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Adjourned at 12:20 A.M.

* * * * *

Ava Cripe
Minute Secretary

ii.

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MINUTES OF A REGULAR MEETING
OF THE TORRANCE CITY COUNCIL

OPENING CEREMONIES:

1. CALL TO ORDER:

The Torrance City Council convened in a Regular Meeting on Tuesday, May 24, 1977, at 7:00 P.M. in the Council Chambers at Torrance City Hall.

2. ROLL CALL:

Present: Councilmembers Armstrong, Brewster, Brown, Geissert, Rossberg, Wilson and Mayor Miller. Absent: None.

Also present: City Manager Ferraro, Assistant City Manager Scharfman, City Attorney Remelmeyer, City Clerk Coil, and City Treasurer Rupert.

3. FLAG SALUTE:

Members of Cadette Girl Scout Troop #1260 led in the salute to the flag.

4. INVOCATION:

The invocation for the meeting was provided by Reverend Al Mace, First Baptist Church of Torrance.

STANDARD MOTIONS:

5. APPROVAL OF MINUTES:

Councilman Armstrong moved to approve the minutes of May 3, 1977 and May 10, 1977, as recorded. His motion was seconded by Councilman Brewster, and roll call vote was unanimously favorable.

(Note: The minutes of May 3, 1977, Item 18, Page 3 should be modified to state: "...reviewed the events surrounding the filling of the position for Civil Service Administrator minus any reference to a possible reorganization of the Civil Service office.....")

6. MOTION TO WAIVE FURTHER READING:

Councilman Wilson moved that after the City 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 Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilman Brewster, and roll call vote was unanimously favorable.

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7. COUNCIL COMMITTEES:

Park, Recreation and Community Development:

Joint meeting with School Board on May 25th at 4 P.M.

PRESENTATION:

8. KASHIWA STUDENT EXCHANGE PROGRAM.

Introduction of students who will visit Kashiwa in exchange program with Sister City was provided by Mrs. Miko Haggott and Mrs. Janice Williams.

PROCLAMATIONS:

- 9. FIRST CLASS GIRL SCOUT WEEK - May 23, 1977.
- 10. BURGLARY PREVENTION MONTH - June, 1977.
- 11. NATIONAL PUBLIC WORKS WEEK - May 22-May 28, 1977.

So proclaimed by Mayor Miller.

COMMUNITY AFFAIRS:

- 12. TORRANCE HISTORICAL SOCIETY re: Southern Pacific Depot and Post Avenue Library.

REQUEST OF TORRANCE HISTORICAL SOCIETY:

1. Southern Pacific Depot:

There has been correspondence between the Historical Society and Southern Pacific Railroad in regard to establishing the building as an official historical landmark. The reply from the company was negative.

The Historical Society requests that the Mayor, as the highest elected official of the City, affix his name and title to a letter to the Southern Pacific Railroad Company for reconsideration of the proposal.

2. Federal Funds for Museums - Post Avenue Library:

The Historical Society requests that this Honorable Body approve a feasibility study by the Historical Society as to submitting a Federal Grant for the establishment of Post Avenue Library as a museum for the City of Torrance.

The Historical Society would undertake the study and present the study to this Honorable Body within 45 days for consideration.

Mrs. Claire Crain, on behalf of the Historical Society, formally presented the above request. Slides of the subject sites were also provided.

MOTION: Councilman Armstrong moved to concur with the above stated request of the Torrance Historical Society. His motion, seconded by Councilman Wilson, was unanimously approved by roll call vote.

13. ORDINANCE re: Temporary Street Closures.

ORDINANCE NO. 2743

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 61.8.1 AND ADDING SECTION 61.6.30 TO CHAPTER 9 DIVISION 3 OF THE TORRANCE MUNICIPAL CODE ESTABLISHING A LICENSING PROCEDURE AND REGULATIONS FOR TEMPORARY STREET CLOSURES

Councilman Wilson moved for the approval of Ordinance No. 2743 at its first reading. His motion was seconded by Councilman Brown, and roll call vote was unanimously favorable.

PUBLIC WORKS:

14. AWARD OF CONTRACT - Retaining Wall north side of Via Valmonte south of Paseo de las Tortugas
Bid No. B77-20 - Job No. 75176.

RECOMMENDATION OF CITY ENGINEER:

That the contract be awarded to Kral, D.G. (JV) and the other bid be rejected.

