

I N D E XCity Council - November 12, 1968 - 8:00 P.M.

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Adjourned at 10:40 P.M.

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November 12, 1968

MINUTES OF A REGULAR MEETING
OF THE TORRANCE CITY COUNCIL

OPENING CEREMONIES:

1. CALL TO ORDER:

A regular meeting of the Torrance City Council was held on Tuesday, November 12, 1968, at 8:00 P.M. in the Council Chambers of City Hall.

2. ROLL CALL:

Responding to roll call by City Clerk Coil were: Councilmen Beasley, Johnson, Miller, Sciarrotta, Uerkwitz, Wilson, and Mayor Isen. Absent: None.

Also present: City Manager Ferraro, Deputy Attorney Smith, City Treasurer Rupert, and City Clerk Coil.

3. FLAG SALUTE:

At Mayor Isen's request, Mr. Marvin Anderson, Torrance Bus Department, led in the salute to the flag.

4. INVOCATION:

In the absence of Reverend Tierney, Mr. Bert Richardson, Sunday School Superintendent, South Bay Church of God, opened the meeting with an invocation.

STANDARD MOTIONS:

5. APPROVAL OF MINUTES:

November 8th minutes not yet available.

6. APPROVAL OF DEMANDS:

Councilman Beasley moved that all properly audited demands be paid. His motion was seconded by Councilman Uerkwitz, and carried as follows:

AYES: COUNCILMEN: Beasley, Johnson, Miller, Sciarrotta,
Uerkwitz, Wilson, and Mayor Isen.
NOES: COUNCILMEN: None.

7. MOTION TO WAIVE FURTHER READING:

Councilman Uerkwitz 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, seconded by Councilman Wilson, was unanimously approved by roll call vote.

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An enlightening explanation of Council procedure was given by Mayor Isen to those in attendance at a Council meeting for the first time.

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PRESENTATIONS:

Following a film presentation of her unusual ice skating talents, Miss Jennie Walsh was presented a permaplaque by Mayor Isen who conveyed the appreciation of the Council in her fine representation of the City in award winning ice skating competition.

A further permaplaque recipient was Mr. Ronald Moran, with the gratitude of the Council for the seventeen acres of land donated to the City for park purposes with Mr. Moran's fine assistance.

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NON-CONTROVERSIAL ITEMS:

(Item #9 considered separately.)

8. CLAIM of Rosemary Dyste for bodily injury allegedly sustained September 27, 1968 at Sea Aire Golf Course. Recommendation of City Clerk that said claim be denied and referred to the City Attorney.
10. Recommendation of Building and Safety Director that Earl Heitschmidt and Associates prepare "as built" plans of existing mechanical system for a cost not to exceed \$1,500. Such cost to be added to the existing contract with Earl Heitschmidt and Associates.

Councilman Sciarrotta moved to concur with recommendations on Items #8 and #10. His motion was seconded by Councilman Miller, and roll call vote was unanimously favorable.

9. Memo from City Attorney re: Area north of Redevelopment Project.

Mayor Isen referred to page 2 of the subject memo wherein it states "We do not know the solution to this problem, and recommend a Committee of the Council be appointed...", it being his recommendation that this matter first be reviewed by the Planning Commission, etc. rather than the Council Committee route. The Council was in agreement.

MOTION: Councilman Johnson moved to refer the subject memo to the Planning Commission, Planning Department, Administration, and Staff for recommendation. His motion was seconded by Councilman Sciarrotta; there were no objections, and it was so ordered.

PLANNING AND ZONING HEARINGS:

(The following two items were considered together inasmuch as they pertain to the same property, with Item #15 considered first.)

11. APPEAL OF CUP 68-18, WALTER G. POLLEI ("THE HUT")
Appeal of CUP 68-18 to allow the on-premise sale of beer at 3703 West 190th Street. Denied by Planning Commission on September 18, 1968.

Affidavit of Publication presented by City Clerk, and ordered filed.

