

I N D E XCity Council - February 10, 1970

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Ava Cripe
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Adjourned at 10:05 P.M.

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Ava Cripe
Minute Secretary

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MINUTES OF A REGULAR MEETING
OF THE TORRANCE CITY COUNCIL

The Torrance City Council convened as a Committee of the Whole at 6:30 P.M. for informal consideration of Rubbish Problems, with a presentation by Mr. Les Haug, Los Angeles County Sanitation District.

Mr. Haug provided a most informative report on the present status and procedures with landfill operations and sites, with particular reference to the Palos Verdes site, and the future outlook as well, it being noted that Torrance has some three years remaining with its present arrangement.

Agenda item #21 - Rubbish Disposal Report with recommendation from City Manager's office for Landfill Dump Site - was noted by Mayor Isen; it was the Mayor's recommendation that this reported be referred to Mr. Haug and his staff for critical analysis, with a report back to this Council in due course. Mr. Haug indicated that this would be satisfactory.

OPENING CEREMONIES:

1. CALL TO ORDER:

The Torrance City Council convened in a regular meeting on Tuesday, February 10, 1970, at 7:10 P.M. in the Council Chambers at Torrance 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, Assistant City Manager Scharfman, City Attorney Remelmeyer, City Clerk Coil, and City Treasurer Rupert.

3. FLAG SALUTE:

Congratulations were extended to newly appointed Police Chief Don Nash, and, at the request of Mayor Isen, Chief Nash led in the salute to the flag.

4. INVOCATION:

Reverend Lloyd Newlin, First Baptist Church, gave the invocation for the meeting.

STANDARD MOTIONS:

5. APPROVAL OF MINUTES:

Councilman Sciarrotta moved that the minutes of the regular meeting of January 27, 1970 be approved as recorded.

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His motion was seconded by Councilman Wilson, and there were no objections.

6. APPROVAL OF DEMANDS:

Councilman Beasley moved that all properly audited demands be paid. His motion, seconded by Councilman Johnson, 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 was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable.

8. COUNCIL COMMITTEE MEETINGS - Noted.

* * * * *

Considered at this time:

SANITATION MATTERS:

21. Rubbish Disposal Report with recommendation from City Manager's office for Landfill Dump Site.

Mayor Isen advised those now in attendance of the earlier presentation by Mr. Les Haug, Los Angeles County Sanitation District, and the discussion at that time of Item #21.

MOTION: Mayor Isen moved that Item #21 be considered at this time, and that it be referred to Mr. Haug for study and recommendation. The motion was seconded by Councilman Uerkwitz, and there were no objections.

The gratitude of the Council, and the City itself, was expressed by Mayor Isen to Mr. Haug for his valuable presentation on this matter. At Mr. Haug's suggestion, Mayor Isen agreed to formally request such study at the Board meeting on February 11th.

* * * * *

An informative explanation of Council procedure was given by Mayor Isen for those at a Council meeting for the first time; specifically requested by Mayor Isen was that any distracting noise be brought to his attention should he be unaware of same.

* * * * *

COMMENDATIONS:

9. RESOLUTION NO. 70-28 commending the Torrance Rotary Club for its activities in the field of narcotics education.

At the request of Mayor Isen, City Clerk Coil assigned a number

and read title to:

RESOLUTION NO. 70-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE COMMENDING THE TORRANCE ROTARY CLUB FOR ITS ACTIVITIES IN THE FIELD OF NARCOTICS EDUCATION.

Councilman Uerkwitz moved for the adoption of Resolution No. 70-28, to be permaplaqued. His motion was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable.

10. RESOLUTION congratulating the South High School Cross-Country Team on winning the United States Track and Field Federation Western Regional Championships held at Occidental College - December 7, 1969.

Councilman Miller expanded on the outstanding accomplishments of this team, and asked that Coach Dick Scully introduce the team at this time. Introduced as well was Mr. Bill Daily who played a large role in the success of this team.

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

RESOLUTION NO. 70-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE CONGRATULATING THE SOUTH HIGH SCHOOL CROSS-COUNTRY TEAM ON WINNING THE UNITED STATES TRACK AND FIELD FEDERATION WESTERN REGIONAL CHAMPIONSHIPS HELD AT OCCIDENTAL COLLEGE.

MOTION: Councilman Miller moved for the adoption of Resolution No. 70-29, to be permaplaqued. His motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable.

PRESENTATIONS:

11. Award of Permaplaques to Bob Flora and Ruben Ordaz for their contribution to the success of the Pueblo Fiesta.

The presentation of these permaplaques to Mr. Flora and Mr. Ordaz was made by Councilman Wilson, with appropriate congratulations.

PROCLAMATIONS:

12. "EARLY CHILDHOOD EDUCATION WEEK" - March 1 through March 7, 1970.
12A. "HEART SUNDAY" - February 15, 1970.

So proclaimed by Mayor Isen.

NONCONTROVERSIAL ITEMS:

(Item #14 considered separately).

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13. EXPENDITURES OVER \$300:RECOMMENDATION OF FINANCE DIRECTOR:

That Council approve the following purchases:

A. BUDGETED:

1. \$346.31 to Shanks Hardware and Industrial Supply for 300 - 2½" brass bolts and nuts as requested by the Water Department for stock as needed.
2. \$656.25 to Southern California Rapid Transit District for 25 "used" Johnson "D" electric fare boxes as requested by the Bus Department as a replacement item.
3. \$532.98 to Southern California Trophy Company for 105 service award pins as requested by the Personnel Department to be awarded for longevity to respective City employees.