MOTION: Councilman Wilson moved to concur with the above stated recommendation of the City Engineer. His motion was seconded by Councilman Rossberg, and carried, with roll call vote as follows:

AYES: COUNCILMEMBERS: Brown, Geissert, Rossberg,
Wilson.

NOES: COUNCILMEMBERS: Armstrong, Brewster; Mayor
Miller.

ENVIRONMENTAL MATTERS:

15. ORDINANCE amending Code to require a Conditional Use Permit for secondary oil recovery operations.

ORDINANCE NO. 2744

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING THE TORRANCE MUNICIPAL CODE TO REQUIRE A CONDITIONAL USE PERMIT FOR SECONDARY OIL RECOVERY OPERATIONS

Councilman Wilson moved for the approval of Ordinance No. 2744 at its first reading. His motion was seconded by Councilwoman Geissert.

Prior to roll call vote on the motion, comments from the audience were invited by Mayor Miller.

Mr. Peter Lacombe, representing Great Lakes Carbon Corporation and Chanslor-Western Oil and Development Company, requested that the date of June 1st in the ordinance be changed to July 1st to accommodate three oil well permits which have just been approved by the Oil Board. Staff indicated that there were no objections to this request.

** Mr. Lacombe then referred to the ordinance pertaining to Fence Test Requirements (agenda item #16), and noted that subsections l),c),d), and e) of Section 97.9.10 should appear as alternatives. Concurrence with Mr. Lacombe's suggestion was indicated by Building and Safety Director McKinnon who advised that the ordinance would be so revised when presented for its second reading.

Councilman Wilson thereupon restated his motion for the approval of Ordinance No. 2744 at its first reading, with a revised date of July 1, 1977 therein. The amended motion was seconded by Councilwoman Geissert, and carried, with roll call vote as follows:

AYES: COUNCILMEMBERS: Armstrong, Brewster, Geissert,
Rossberg, Wilson; Mayor Miller.
NOES: COUNCILMEMBERS: Brown. (See Item #29, Page 11)

16. ORDINANCE re: requirements for existing fences on oil well sites.

ORDINANCE NO. 2745

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 97.9.10 OF THE TORRANCE MUNICIPAL CODE WHICH REGULATES THE REQUIREMENTS FOR EXISTING FENCES ON OIL WELL SITES, AND ADDING TO SAID CODE SECTION 97.9.36 ESTABLISHING FENCE TEST REQUIREMENTS

**Concurrence with the above remarks by Mr. Lacombe regarding the subject ordinance was reaffirmed by Building and Safety Director McKinnon.

MOTION: Councilman Wilson moved for the approval of Ordinance No. 2745 at its first reading. His motion, seconded by Mayor Miller, was unanimously approved by roll call vote.

FISCAL MATTERS:

17. ORDINANCE re: Secret Service Fund Increase.

ORDINANCE NO. 2746

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING THE PROVISIONS OF SECTIONS 216.2.1 AND 216.2.6 OF THE TORRANCE MUNICIPAL CODE RELATING TO THE APPROPRIATION OF FUNDS AND MANNER OF DRAWING FUNDS

Councilwoman Geissert moved for the approval of Ordinance No. 2746 at its first reading. Her motion was seconded by Councilman Rossberg, and roll call vote was unanimously favorable.

18. REQUEST TO REDUCE LICENSE TAX FOR MAP VENDING MACHINES - Pacific Map Vending Company.

Staff presentation was provided by Finance Director Dundore.

Mr. Jack Nutter, Pacific Map Vending Company, was present to describe his map vending operation, license fees in other South Bay cities, and to protest the fee imposed by Torrance.

Council discussion ensued, and it was ultimately agreed that this matter be referred back to Staff for consideration of a classification for this business similar to a stamp machine which might result in a revised fee breakdown. Councilman Armstrong so MOVED; his motion was seconded by Councilman Rossberg, and roll call vote was unanimously favorable. It was the direction of the Council that, for the present, Mr. Nutter's license fees are to be at the current rate.

MANPOWER MATTERS:

19. RESOLUTION re: On-The-Job Training Programs.

RESOLUTION NO. 77-97

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST THOSE CERTAIN CONTRACTS FOR ON-THE-JOB TRAINING BY AND BETWEEN THE CITY OF TORRANCE AND SPACECRAFT MACHINE PRODUCTS, INC. AND EXCELLON INDUSTRIES, AUTOMATION DIVISION

Councilwoman Geissert moved for the adoption of Resolution No. 77-97. Her motion was seconded by Councilman Rossberg, and roll call vote was unanimously favorable.