15. VARIANCE 68-5, WALTER G. POLLEI.
Variance to the provisions of the R-3 zone to allow a commercial use in an R-3 zone on property located at 3703 West 190th Street. The Planning Commission recommends approval with conditions.

Planning Director Shartle outlined the background history and the unique circumstances surrounding the subject property.

Representing the proponent, Attorney J. Bulmash stated that this matter is being appealed because of mistreatment by the Planning Commission and other members of the City organization which has resulted in rank arbitrary discrimination against his client. Mr. Bulmash first disputed the contention that a conditional use permit and variance is required for this property -- what they have is a non-conforming use, the subject property having been used for a certain purpose prior to the passage of a zoning law, and has been a beer bar for 15 years. Mr. Bulmash added that he also represents Hamilton Thrift and Loan which holds a security interest on the fixtures and equipment on the premises. By not allowing this premise to operate, Mr. Bulmash continued, the City, in effect, is telling Mr. Pollei and Hamilton Thrift that they are out of business, whatever money invested is gone; this basically being condemnation without payment of monies.

Excerpts from the Planning Commission minutes on this matter were then read by Mr. Bulmash, with particular exception being taken to the remarks of Chairman Halstead. Further, concerns of the Planning Commission relative to noise, traffic, etc. -- these are factors considered by the Alcoholic Beverage Control Board before a license is granted, and the ABC has found no problem whatsoever in that regard in the subject case. In conclusion, Mr. Bulmash stated that his client has been given the "run around", first requesting a conditional use permit, then a variance, hearings, resulting in such restrictive conditions (widening the street, for example) that it is clearly harassment, pointing out that there is a service station at this location, along with a liquor store and cafe. Further, the City has consistently issued business licenses to the subject premises for 15 years -- reiterating that, in his opinion, this is condemnation without due process of law and they appeal to the City Council to right the wrongs that have been committed.

Mr. William A. Schultz, an attorney residing at 5218 Calle de Arboles, volunteered the information that he opened a real estate office in 1958 on the subject property, and that he will unequivocally state that the beer bar was licensed by ABC and operating as a tavern and maintained with the full knowledge of the City of Torrance. Mayor Isen interrupted at this point to note that the Council has no way of knowing whether a business is legally or illegally operating when reviewing another matter (in this case, a signing request for the stores at this location in 1958) and they would proceed on the assumption that everything was legal.

Next to speak was Mr. William H. Largent, 18832 Felbar Avenue, who is opposed to the granting of the conditional use permit as well as the reopening of "The Hut". A survey of the neighborhood reveals that 3% want "The Hut" reopened; 22% were neutral; and 75% signed a petition objecting to the granting of the conditional use permit --

a total of 79 signatures. Particular objections voiced by the residents were that children would have to pass by "The Hut" which is near the sidewalk when going to the neighborhood grocery store, police surveillance has been required at times to suppress unruly conduct; the area is predominately single family residences and the proposed use is in conflict with this environment; some 90% of the residents interviewed stated that they didnot nor intend to patronize "The Hut", consequently the patrons would be mostly transients with a potential influx of undesirable persons. It was further noted by Mr. Largent that there are several available taverns located off the periphery of the neighborhood; the subject property would be a potential hangout for peddlers of various drugs detrimental to the morale of neighborhood youth; the building is in poor condition, with most of the windows broken, and the surrounding grounds are covered with weeds and debris. While the conditions of the variance require that the subject property be renovated, Mr. Largent concluded, there is no assurance that it would not revert to the present condition, and serious consideration should be given to the data presented in making a determination on this matter.

There being no one else who wished to be heard on this matter, Councilman Sciarrotta moved that the hearing be closed. His motion was seconded by Councilman Uerkwitz, and there were no objections.

MOTION: Councilman Sciarrotta moved to concur with the recommendation of the Planning Department in the DENIAL of V 68-5. His motion was seconded by Councilman Beasley.