B. REIMBURSABLE:

4. \$2468.48 to Martin Hannum Company for 217 ounces of sterling silver and 88½ ounces of casting gold as requested by the Recreation Department for use in their jewelry classes. The City is reimbursed for this expenditure through funds which are paid directly by class participants.

C. SPECIAL ITEMS:

5. \$362.25 to New York Times for film reviews 1913-1968 on microfilm.
 6. \$1863.52 to Campbell & Hall, c/o Harry R. Wilson, for 247 adult and 20 juvenile books.
15. CLAIM of E. Melilli for property damages. Recommendation of City Clerk that said claim be denied and referred to City Attorney.

MOTION: Councilman Sciarrotta moved to concur with agenda items #13 and #15 as recommended. His motion was seconded by Councilman Wilson, and carried as follows:

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

NOES: COUNCILMEN: None.

14. Letter from Mr. Donald C. Beall, owner of The Raintree, protesting all funds paid under Tipplers Tax.

RECOMMENDATION OF CITY CLERK:

That said claim be denied and referred to the City Attorney.

Mayor Isen directed the specific attention of the City Attorney to subject letter and the statement: "Don-Ray, Inc. absorbed this tax itself and did not directly or indirectly charge its customers. This is an unfair and unconstitutional tax. The total amount paid to the City of Torrance for the third and fourth quarters of 1969 is in the sum of \$5,669.00. Don-Ray, Inc. request the total amount be repaid immediately."

It was the recollection of Mayor Isen that the manner in which the ordinance is drawn, as with other cities, that it is a direct tax on the consumer, and whether or not the proprietor raises the price, it is passed on to them. City Attorney Remelmeyer confirmed the correctness of this, adding that it must be thus, otherwise it would not be constitutional inasmuch as the retailer cannot be taxed, only the customer can be taxed.

MOTION: Mayor Isen moved to deny the claim, and that the City Attorney be instructed to answer the letter and preserve the rights of the City and the consumers who pay this tax; advising The Raintree that they absorb nothing. The motion was seconded by Councilman Uerkwitz, and there were no objections.

* * * *

Taken at this time:

37. OIL STORAGE TANKS.

The Oil Committee Progress Report was elaborated on by City Attorney Remelmeyer -- it being noted that the appropriate ordinance would not necessarily be presented at this time, but rather the contemplated procedure would be outlined, which has been done in the report. Mr. Remelmeyer added that the Oil Committee will discuss at its next meeting how to deal with a revised Ordinance B; great progress has been made, and it may not be necessary to pass an Ordinance B to solve the oil well problems.

Credit for the research by Mrs. Arnold Johnson was acknowledged by Mayor Isen, and the conflicting evidence that has resulted was noted. Mayor Isen then invited those wishing to speak to do so at this time:

Mr. George Kurtz, 2211 Torrance Boulevard, referred to the "1-to-1 ratio" developed at the committee meetings, and stated that this came about as a result of discussions with the Fire Department and Mr. Jim Hill, hired by the petroleum people to work with the Fire Department, with reference to proposals on the foam fire protection -- an example of the oil men themselves coming up with a solution.

Fire Chief Lucas, at Councilman Miller's question, advised that the 1-to-1 ratio would result in only 5 unbuildable lots, adding that there will still be 14 improved lots too close to tanks, even with the 1-to-1.

Representing SETHA, Mr. Al Overholtzer, 2044 West 235th Place, stated, in respect to the Committee report, they have only one position -- it appears highly doubtful that it will serve other than a time-delaying tactic; a petition containing 299 signatures was presented, urging that the Council enact SETHA REVISED ORD.2028 (Ord. B) to provide for the relocation or removal of all storage tanks in the City which violate Section 15.202 of the Uniform Fire Code.

Section 2 (b) and the reference to the "Uniform Fire Code, 1961 Edition" was noted by Mayor Isen, who suggested that it should correctly state "1967 Edition". Mr. Overholtzer responded that it

was deemed appropriate for the Council to so amend, if this be the case.

The manner in which to proceed was discussed -- first reading of the ordinance, with necessary amendments before the second reading, etc. City Attorney Remelmeyer reiterated his opinion that while he is not opposed to the idea, his whole purpose in requesting that a committee be formed was to insure sufficient criteria: this criteria can be ascertained in perhaps two weeks to determine the dates that the tanks must go, bearing in mind that these tanks are not immediate hazards to life or property. -- were it so, under the Fire Code they will be moved, and no ordinance is needed for this purpose.

Continuing, City Attorney Remelmeyer stated that it is necessary to find some sensible time limit for the tanks, with some manner of classification, so that it would not appear a figure had simply been picked out of a hat -- it can be assumed that the courts would require justification/such time figures, and it is imperative that he be guided by legal principles, rather than emotions.

