract which governed. This deals with the removal of some dirt which allegedly was not placed where it should have been. Councilmen were furnished with that report today Mr. Peebles said, by copies placed in their boxes. Mayor Isen asked that it also be put on the agenda. 1135
190th St.

32. Councilman Drale moved to adjourn to Wednesday, January 8th, at 6:30 p.m. and invite the Attorney General, Mr. Goertzen and his staff to visit with the Council. Councilman Beasley seconded the motion which carried by unanimous roll call vote. 1054

APPROVED:

Albert Isen

Mayor of the City of Torrance

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

Edith Shaffer
Minute Secretary

25.

Council Minutes
January 7, 1964