Prior to roll call vote, discussion ensued. Mayor Isen reported on his on-the-scene viewing of the subject property, and that the arguments presented by the proponent's counsel has insulted the intelligence of the Council -- photographs of the site were displayed by Mayor Isen to support the fact of the state of deterioration of the property -- further, the construction is of a cardboard variety which is kicked out all through the building, with debris everywhere and a rubbish heap of huge proportion. To talk about rehabilitation of this building for any purpose, Mayor Isen continued, is ridiculous; he is, in fact, surprised that this building has not been condemned as structurally unsafe and razed. Further, if any location were wrong for this type of purpose, this is it, with residential property immediately adjacent; the argument that there was a beer bar there, the fact is, and the records so indicate, that it was bootlegged in, and no rights are gained by long use of something illegal.

Councilman Miller stated that his objections have nothing to do with the building, but the fact that the adjoining residential property makes it a completely inappropriate location for a beer bar; were there no building he would still be opposed.

Added by Councilman Johnson was his feeling that it must have been known by the owners that they were operating in an illegal manner, and ^{he} cannot understand their presuming to continue to do so, with this knowledge now at hand. Mr. Johnson added that the City's policing methods are better now than in earlier years; that it was illegal then as now; it would not be so zoned now, and he would oppose the request on the basis that it is not a good use for that area.

Commissioner Uerkwitz directed his comments to Mr. Bulmash stating that Mr. Bulmash would probably be the first to strenuously object to a Planning Commission, or anyone else who would not give you their honest opinion; that furnished by Chairman Halstead was on the basis that that was the way he felt, with no animosity toward this particular project. Councilman Uerkwitz personally commended Mr. Halstead for taking the stand that he will tell you what he thinks, which is certainly preferable to denial without making the reason clear. Councilman Uerkwitz is in agreement that this is not the place for the beer bar, regardless of the building, acknowledging that something must be done with the existing building.

It was the recommendation of Councilman Beasley that the Building Superintendent proceed to see that the building is either taken down or dispensed with in some manner -- it represents a fire trap -- and the fact that there has been some 16 owners over the past few years does not indicate that it has been a profitable business.

Roll call vote on Councilman Sciarrotta's motion to DENY V 68-5 was unanimously favorable, "yes" being for denial.

MOTION: Councilman Uerkwitz moved to concur with the Planning Commission to DENY CUP 68-18. His motion was seconded by Councilman Johnson, and roll call vote was unanimously favorable, "yes" being for DENIAL.

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At 8:55 P.M. Councilman Sciarrotta moved to recess as City Council, reconvening as Redevelopment Agency, followed a 10-minute general recess at 8:56 P.M.

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12. APPEAL OF CUP 68-38, ROBERT E. AND CAROL A. DALY.
Appeal of CUP 68-38 to allow the operation of the "Open Hearth" as a cocktail lounge with a general liquor license at 23863 Hawthorne Boulevard. Denied by the Planning Commission October 16, 1968.

Mayor Isen announced that this is a public hearing.

Representing the proponents was Mr. William Schultz, attorney at 1926 South Pacific Coast Highway, Redondo Beach, who recited the history of Hawthorne Boulevard and the "Open Hearth" and its fine reputation -- this particular case is a matter of a premise opened in March, 1956 and has now been purchased by a former Torrance police officer who wishes to dispense with the serving of food. Mr. Schultz advised the State of California some years back began to review the food requirement for bars, and it was learned that there is a climate within the bars wherein substandard food was being used to comply. The State, after lengthy hearings, reclassified the right to do business as an alcoholic beverage establishment minus food.

Mayor Isen interrupted at this point to comment on the repeated references to "Council policy not to permit general liquor sales unless in conjunction with a bona-fide eating establishment".

Mayor Isen then stated that there has never been such a Council policy, each case is considered on its merit. Mayor Isen further elaborated on the law which does not permit a minor on the premises where liquor only is sold. In regard to a Council policy, as above referred to, no such policy could be recalled by the senior members of the Council.