LEGISLATIVE MATTERS:

20. LEGISLATIVE LIAISON COMMITTEE REPORT.

The Legislative Liaison Committee Report of May 6, 1977, of official record, was reviewed by Councilman Armstrong.

MOTION: Councilman Armstrong moved concurrence with the recommendations of the Legislative Liaison Committee; his motion was seconded by Councilman Brewster; roll call vote was unanimously favorable.

PERSONNEL MATTERS:

21. EXECUTIVE SESSION re: hours, wages and working conditions.

See Page 11.

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The hour being 8:05 P.M., the Council recessed and reconvened as the Redevelopment Agency. While so convened, Council/Agency deliberations incorporated the following Council/Agency agenda item:

PLANNING AND ZONING MATTERS:

22. A. Report from City Attorney re: Wright Major and Company and C.J. Carrese and Company (Don Jose Restaurant) with recommendations re: changes to Redevelopment Plan - RECOMMENDED FOR DENIAL by Redevelopment Staff, Planning Director and City Manager.
- B. Resubmittal of Planning Case CUP 76-101, Wright Major and Company and C.J. Carrese and Company (Don Jose Restaurant) with RECOMMENDATION FOR DENIAL by Planning Commission and Planning Department.

Staff presentations were provided by City Attorney Remelmeyer, Planning Associate Danielson, and Sr. Deputy Executive Director Scharfman.

Representing the proponent, Attorney Charles G. Schlegel generally reaffirmed his position, of record, that the restaurant use is a proper one, and noted past Staff considerations, the merits of the proposed restaurant, etc. In the opinion of Mr. Schlegel, "it is a superb location, and a permissible use", and approval was earnestly requested.

Agency/Council discussion ensued. Further clarification was provided by Special Counsel Jacobs. It was the ultimate consensus there be concurrence with Staff recommendations for DENIAL of the subject request.

Formal Agency/Council action is reflected below:

MOTION: Mr. Armstrong moved to DENY the subject application for an amendment to the development plan of Lot 8 to permit the construction and operation of a Don Jose Restaurant thereon. The motion was seconded by Mr. Rossberg, and roll call vote was unanimously favorable.

MOTION: Councilman Armstrong moved to DENY the subject application for a Conditional Use Permit to allow the development and use of said property for a Don Jose Restaurant. The motion was seconded by Councilman Rossberg, and roll call vote was unanimously favorable.

The Redevelopment Agency meeting was regularly adjourned at 8:44 P.M.

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23. EMERGENCY ORDINANCE establishing an R-H (Hillside Overlay) zone.

ORDINANCE NO. 2747

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING ARTICLE 41 TO CHAPTER 1 OF DIVISION 9 OF THE TORRANCE MUNICIPAL CODE ESTABLISHING AN R-H (HILLSIDE OVERLAY) ZONE AND AMENDING PORTIONS OF ARTICLE 4 OF CHAPTER 1 OF DIVISION 9 OF THE TORRANCE MUNICIPAL CODE AND DECLARING THE PRESENCE OF AN EMERGENCY

Councilwoman Geissert moved for the adoption of Emergency Ordinance No. 2747 at its first and only reading. The motion was seconded by Councilman Armstrong.

Representing the Riviera Homeowners Association, Mr. Tom Nosek indicated their support of the subject ordinance.

Building and Safety Director McKinnon noted the some 20 applications now being processed which could be affected by Ordinance No. 2747. It was the direction of the Council that these cases be "grandfathered in", based on the evaluation of Mr. McKinnon and Planning Staff -- should there be problems, they can be brought to the Council.

It was clarified by City Attorney Remelmeyer, at the request of Councilman Brown, that the "mandatory" guidelines are those which must be followed; "directory" means that Staff in passing on applications should consider these guidelines as the norm, but they may be departed from for any valid reason.

Roll call vote on the motion to adopt Emergency Ordinance No. 2747 was unanimously favorable.

HEARINGS - PLANNING:

24. PP 77-6, GENE AND DOROTHY DULEY.

The request of the proponents to continue this matter to the June 14th Council meeting was noted.

MOTION: Councilman Armstrong moved to concur with the subject request. The motion was seconded by Councilwoman Geissert, and roll call vote was unanimously favorable.