It was the comment of Mayor Isen that this Council, with all the public hearings on this matter, has gone on record as supporting all attempts to abate, etc. -- it was his suggestion that the Committee Report be approved, with Ordinance B being returned in two weeks (coincidentally SETHA Night at Council) after the City Attorney has had proper time to arrive at the date, per his remarks above -- in the meantime, the City Attorney has stated that he can go ahead and abate under the other sections of the ordinance, which is the first affirmative action of this type. There was considerable vocal objection from the audience. Councilman Sciarrotta also voiced his objections to further delay for these residents. Councilman Uerkwitz was in agreement that the two weeks delay would aid the City Attorney; he would agree that the maximum delay has been achieved, and that that deadline be set for the needed information.

Councilman Johnson stated that there has been a great deal done in moving forward on this whole matter, and recommended that the Council proceed under the City Attorney's advice, with further conferences between him and the Committee to arrive at something equitable to all.

It was the recommendation of Councilman Beasley that the date of January 1, 1972 be inserted in the ordinance, and at its second reading, if necessary, the date could be amended. (Much applause).

Councilman Miller stated that he feels the concern of the people is that they do not wish to be put off any longer -- apparently there is agreement that the ordinance be adopted, with only the date in question -- why not establish the date, per Councilman Beasley's suggestion, with the City Attorney free to come back to argue that date, if necessary, rather than the two weeks delay. (More applause).

MOTION: Councilman Miller moved to adopt the subject ordinance, with a date of January 1, 1972 for Section 2, Item (d). The motion was seconded by Councilman Sciarrotta.

Discussion followed on the 1972 date; it being the consensus that 1971 would be preferable. Councilman Miller AMENDED HIS MOTION to indicate a date of January 1, 1971, which met with the approval of Councilman Sciarrotta who had seconded the motion.

Prior to vote on the motion, Mayor Isen pointed out that the Council started this matter on its own motion before anybody was around -- it having been the Mayor's pleasure to suggest that a

homeowners group be started, to back the Council up in what it was trying to do because of a lack of homeowner interest -- it is desired that the environment be cleaned up and the Council has made every effort to do so.

In answer to Councilman Wilson's question to the City Attorney regarding the constitutionality of the action just taken, Mr. Remelmeyer reoutlined the problems surrounding this legislation, agreeing that this is the right approach and that he has no quarrel with the idea, but reiterated his feeling that there is a need for further study.

Mayor Isen asked that there be further review with the City Attorney and the Committee in the intervening two weeks between the first reading at this meeting, if that is the ultimate action taken by the Council, and the second reading two weeks hence, with any improvements or changes presented at that time.

It was noted by Councilman Beasley that with the January 1, 1971 date in the ordinance, it would be possible to advertise and hold public hearings for the purpose of determining the cut-off date, and at that time the ordinance could be amended to reflect that date. City Attorney Remelmeyer requested that before the public hearing they be given the opportunity of coming up with some factors from a technical standpoint.

COUNCILMAN MILLER'S MOTION CARRIED, there being no objections.

Mr. Don Dailey, SETHA president, stated that his group has turned out in good faith at this meeting, expecting some type of positive action -- the Committee meetings have been held, as directed by the Council -- and the passage of Ordinance B is urged.

Next to speak was Mr. George Kurtz who particularly directed his remarks to the homeowners; he noted that excellent progress has been made, and expressed his regret at the emotional trend taking place -- the concerns of Mr. Remelmeyer are the concerns of Mr. Kurtz, and he would hesitate to have the homeowners held back in what they want to do, with the oil operator's cooperation, by taking a position that can only lead to going to court and extensive litigation. Mr. Kurtz then reviewed the valuable contributions made by Mr. Jim Hill in resolving this matter, as well as other meaningful findings of the Committee. Mr. Kurtz urged that there be further Committee meetings to review the problems, minus emotion, and avoid any possible mistakes.

Mr. Kurtz further commented that this is an area of new law, and it is imperative that criteria be established to permit orderly phasing out of any business.

The reference by Mr. Kurtz to possible lengthy litigation prompted Councilman Miller to question the likely merits of putting an inverse barrel tax on all oil pumped out in this area with that money contributed toward the Sur La Brea Park -- cooperation over the years with oil people apparently proving meaningless now.

Mayor Isen pointed out that there will not be any "steam-rolling"; there will be public hearings, Committee meetings, deliberations, etc. to proceed properly.

Speaking at this time, Mr. George Peckham, 1933 West 233rd Street, stated that it appears the independent producers have become the victims in this case -- it would be hoped that we are

living in a free country where a small businessman could support his family on his own initiative without undue harrassment from a misinformed pressure group. The negative attitude of the homeowners, Mr. Peckham continued, is not justified in fact; there are no sumps and all the wells and tanks are safely fenced; those that are not are in the process of removal. Continued harrassment will only cause harm and impede negotiations and compromises necessary to properly develop the subject area in which all have an interest, a large interest, in his case. In conclusion, Mr. Peckham stated that many businesses are caught in developing residential areas that can be moved, but petroleum is a natural resource which must be produced where it exists. Further, the homeowners group should be informed that there is a substantially greater ratio of non-oil-oriented properties in this City which are impeding what they call progress -- he does not oppose proper development of any of these improvements; he also expects respect for his right to earn a livelihood in this City.