Mr. Schultz resumed his presentation, stating that the subject location on Hawthorne Boulevard is strictly commercial -- further, the curbs and the parking will be brought up to standard, and there will be compliance with the Planning Department requirements.

Councilman Beasley commented on the original need for a restaurant arrangement at the "Open Hearth" with food-serving places few and far between -- the picture has changed considerably, what with some 15 restaurants nearby and the keen competition could serve to reduce the quality of the food. Mr. Beasley then would be in disagreement with the Planning Commission.

An objection of the granting of the request was voiced by Councilman Uerkwitz, primarily based on the back-up material wherein three different Planning Commissioners indicated that it was the policy of the City and the policy of the Planning Commission not to approve the serving of alcoholic beverages without food -- now it appears that this is not a Council policy, and he would, therefore, remove his objection to the request.

There being no one else who wished to be heard, Councilman Johnson moved that the hearing be closed. His motion was seconded by Councilman Sciarrotta, and there were no objections.

At Councilman Wilson's question, Mr. Schultz advised that there are approximately 30 places in the Torrance area that do not require food and, accordingly, cannot have minors on the premises. Also pointed out was Mr. Daly's successful operation of "The Joker" at 190th and Western for the past three years on a general license which does not serve food.

MOTION: Councilman Uerkwitz moved to concur with the recommendations of the Planning Department in approval of CUP 68-38, subject to all conditions. His motion was seconded by Councilman Johnson, and carried by roll call vote as follows:

AYES: COUNCILMEN: Beasley, Johnson, Miller, Sciarrotta,
Uerkwitz, and Mayor Isen.

NOES: COUNCILMEN: Wilson.

The likelihood of a challenge by the Alcoholic Beverage Control Board in the approval of conditional use permits with conditions pertaining to the serving of alcoholic beverages with or without food was noted by Mayor Isen, this being a matter where the City has been preempted by the State, to his way of thinking. City Manager Ferraro advised that a meeting has been scheduled within the next few days with ABC in an attempt at clarification of this situation.

13. APPEAL OF CUP 68-36, PACIFIC OUTDOOR ADVERTISING COMPANY.
 Appeal of CUP 68-36 to allow the construction and maintenance of a billboard on the Atchison, Topeka and Santa Fe right-of-way approximately 55 feet westerly of the center line of Crenshaw Blvd., and 150 feet northerly of Del Amo Boulevard. Denied by Planning Commission October 2, 1968.

Affidavit of publication was presented by the City Clerk, and ordered filed.

Mr. Jim Sample, representing Pacific Outdoor Advertising Company, was present to reiterate their desire to construct a billboard at the subject location -- the zoning is correct, the height limit has been met as has the spacing of the billboard -- Mr. Sample also described the ineffectiveness of a planter at this site.

At Councilman Beasley's question as to whether such a billboard would be in the right-of-way of Del Amo Blvd., Director of Public Works Nollac advised that it would not. Mr. Nollac further advised that the proposed billboard would be 5 ft. from the future property line of Crenshaw Boulevard, Crenshaw being 50 ft. wide on that side of the street, and that a project is scheduled for next Fall which will improve that side of Crenshaw from Del Amo to 190th and will include remodelling of the crossing signals at the Aluminum spur and the requested location may conflict with that; further, the curb line will be 8 ft. from property line which will mean the sign is 13 ft. from the travelled roadway which is pretty close. Mr. Sample agreed to appropriately relocate the billboard, if necessary.

Mayor Isen voiced his dislike of billboards in general, and suggested that there be some rearrangement of billboards to eliminate some of the more objectionable ones; to approve the subject request will open the door to a flurry of billboard requests for Crenshaw Boulevard.