Considered by the Council, out of order, at this time:

APPEALS - OTHER THAN PLANNING:

26. COUNCIL APPEAL OF ENVIRONMENTAL QUALITY COMMISSION APPROVAL OF OIL SITE LANDSCAPING PLAN - (Shasta Pan Oil Company) St. Francis #2 Well Site.

It was the request of Councilman Wilson that this item be referred to the Ad Hoc Oil Committee; concurrence was indicated

by interested parties present in the audience. Councilman Rossberg so MOVED; the motion was seconded by Councilman Armstrong, and approval was unanimous.

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HEARINGS - PLANNING:

25. CUP 77-28, Southwest Association for Retarded Children, Inc. Appeal of Planning Commission action on a Conditional Use Permit filed to allow the use of a single-family dwelling located at 2719 El Dorado Street as a group home for six developmentally disabled adults with house parents. PLANNING COMMISSION MOTION FOR APPROVAL FAILED TO CARRY BY WAY OF A TIE VOTE.

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

Mayor Miller announced that this was the time and place for the subject hearing.

At the request of the Mayor, City Attorney Remelmeyer elaborated on the May 23, 1977 communication of Deputy City Attorney Quale (of official record) which stated, in part, that "...the State has preempted the field almost totally and the Council must grant the permit as applied for." It was the stated opinion of the City Attorney that, in the case of the subject application, that the Council does not have discretion to grant or to deny CUP 77-28; the Council is mandated by the Legislature to grant a Conditional Use Permit for this use in that it falls within the purview of Section 5116 of the Welfare and Institutions Code. It was further stated by Mr. Remelmeyer that the Council may impose conditions which are, in effect, the same as those put on other group care houses.

In view of the foregoing, Mayor Miller acknowledged the role of the Council at this time -- Council discussion was directed to the unfortunate delay in receiving this pertinent information, and to the appropriate manner of procedure.

Comments from the audience were entertained by Mayor Miller.

Mr. Donald L. Yeager, president, Southwest Association for Retarded Children, Inc., stated that he found it appalling that the Council had not been informed in this matter, and deemed it a terrible injustice to their project to have further time consuming delays.

Mr. Yeager then indicated that they were desirous of making a film presentation, if practical, and indicated a desire to confer with his staff in this regard. Mayor Miller thereupon ordered a 5-minute recess for this purpose, the hour being 9:25 P.M.

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On resumption of the meeting, Mr. Yeager advised that they would not show the film in the interest of expediting this meeting. Mr. Yeager then indicated his understanding, based on the remarks

of City Attorney Remelmeyer, that they shall proceed with the house (now in escrow) with Planning Commission discussion re: desired conditions. Mr. Yeager then described the areas of responsibilities of the Association, insurance coverage, the type of people to be housed at this facility, the need for such residences in the City of Torrance, etc.

Speaking in support of the subject use were: Mr. Burns Vick, House Counsel, California Association for the Retarded, Sacramento, who reaffirmed the fact that State legislation preempts local ordinances, and reviewed the varied considerations in the operation of this program; Ms. Ruth Vogel, president-elect, League of Women Voters, (prepared statement of official record); Mr. Frank Ruiz, 2808 West 156th Street; Mr. Tom Prox, 20004 Mansell Avenue; Dr. Charles James, Executive Director, Harbor Regional Center for the Developmentally Disabled; Ms. Rosalind Carsten, 2810 Artesia Boulevard, Redondo Beach, State Department of Health; Dr. Robert Tushon, Executive Director, Exceptional Children's Foundation; Ms. Dorothy Setledge, 3309 Opal Street; Ms. Patricia Amis, 3428 Del Amo (communication of record); Ms. Susan Dissento, Southwest Association for Retarded Children, who also provided communications of approval from Mayor Russ and Councilman Cox of Gardena; Miss Helen Madison, Manhattan Beach; Mr. Joe Dissento, 29055 Maple Park Drive, Rancho Palos Verdes; and Mrs. Maide Blake, secretary, Southwest Association for Retarded Children.

Opposition was voiced by the following speakers: Mr. Ed Greene, Madrona Homeowners Association; Mr. Andrew Collett, 2715 El Dorado; Mr. Robert Thompson, 1155 Cranbrook Avenue; and Mr. Manley Wood, 1220 Hickory.

Mr. Ken Kumasawa, 1645 Greenwood Avenue, provided pertinent information pertaining to licensing and regulation of this type of facility.