Mrs. Genevieve Burchfield, 24017 Huber, recalled the early days in the formation of SETHA, and expressed the opinion that the attitudes have not changed one iota, the excuses are still the same -- Mrs. Burchfield reported on the progress made in that there are now fences in 80% of the area, green tanks, and that is about it; landscaping has not appeared anywhere, it still being fought in the courts. It was requested by Mrs. Burchfield that the rights of the homeowners be protected and Council support in this regard is requested and passage of the ordinance was urged.

Another early member of SETHA, Mrs. Sharon Allen reported on the inception of the organization, the apparent lack of planning for this area and the many problems confronted by the residents there -- specifically described by Mrs. Allen was the dangerous condition now in existence at one of Mr. Peckham's tanks which poses a threat to the safety of the children. Certain of the oil operators have no interest in being a good neighbor, according to Mrs. Allen, their attitude being "we were here first"; she joined in urging passage of the ordinance.

A West Torrance resident, Mr. Brian Gothier, stated that he is employed at La Romeria Park and reported a dangerous situation in an oil well adjacent to that park. It was requested that he review this particular matter with his superior, Director of Recreation Van Bellehem.

Mr. Mel Killingsworth spoke next, stating that he has several wells in the subject area, and referred to the recently published picture which indicates an unfenced well belonging to him -- he clarified that this well has not been fenced for the reason that he has been given permission to delay action because this site is going to be abandoned, and has been tied up in a real estate deal. Mr. Killingsworth outlined his various efforts to cooperate, and it is his feeling that the oil operators are trying to work with the City and the homeowners.

In view of the indication by the City Attorney that approval of the ordinance at this time would not put him in an untenable position in that any necessary amendments can be made, Councilman Uerkwitz can see no problem in approval of same -- it was further noted by Mr. Uerkwitz that there are documents with all the drawings, agreements, etc. between the City and the oil companies dating back some years ago in an attempt to solve this problem. All of the oil operators have had sufficient opportunity to bring their facilities up to date; that did not happen so now the Council is in the position

of having to say that action must be taken.

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

ORDINANCE NO. 2060

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 97.9.13 OF THE TORRANCE MUNICIPAL CODE TO PROVIDE FOR THE RELOCATION OR REMOVAL OF OIL STORAGE TANKS WHICH VIOLATE SECTION 15.202 OF THE UNIFORM FIRE CODE.

Councilman Johnson moved to waive further reading of Ordinance No. 2060. His motion was seconded by Councilman Beasley, and roll call vote was unanimously favorable.

MOTION: Councilman Miller moved for the approval of Ordinance No. 2060 at its first reading. His motion was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable.

37A. OIL COMMITTEE PROGRESS REPORT:

MOTION: Mayor Isen moved that the Oil Committee Progress Report be given an agenda number, and adopted in principle. The motion was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable.

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The hour being 8:15 P.M. a 10-minute recess was ordered by Mayor Isen.

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STREETS AND SIDEWALKS:

19. Letter from Southeast Torrance Homeowners Association regarding use of 1911 Assessment Act to improve that area.

RECOMMENDATION OF CITY MANAGER:

That the City Council authorize informational presentations regarding the 1911 Assessment Act in the Council Chambers. It is further recommended that, following an adequate number of such presentations, the postcard poll be conducted by the City as requested by SETHA.

MOTION: Councilman Uerkwitz moved to concur with the recommendation of the City Manager. His motion was seconded by Councilman Sciarrotta, and there were no objections.

PARK AND RECREATION:

30. Sur La Brea Park - SETHA request.

RECOMMENDATION OF CITY MANAGER:

Concurrent with the City Attorney's condemnation action, we recommend renegotiation with Landscape Architect Richard Gawne for a new contract to develop plans for the immediate development of 4 acres as a park and the ultimate development of 7½ acres at a later date, at a cost not to exceed an additional \$1,000.

It is also RECOMMENDED that specific appropriations for the initial development of Sur La Brea Park be deferred until the presentation of the pending capital improvement program.

It was the comment of Councilman Johnson that it would be his hope to go ahead now and design the whole park -- planting the available area, and putting in equipment that later can be utilized in subsequent phases.

Discussion followed, with Councilman Miller recommending earmarking of the Tipplers Tax for this park; the possible need for further review by the Park & Recreation Commission, and the following action resulted:

MOTION: Councilman Uerkwitz moved to concur with the above recommendation of the City Manager. The motion was seconded by Councilman Sciarrotta.

A SUBSTITUTE MOTION was offered by Councilman Johnson: To concur with the portion of the recommendation that relates to the planning of the total of 7½ acres, then refer the remaining portion as to development to the Park and Recreation Commission for scheduling. The motion died for lack of a second, following discussion pointing out that the matter will be pending until budget sessions in any event.

The main motion carried, there being no objections.

BUILDING, STRUCTURES AND SIGNS:

22. Communication regarding Sandy Knolls Residents Petition on 233rd Street between Arlington and Pennsylvania protesting oil well equipment storage building.

The lengthy negotiations in this matter were reviewed by Councilman Johnson, who noted that any cost of condemnation is going to have to be borne by the 232nd Street Opening District -- it is Mr. Johnson's further thought that inasmuch as Mr. Robinett at one time did consent to dedicate, (and then when the City decided to go along with Mr. Peckham on some kind of exchange, this prompted the withdrawal of that dedication,) and the fact that Mr. Robinett would have as much advantage in this street opening as anyone else, that he ought to come forward, as a good citizen, and dedicate and save all the trouble and expense of all this.