It was noted by Councilman Miller that he would agree with Planning Commissioner Armstrong that this is probably the proper place for a billboard in view of the industrially developed area; further, each case should be considered on its own merits, rather than on individual sentiments pertaining to billboards.

Councilman Uerkwitz concurred with Councilman Miller that each case should be reviewed on its merit; he could not see a great deal of harm in placing this particular billboard on this site, ruling on the next request at the time it is presented.

It was the recommendation of Traffic Engineer Horkay that this matter be deferred until the widening of Crenshaw is accomplished and the train signals are updated.

Councilman Sciarrotta agreed that the location was an appropriate one for a billboard, in industrial zoning, with further control in that the proponent must come in for a permit to rejuvenate some existing signs and the possibility of eliminating some of the signs.

There being no one else who wished to be heard, Councilman Sciarrotta moved that the hearing be closed. His motion was seconded by Councilman Beasley, and there were no objections.

MOTION: Councilman Miller moved for the approval of CUP 68-36, subject to all Staff conditions, whatever they may be, the intent being one of cooperation but absolutely free of hazard in connection with the railroad crossing. The motion was seconded by Councilman Uerkwitz, and carried as follows:

AYES: COUNCILMEN: Beasley, Johnson, Miller, Sciarrotta,
Uerkwitz, and Wilson.
NOES: COUNCILMEN: Mayor Isen.

Mr. Sample requested clarification of the above action. Councilman Miller advised that his motion for approval includes the Planning Department conditions, along with an evaluation by Mr. Noll and Traffic Engineer in terms of safety, the new alignment of the street, and landscaping; should the conditions prove unworkable then there would be recourse to the Council.

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The hour being 10:00 P.M. a 10-minute recess was ordered by Mayor Isen.

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14. ZONE CHANGE 68-25, TORRANCE PLANNING COMMISSION.

Change of Zone from A-1 and M-2 to P-U on publicly owned property known as the Torrance Civic Center. The Planning Commission recommends approval.

Affidavit of Publication was presented by City Clerk Coil, and was ordered filed.

Mayor Isen announced that this was a public hearing for anyone who wished to speak; there was no response.

Councilman Sciarrotta moved that the hearing be closed. His motion was seconded by Councilman Beasley, and there were no objections.

MOTION: Councilman Uerkwitz moved to concur with the recommendation of the Planning Commission. His motion was seconded by Councilman Miller, and roll call vote was unanimously favorable.

15. VARIANCE 68-5, WALTER G. POLLEI.

Heard earlier in the meeting.

STREETS AND SIDEWALKS:

16. RESOLUTION authorizing agreement for right-of-way acquisition services between Alfred Berest and the City.

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

RESOLUTION NO. 68-260

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST THAT CERTAIN AGREEMENT FOR RIGHT-OF-WAY ACQUISITION SERVICES BETWEEN ALFRED BEREST AND THE CITY.

Councilman Johnson moved for the adoption of Resolution No. 68-260. His motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable.

AIRPORT MATTERS:

17. Airport Commission and Airport Manager submitting their recommendation re: Gratuitous Agreement between the City and the Government for installation of a Rotating Beam Ceilometer at the Airport.
RESOLUTION authorizing said agreement.

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

RESOLUTION NO. 68-261

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE AND ATTEST THAT CERTAIN GRATUITOUS AGREEMENT BETWEEN THE UNITED STATES OF AMERICA, DEPARTMENT OF COMMERCE ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION AND THE CITY OF TORRANCE DATED JULY 1, 1968.

Councilman Miller moved for the adoption of Resolution No. 68-261. His motion was seconded by Councilman Uerkwitz, and roll call vote was unanimously favorable.

18. Airport Commission, ANTS and Airport Manager submitting their recommendation re: request for sub-tenancy Torrance Avionics on South Bay Aviation (Aero-Car) leasehold.

Councilman Beasley moved to concur with the recommendation for approval. His motion was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable.

19. Airport Commission and Airport Manager submitting recommendation re: request for approval of Aviation Upward subtenancy on the S & W leasehold.