Council discussion ensued. There was reiteration of the City Attorney's finding in this matter, and the absence of any course other than the establishment of appropriate conditions in an expeditious manner.

A series of MOTIONS evolved, and they are reflected below:

** MOTION: Councilman Brown moved that the matter of conditions for CUP 77-28 be referred to the Planning Commission, and that the matter of the long term plan for such projects be referred to Staff for review and recommendation, with the entire matter ultimately resolved at the Planning Commission or upon appeal back to the City Council. The motion was seconded by Councilman Rossberg.

** A SUBSTITUTE MOTION was offered by Councilman Armstrong: That CUP 77-28 be granted, subject to Planning Department recommendations. The substitute motion was seconded by Councilwoman Geissert.

**(Withdrawn--See Page 10.)

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Council discussion resumed -- noted concerns were the fact that this project is a "first"; the importance of the conditions to be imposed; the time element; the appropriate manner of procedure; etc.

In view of the foregoing discussion, the earlier stated MOTION and SUBSTITUTE MOTION were withdrawn, and new action was entertained by Mayor Miller.

MOTION: Councilwoman Geissert moved that the Council instruct the Planning Staff to work with the City Attorney and return to Council within two weeks (June 7th, a 5:30 meeting) with a list of reasonable conditions for approval of CUP 77-28. The motion was seconded by Councilman Armstrong.

Councilman Rossberg expressed his strong feeling that there should be Planning Commission review -- a statement concurred in by Councilmembers Brown, Wilson and Mayor Miller.

In response to the Mayor's question pertaining to the time factor, Mr. William Beyhaur (?), attorney for the Southwest Association for Retarded Children, stated that time is critical in view of pending grants, and noted that they have followed every required procedure and that all necessary information is at hand to permit Council approval in the two week period.

City Attorney Remelmeyer reaffirmed the need for sufficient time to do a creditable job in this matter.

A SUBSTITUTE MOTION was offered by Councilman Wilson: That Staff recommendations re: CUP 77-28 be forwarded to the Planning Commission expeditiously for a workshop session, public hearings or whatever is necessary -- to be returned to the Council no later than July 5, 1977, a 5:30 meeting. The motion was seconded by Mayor Miller, and carried, with roll call vote as follows:

AYES: COUNCILMEMBERS: Brown, Rossberg, Wilson;
Mayor Miller.

NOES: COUNCILMEMBERS: Armstrong, Brewster, Geissert.

Further action was taken as follows:

MOTION: Councilman Brown moved that Council instruct Staff to proceed expeditiously in terms of the long range planning -- included within that is the overall issue of land use planning, as well as the establishment of a group within City government designated by the City Manager to handle these types of requests when they come in in order to deal with applicants in an early stage with a view towards ironing out problems which may exist. The motion was seconded by Councilman Rossberg. There were no objections, and it was so ordered.

* * * * *

ROUTINE MATTERS:

27. RELEASE OF SUBDIVISION BONDS - TRACT NO. 32149
 Subdivider: Total Concepts Corporation.
 Bonding Co.: Covenant Mutual Insurance Company

<u>TYPE BOND</u>	<u>BOND NO.</u>	<u>AMOUNT</u>
Performance	002262	\$ 216,000
Payment	002262	108,000
Inspection	002264	6,300

RECOMMENDATION OF CITY ENGINEER:
 That subject bonds be released.

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

ORAL COMMUNICATIONS:

28. Councilman Armstrong commended Captain Lanham and all responsible for an outstanding Armed Forces Day Parade.

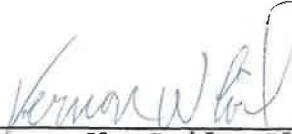
29. Councilman Brown referred to his negative vote on Item #15 - Ordinance re: Conditional Use Permit requirement for secondary oil recovery operations - and advised that it was based on the date change, not against the ordinance which otherwise is very good.

30. Councilman Rossberg extended congratulations to Ms. Ruth Vogel, new president of the League of Women Voters, and commended Ms. Pat Tyrrell, outgoing president, on an outstanding job.

EXECUTIVE SESSION (Item #21):

The Council recessed for an Executive Session to consider hours, wages and working conditions, the hour being 12:00 midnight.

At 12:20 A.M., the Council returned for formal adjournment.



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

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APPROVED:



 Mayor of the City of Torrance

Ava Cripe
 Minute Secretary

11.

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