Responding, Mr. Dan Robinett, 2305 - 230th Street, confirmed that he had at one time indicated he would give the dedication -- extensive fencing had been done at that time as well, but subsequently an ordinance was passed requiring top rails, barbed wire, etc. Continuing, Mr. Robinett stated that at the time he agreed to the dedication, he had one stipulation that ^{was} never carried out -- he wanted a storage place because of the complaints about a tank he used for a warehouse. The small building on this property, according to Mr. Robinett, is one that he would like to have as a warehouse and it is such that it would be possible to cut down the big tank about which there have been complaints; his attitude, therefore, since everyone has given him all this trouble has been "fine, condemn it and buy it."

It was clarified by Building and Safety Director McKinnon that the subject building has only two possible uses: (1) if it is used for anything other than a dwelling, a variance first must be obtained through the various processes outlined in the City Code; and (2) if it is used for a dwelling, major rehabilitation of the building is necessary.

A further comment by Councilman Johnson was that he does not believe Mr. Robinett actually has anything to negotiate; a discussion with the City Attorney reveals that the Council has never really defined how the benefitting property owners along 232nd Street are going to be assessed -- i.e. what proportionate share will each property owner bear. Were this Council to adopt the idea in principle that each property owner who had dedicated would have contributed "x" number of dollars worth of land in real value to the District, each to be credited with the amount of land in terms of equivalent dollars to the District, the effect would be this, Mr. Johnson continued, if Mr. Robinett does not wish to dedicate, then the City would then condemn and the cost of condemnation would be borne for his portion by Mr. Robinett in addition to the fees involved -- Mr. Robinett would then in effect be buying back his own property, plus paying his pro-rated share of the court costs involved. Councilman Johnson reiterated that Mr. Robinett has no point of negotiation; that this concept be assigned, of giving credit for the land that has been dedicated by the benefitting property owners, and Mr. Robinett then ought to be in a position to either dedicate or be prepared to pay into the District.

Mayor Isen stated that Mr. Robinett would be required to do whatever the law requires. Noted by Councilman Beasley was the absence of recommendations from either the City Manager or the City Attorney on this agenda item, and it was his suggestion that this matter be referred back to them for their recommendation; he so MOVED.

Councilman Uerkwitz commented on the absence of any ceiling on the amount of money the City would spend to build this structure on someone else's property. Mayor Isen referred to the fact that what is proposed is to put in a non-conforming use there while trying to clean up the field, and giving them a building with a possible lifetime of 20 years; it would appear that insanity has set in. Councilman Uerkwitz added that the recommended structure is predicated on the fact that it would be cheaper than condemnation; it is not cheaper when you probe into the matter.

Councilman Beasley restated his above motion: That this be referred back to the City Manager and City Attorney for appropriate action. The motion was seconded by Councilman Wilson.

City Attorney Remelmeyer stated that his recommendation would be to go ahead and condemn the subject property. A SUBSTITUTE MOTION was made by Councilman Miller: That Council concur with the recommendation of the City Attorney, to go ahead and condemn the subject property. His motion was seconded by Councilman Sciarrotta.

Prior to roll call vote on the motion, Mr. Arnold Johnson spoke, stating that he lives next door to the subject property, and that there are several concerns: (1) the tank on Mr. Robinett's property is one of the tanks being investigated for possible removal; if so, there would be no further issue about a fence; and (2) this was an illegal lot split, per Mrs. Johnson's research.

Mr. Arthur Mortoys (?) stated that he has lived in the subject area for 50 years on the acre in question, adding that his is a legal lot split, and that the City has stated that a bond must be put up for sidewalk and curbs for the proposed 232nd Street, which he has done, and that three trees must be paid for, which likewise has been done -- also, the curbs and sidewalks on 233rd Street have been complied with as well -- it was learned that the City did not have blueprints or grades, but his money was not returned. Why were these requirements made of him, Mr. Mortoys questioned, and not Mr. Robinett, Sr.? He then outlined the transaction of Mr. Robinett whereby he acquired the subject property, but that he did not seek a lot split as did Mr. Mortoys; further, Mr. Robinett then moved an oil tank in for storage, now he wants money from the District to build his warehouse, whereas the other property owners have to dedicate the 27½ feet -- seems like monkey business to him.

Mayor Isen directed Planning Director Shartle, Building and Safety Director McKinnon, City Attorney Remelmeyer, and City Manager Ferraro to check into the matter of the lot split. It was the comment of City Attorney Remelmeyer at this time, without having investigated the statute of limitations aspect, that this could be set up in a condemnation trial, and if under the lot split, dedication is required, it could so be set up; it will, in any event, have his utmost attention.

Roll call vote on the SUBSTITUTE MOTION to condemn the subject property was unanimously favorable.

Mr. George Kurtz returned to comment that he had known Mr. Robinett, Sr. during his lifetime, and, with reference to certain statements made, he would caution the gentleman who spoke in what he terms a derogatory manner regarding the deceased.

Mrs. Arnold S. Johnson, 2277 West 233rd Street, referred to the petition submitted by her and her husband on January 20th asking for the abatement of the oil tank nuisance on Mr. Robinett's property adjacent to theirs -- included with that material was a copy of the deed of transfer of title of the easterly 110 ft. of Lot 4 of Tract 588; that deed was signed by Earl Robinett, Daniel B. Robinett, and a woman's name; so Mr. Daniel B. Robinett signed the instrument which transferred title to that piece of property.

Mayor Isen commented that the Council would await a ruling from the City Attorney.

* * * *

HEARINGS - PLANNING AND ZONING:

16. VARIANCE 69-4, RALPH'S INDUSTRIES AND SAV-ON DRUGS, INC.
Request for a variance to the off-street parking code requirements to construct a commercial complex on property located at the northwest corner of Pacific Coast Highway and Anza Avenue and described as a portion of Lot B, Rancho Los Palos Verdes. RECOMMENDED FOR DENIAL.

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

Mayor Isen announced that this is the time and place for the public hearing on V 69-4.

Representing the proponents, Mr. Ed Markson, 3410 West Third Street, Los Angeles, reviewed the chronology of this case, as well as the extended presentations before the Planning Commission. Mr. Markson reiterated the difficulties presented by the unusual shape of the property in providing for the parking stalls, and described their success at other market locations, with even less parking provided; Mr. Markson is convinced that the subject parcel of ground will support the volume estimates for this particular project with the parking that is proposed for it.

Questioned by Councilman Miller was the reason why the development was not designed to meet the Code, and what is the specific hardship that would warrant approval of the variance request? Mr. Markson responded that to meet the requirements would leave parcels of ground undevelopable that could be developed and economically made use of. Councilman Uerkwitz commented that that would indicate that the proponent could make more money the way it's designed, if the City does not force him to put in the proper parking. The Planning Commission, Mr. Uerkwitz continued, is perfectly justified in saying "where is the hardship?"; he specifically concurred in the comments of Commissioner Brewster relative to the variance criteria and the fact that the proponent started with a raw piece of land with a knowledge of the requirements.

It was further stated by Mr. Markson that they knew the law; the consideration here was on ground floor area -- on ground floor area they would certainly meet the qualifications of the City -- however, they did not recognize at the time the land was acquired and laid out that mezzanine area, which is purely employee-used, has to be considered in terms of square footage to meet the parking requirements in the City of Torrance. In the opinion of Councilman Beasley, this represented hardship. It was the suggestion of Mayor Isen that there should be review of the mezzanine requirements, with the thought of giving credit for such space, which is not traffic inducing, etc., the same as is done for rest rooms and closets. Councilman Uerkwitz remarked that maybe the proponent ought to find seven more spaces over in the far corner of the plan.

Councilman Wilson inquired if the Staff noted inadequate internal circulation problem had yet been resolved. Planning Director Shartle advised that this has substantially been satisfactorily resolved.

It was the comment of Mayor Isen that, in view of the investment represented, it could be assumed that Ralph's knows what they are doing, and are in a position to provide adequate circulation, etc. and know their business better than the Planning Department, the Planning Commission, or the City Council.

Councilman Johnson stated that, in his opinion, this is a prime location, and business will be plentiful, beyond their wildest imagination -- it is his feeling, however, that this is a new building, providing an opportunity to develop to Code, it being his feeling that the building could have been located more to the center of the property.

It was reaffirmed by Councilman Miller that a variance is to give relief in cases of hardship -- the hardship in this case was not there in the beginning; it was created after the plans were drawn with insufficient parking places.

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

MOTION: Councilman Uerkwitz moved to concur with the recommendation of the Planning Commission, DENIAL OF V 69-4. His motion was seconded by Councilman Sciarrotta, and carried as follows, "yes" being for denial:

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

PLANNING AND ZONING MATTERS:

17. ORDINANCE adding Section 91.2.70 to the Municipal Code providing for the definition of Hospital, and adding Article 38 to Chapter 1, Division 9, providing for the creation of a Hospital-Medical-Dental District (H-M-D) and providing regulations to govern the land uses for such district.

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

ORDINANCE NO. 2061

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING SECTION 91.2.70 TO ARTICLE 2, CHAPTER 1, DIVISION 9 OF THE TORRANCE MUNICIPAL CODE PROVIDING FOR THE DEFINITION OF HOSPITAL, AND; ADDING ARTICLE 38 TO CHAPTER 1, DIVISION 9 OF THE TORRANCE MUNICIPAL CODE PROVIDING FOR THE CREATION OF A HOSPITAL-MEDICAL-DENTAL DISTRICT (H-M-D) AND PROVIDING REGULATIONS TO GOVERN THE LAND USES FOR SUCH DISTRICT.

Councilman Wilson moved for the approval of Ordinance No. 2061 at its first reading. His motion was seconded by Councilman Uerkwitz, and roll call vote was unanimously favorable.

Planning Director Shartle confirmed, at Mayor Isen's question, that the Planning Commission will commence proceedings to place the Tormed, Torrance Hospital area under this zone, upon final adoption of the ordinance.

FISCAL MATTERS:

27. Letter from Mrs. Dorothy Fennimore requesting relief from high fees in connection with operating the Rolling Hills Bridge Center.

RECOMMENDATION OF CITY MANAGER:

That Mrs. Fennimore be given the requested relief (a license fee of \$35.00), and that, because she has operated for several years without any problems, no police investigation be required.

MOTION: Councilman Johnson moved to concur with the above recommendation of the City Manager. His motion was seconded by Councilman Beasley.

It was pointed out by City Attorney Remelmeyer, prior to roll call vote on the motion, that the fee is \$200 in the Code; if the subject request is granted, it would be his assumption that the Council wants the fee lowered to \$35.00, and an appropriate amendment to the ordinance. It was confirmed by the Council that it be so amended.

Further noted by City Attorney Remelmeyer was the \$100 fee when a card club wants to start business -- it was his suggestion that the ordinance be interpreted so that such \$100 fee for the investigation be charged only when the club initially comes into the city, and would not apply to any existing club.

Roll call vote on Councilman Johnson's motion was unanimously favorable.

* * * *

At 9:30 P.M. Councilman Sciarrotta moved to recess as City Council and reconvene as the Redevelopment Agency. His motion was seconded by Councilman Johnson, and there were no objections. The Council returned to its agenda at 9:32 P.M.

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STREETS AND SIDEWALKS:

18. Oral Communication from Cramer Realtors regarding access to Crenshaw Boulevard from south of 250th Street and east of Crenshaw Boulevard in the City of Lomita.

It was pointed out by Councilman Beasley that approximately five years ago then-City Engineer Nollac designated 250th Street

as the entrance street running into Lomita, and the subject request is located at that point -- there are two problems: one is the high pressure oil line which is run under a Standard Oil easement of 20 ft. in the front of the property, and (2) getting permission and the engineering design for that to be taken. If this is approved, Mr. Beasley continued, it should be made subject to a connection being made according to engineering standards and at no cost to the City.

It was pointed out that City of Lomita approval is based on getting access approval from the City of Torrance.

Airport Manager Egan commented that this is a very sensitive situation, and would be comparable to putting a convalescent home on Ward Street in the West Clear Zone area, and endless problems would be presented.

A representative from South Bay Engineering was present for the proponent to describe the proposed development.

It was suggested that this matter be referred to the Airport Commission, with the negative reaction of the Council, based on Mr. Egan's remarks, quite apparent.

MOTION: Mayor Isen moved to refer the subject request to the Airport Commission for recommendation, if the Cramer Realtor representative wants to pursue it any further. The motion was seconded by Councilman Sciarrotta, and there were no objections.

* * * *

At 9:35 P.M. Mayor Isen ordered a 10-minute recess.

* * * *

20. Improvement of Sepulveda Boulevard (south side) from Ladeene Avenue to 130 feet easterly (Informal Bid).

RECOMMENDATIONS OF CITY ENGINEER:

1. That the single bid be rejected; and
2. That City forces accomplish the work.

MOTION: Councilman Beasley moved to concur with the above recommendation of the City Engineer. His motion was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable.

23. Request for Council approval for award of demolition and site clearance contracts (Informal Bid).

RECOMMENDATION OF BUILDING AND SAFETY DIRECTOR:

That Council accept the low bid for each location, and reject all others.

MOTION: Councilman Johnson moved to concur with the above recommendation of the Building and Safety Director. His motion was seconded by Councilman Uerkwitz, and roll call vote was unanimously favorable.

REAL PROPERTY:

24. Robert Marks' request for approval permit for use of portion of property and office building (formerly V & W Trailer Sales) for sale of used cars.

AIRPORT MANAGER'S RECOMMENDATION:

That the permit to Robert L. Marks for use of certain property for sale of used cars as tendered herewith be approved.

MOTION: Councilman Johnson moved to concur with the recommendation of the Airport Manager. His motion was seconded by Councilman Beasley, and roll call vote was unanimously favorable.

25. City Manager letter recommending possible land exchange and appraisal of lot in connection with extension of 235th Street at Maple Avenue.

It was the suggestion of Mayor Isen that this item be referred back to the City Manager to determine the actual interest of Boise-Cascade prior to obtaining an appraisal. There were no objections.

TRAFFIC AND LIGHTING:

26. Recommendation to City Council to approve a signal and appropriate funds necessary for Engineering costs and the signal in the 1970-71 Budget for the corner of Plaza del Amo and Carson.

Councilman Beasley moved that the subject recommendation be referred to the Budget Sessions. The motion was seconded by Councilman Johnson, and there were no objections.

AIRPORT MATTERS:

28. RESOLUTION regarding Airport Operations Building Expansion Architectural Services.

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

RESOLUTION NO. 70-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST THAT CERTAIN AGREEMENT BETWEEN THE CITY AND WILSON-WATERMAN ARCHITECTS FOR ARCHITECTURAL SERVICES FOR PHASE I OF THE AIRPORT OPERATIONS BUILDING EXPANSION.

Councilman Johnson moved for the adoption of Resolution No. 70-30. His motion was seconded by Councilman Beasley, and roll call vote was unanimously favorable.

29. RESOLUTION regarding Supplemental Agreement No. 2 to the Nike Site Lease (release to City of 4.32 acres).

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

RESOLUTION NO. 70-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST SUPPLEMENTAL AGREEMENT NO. 2 TO LEASE #DA-04-353-ENG-4778.

Councilman Johnson moved for the adoption of Resolution No. 70-31. His motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable.

Congratulations on the above accomplishment were extended to City Treasurer Rupert, as well as to the Airport Staff, with particular credit to Bill Critchfield.

TRANSIT SYSTEM:

31. Oral Communication from Mrs. Celia Pons regarding Torrance Transit System.

Mayor Isen pointed out the complaint procedure, which had been clarified to Mrs. Pons by Assistant City Manager Scharfman this afternoon. The communication was ordered filed, and there were no objections.

COMMUNITY AFFAIRS:

32. Commission Vacancies Report resubmitted with recommendation from City Clerk that Council set a date for consideration of applications.

MOTION: Councilman Johnson moved that the Commission Vacancies Report be filed until after April 14th. His motion was seconded by Councilman Uerkwitz, and there were no objections.

ITEMS NOT OTHERWISE CLASSIFIED:

33. RESOLUTION regarding Air Pollution with a recommendation for adoption and report from the City Manager.

It was the suggestion of Mayor Isen that the words "and strictly" be added to the Resolution title and in paragraph 7, so that it will read: "the Air Pollution Control District to vigorously and strictly enforce laws....." The Mayor then MOVED that the Resolution be so amended; his motion was seconded by Councilman Sciarrotta, and there were no objections.

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

RESOLUTION NO. 70-32

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE REQUESTING THE AIR POLLUTION CONTROL DISTRICT TO VIGOROUSLY AND STRICTLY ENFORCE LAWS PROHIBITING AIR POLLUTION AND CONDUCT RESEARCH OF THE CONTROL OF OBNOXIOUS ODORS.

Councilman Wilson moved for the adoption of Resolution No. 70-32. His motion was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable.

It was the request of Councilman Uerkwitz that a copy of this resolution be sent to the South Bay Councilmen's Association.

34. RESOLUTION or record destruction (all records microfilmed) authorizing the City Clerk to destroy certain City records, pursuant to Sections 34090, 34090.5, and 34090.7 of the Government Code.

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

RESOLUTION NO. 70-33

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING AND DIRECTING THE CITY CLERK TO DESTROY CERTAIN CITY RECORDS AND DOCUMENTS PURSUANT TO THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

Councilman Sciarrotta moved for the adoption of Resolution No. 70-33. His motion was seconded by Councilman Uerkwitz, and roll call vote was unanimously favorable.

SECOND READING ORDINANCES:

35. ORDINANCE NO. 2057.

At the request of Mayor Isen, City Clerk Coil presented for its second reading:

ORDINANCE NO. 2057

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 61.6.1 OF THE TORRANCE MUNICIPAL CODE RELATING TO STOPPING, STANDING AND PARKING.

Councilman Uerkwitz moved for the adoption of Ordinance No. 2057 at its second and final reading. His motion was seconded by Councilman Johnson, and roll call vote was unanimously favorable.

36. ORDINANCE NO. 2058.

At the request of Mayor Isen, City Clerk Coil presented for its second reading:

ORDINANCE NO. 2058

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING DIVISION 9 OF THE TORRANCE MUNICIPAL CODE TO RECLASSIFY THAT CERTAIN PROPERTY WHICH IS LOCATED ON THE EAST SIDE OF CRENSHAW BOULEVARD SOUTH OF DALEMEAD STREET, AND DESCRIBED IN ZONE CHANGE CASE 69-26.
(Torrance Planning Commission)

Councilman Johnson moved for the adoption of Ordinance No. 2058 at its second and final reading:

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

ADDENDUM ITEM:

(INFORMATION ITEM B)

38. RESURFACING/RECONSTRUCTION OF ALLEYS - CABRILLO AND BORDER.

RECOMMENDATION OF CITY MANAGER:

That the matter of the alleys and all of the downtown alleys be referred to the Staff for consideration in the forthcoming Capital Improvement budget proposals.

MOTION: Mayor Isen moved to concur with the above recommendation of the City Manager. His motion was seconded by Councilman Johnson; there were no objections and it was so ordered.

It was the request of Mayor Isen that the interested parties be advised of the above action.

ORAL COMMUNICATIONS:

39. Councilman Beasley took this opportunity to compliment City Manager Ferraro on the manner in which he made the appointment for the Police Chief -- minus problems and very well done.

40. Necessary absence, due to company business in San Francisco, from the February 17th Council meeting was reported by Councilman Uerkwitz.

41. Mr. Clay Gillette, 2116 West 236th Place, spoke on behalf of the Babe Ruth League, reporting their need for a lawn and City assistance therefor on their field at Plaza del Amo (City property).

MOTION: Councilman Sciarrotta moved that the City furnish the necessary seed for the subject request, to preserve City property and prevention^{of} a nuisance by way of dust and pollution to the neighborhood. The motion was seconded by Councilman Beasley.

Prior to roll call vote on the motion, City Attorney Remelmeyer suggested that action be held for one week so that he might check out the request to ascertain the most legal manner of complying with the request. Councilman Uerkwitz was in favor of the one week delay, but the remainder of the Council felt the appropriate action had been taken.

The motion carried, with roll call vote as follows:

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

42. It was pointed out by Officer Phillip Joseph, Torrance Police Officers Association, that TPOA had contributed \$1000 to "Project Let's Stop Drugs", a fact omitted from Resolution No. 70-28 (agenda item #9).

The meeting was regularly adjourned at 10:05 P.M.

* * * *



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

APPROVED:



Mayor of the City of Torrance

Ava Cripe
Minute Secretary

21. Council Minutes
February 10, 1970