Councilman Beasley moved to concur with the recommendation of the Airport Manager for approval, subject to conditions. His motion was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable.

TRAFFIC AND LIGHTING:

20. Resolution authorizing the City Traffic Engineer to prepare the necessary engineering documents for the establishment of Citywide Street Lighting Assessment District No. 15.

Withdrawn.

ITEMS NOT OTHERWISE CLASSIFIED:

21. Charter Review Committee indicates intent to make its final proposal for modification of the Charter no later than March 1, 1968, and requests authorization to engage legal consultant.

As a point of personal privilege, Mayor Isen requested that this matter be deferred until the meeting of November 19th as he has several suggestions that he wishes to prepare in proper form. Councilman Beasley moved to concur with the Mayor's request, and his motion was seconded by Councilman Uerkwitz.

Mr. Larry Bowman, present on this matter, expressed no objections, on Councilman Miller's question.

Councilman Beasley's motion was unanimously approved.

PROCLAMATIONS:

22. PROCLAMATION - DANNY THOMAS TEENAGERS MARCH - MONTH OF NOVEMBER, 1968.

Mayor Isen so proclaimed.

23. Signalization of the intersection of Bluff and Hawthorne.

Held for November 19th meeting.

24. Approval of Change Order No. 1 - Improvement of the intersection of Hawthorne Boulevard and Bluff Street.

Held for November 19th meeting.

ORAL COMMUNICATIONS:

25. City Manager Ferraro introduced Senior Librarian Lois Borman, a key aide in the operation of the libraries, now in the employ of the City.

26. Director of Public Works Nollac announced that trash collection will be one day late this week due to the Veterans Day holiday.

27. Further announced by Mr. Nollac was the fact that a suit against the City in connection with flooding at Rolling Hills Plaza had been dropped. This reminded Mayor Isen of a previous request, with Council concurrence, that the City Attorney furnish the Council in private letter the disposition of each and every law suit against the City --

information has been furnished on pending matters, but of equal interest are the results. Councilman Beasley added that more communication between the department heads and Council on the status of the various projects would be helpful as well, a one line report type of thing would be adequate and would serve to keep the Council informed.

28. Councilman Uerkwitz presented his recommendation for a fountain at the Civic Center which will represent a joint citizens participation project; the desire at this time being to design it simultaneously with the building, with the design to result from civic participation headed by a competent committee. Such a project has the endorsement of the Chamber of Commerce, it being agreed, if endorsed by the Council, that they will take over the responsibility of coordinating the financing aspects. Director of Building and Safety McKinnon related the details to date on such a project, which would be related to a commercial swimming pool.

It was the comment of Mayor Isen that such a fountain is a beautiful idea which the Council should endorse in principle, with half of the funds coming from special subscription by interested persons in Torrance, as well as industry. It has been one of his pet ambitions, Mayor Isen added, to someday, somehow, get a popular subscription for the erection of a statue of Jared Sydney Torrance somewhere on the Civic Center.

Councilman Uerkwitz then MOVED that the Council endorse the concept of the Civic Center sculptured water fountain, on the basis of a 50/50 city/community sharing operation, authorizing the pursuance along the lines outlined. His motion was seconded by Councilman Johnson.

A SUBSTITUTE MOTION was offered by Councilman Sciarrotta that this matter be referred to a Council Committee with Councilman Uerkwitz as chairman. The motion was seconded by Councilman Beasley.

Further discussion ensued; the above two motions were withdrawn, it being agreed that Staff report back the cost of such a project, the architectural fees, plus the maintenance cost.

29. Mayor Isen reminded the Council of the Ministerial Breakfast to be held on Wednesday, November 13th, at 7:30 A.M.

The meeting was regularly adjourned at 10:40 P.M.

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

Ava Cripe
Minute Secretary

11.

Council Minutes
November 12, 1968

APPROVED:

