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Torrance, California
January 30, 1946

MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE CITY COUNCIL
OF THE CITY OF TORRANCE

The City Council of the City of Torrance convened in an Adjourned Regular Meeting in the Council Chamber, City Hall, Torrance, California, on Wednesday, January 30, 1946 at 8:00 P.M.

Clerk Bartlett advised that, in the absence of Mayor Tolson, it will be necessary to appoint someone to act as Mayor Pro-tem.

Councilman Powell moved that Councilman Cucci be appointed as Mayor Pro-tem for this meeting. Councilman Gilbert seconded the motion, which was carried.

Clerk Bartlett called the roll, those answering present being: Councilmen: Cucci, Gilbert and Powell. Absent: Councilmen: Hitchcock and Tolson.

Being an adjourned meeting, the regular order of business was dispensed with.

Mayor Pro-tem Cucci stated that the meeting had been called to discuss the water situation in North Torrance, and the suit now pending to adjudicate the water rights of the West Basin. He advised that Mr. Wright, Attorney representing the City of Torrance and others in this suit, is present and prepared to answer questions which might be asked of him in connection with the suit; whereupon Mayor Pro-tem Cucci opened the meeting for discussion.

Mr. Nick Drale of 3317 West 171st Street, suggested that Mr. Wright give a resume of the case to date, narration of which would acquaint the people with the facts of the case, after which they would undoubtedly have questions to ask relative to various phases of the suit.

Mr. Wright began by stating that the action has been started by the City of Torrance, the California Water Service Company, and others, for the purpose of having adjudicated the rights of all persons using water, or who claim to have rights to the water, of the West Basin. He said that necessity for the adjudication became apparent from the report of Mr. Poland of the United States Geological Survey, who was employed by several communities for the purpose of ascertaining whether or not there was any danger to the water supply, and as a result of those studies and the studies made by the Division of Water Resources, it became quite apparent that there was an overdraft upon the Basin of at least 50% and probably 60%. He said the overdraft was such that, if the pumping at the present rate continued for some ten or fifteen years, there would be salt in all the water. The fact became obvious that there would have to be some reduction in pumping and there would have to be some supplementary source of water supply. He pointed out that the City of Torrance, being a member of the Metropolitan Water System, has no worries regarding a supplemental supply, the primary problem being ways and means of distributing the water among those who need it.

The water suit, he continued, is for the purpose of adjudicating the rights of everyone concerned, and commented that the court is not being asked to do anything for one party to the suit that it is not being asked to do for every party to same. He said that all those persons who have been served with summons, and those who will be served, are, so far as can be ascertained, those parties who have pumped water within the past five years. Those who have not pumped in the past five years are assumed to have no claim to water from the West Basin.

Relative to the ten days within which to file answers, according to the summons, Mr. Wright stated that all parties concerned will have until March 1, 1946 to file their answers, as no defaults will be taken until that date. However, he said, if an answer is not filed, the court will naturally determine that the party or parties who fail to do so have no claim to the water and those parties will lose their rights to the water.

He suggested that, as a means of lightening the burden so far as attorney's fees are concerned, the people jointly employ one attorney to file their answers for the group and divide the cost of the fees. However, he said, this is only a suggestion, but it is a method which has been employed elsewhere in suits of this nature and has worked out quite satisfactorily.

Mr. Drale asked why all the summons had not been served at the same time, Mr. Wright replying that the physical situation makes this impossible. He pointed out that the process server is covering a wide territory, and, failing to find the party one time, has no alternative except to return at another time to serve the summons, in the meantime, going on to addresses of other parties to be served, which also includes cities other than Torrance.

Mayor Pro-tem Cucci asked whether or not all the users of water from the West Basin would eventually be served with summons, Mr. Wright's reply being in the affirmative. He added that there may be some parties to the suit who have been included inadvertently, referring particularly to those who have not pumped water within the past five years, in which event, he said, the case will be dismissed against them.

Mr. Patterson of 17318 Yukon Avenue asked how "they" can continue to pump water from the Basin and expect to continue to do so when the present users cannot pump it because of the fact that constant pumping will eventually bring in salt water. Mr. Wright replied that this suit is specifically for the purpose of adjudicating the rights of all present users, which will afford protection to all by dividing the supply so that each present user will get his proportionate share of the available water, based on the amount he has need for, assuring all users of a continued supply, rather than allow the present scale of pumping to continue and deplete the supply rapidly, bringing in salt water in ten or fifteen years, making it impossible for anyone to have water from that source.

Councilman Powell suggested that the various parties concerned employ an attorney jointly to represent them in this action for reasons of economy, whereupon Mr. Drale asked why the City Attorney could not represent the people in this case. Mr. Wright replied that the City cannot pay for a private law suit.

Mrs. Lela Gonner asked whether or not the Moneta Water Company could buy water from the Metropolitan Water System. Mr. Wright said the company could not do so directly. However, he said, according to the Metropolitan Water District Act, the City could contract with the Moneta Water Company and make the company a distributing agency of Metropolitan water, but that the Moneta Water Company would be faced with the problem of means of getting the water out of the Metropolitan system and to the people who need it. He said that, from information he has, it would appear to him that the safest method for everyone concerned would be the organization of a distribution system in North Torrance to serve the district with Metropolitan water, but that solution of this problem rests entirely with the people of North Torrance and the City Council.

Mrs. Gonner replied, "we asked them (referring to Moneta Water Company) to come in with us, but, if the Council has told them they can make them distributors of Metropolitan water, then it is understood why they don't come into our district out there."

Mrs. Gonner then asked whether or not the fact that the Moneta Water Company is a mutual company would have any bearing on whether or not the company could be made a distributing agency by the City. Mr. Wright replied that he was not certain about this point, and advised that this phase of the water situation will have to be worked out with the City Council.

Mrs. Gonner inquired whether or not the other municipal water systems could also be made distributors of Metropolitan water, Mr. Wright replying that this would be a matter between the water companies and the City Council.

Mrs. Gonner replied that the question of Moneta Water Company becoming a member of the proposed new district, and the question of extending the system to take in General Petroleum Corporation property are the two obstacles which have interrupted formation of the district. She said that the people who will be consumers of water of the new district are most anxious for the matter to be brought to a conclusion.

Mayor Pro-tem Cucci advised the assemblage that he had assured Mr. Wright that it would not be necessary for him to answer questions regarding the formation of the new water district in North Torrance, as he was requested to attend the meeting for the explicit and sole purpose of furnishing information relative to the water suit to adjudicate the rights of users of water from the West Basin.

As for Moneta Water Company acting as a distributor of Metropolitan Water, he said, the Metropolitan District Act requires that a distributor distribute water only within the district boundary, and, since Moneta Water Company serves Gardena and portions of Los Angeles County, he said he doubted the feasibility of the company ever being made a distributor.

Mrs. Gonner said, "we want you to know tonight that we have withdrawn our request for ninety days extension". (She referred to a request made formerly that ninety days from November 27, 1945 be granted to enable the people to assemble more data in connection with the proposed formation of a water district in North Torrance.)

Mr. P. J. Wittstrom, 4228 Redondo Beach Boulevard, asked whether or not, in connection with Mr. Wright's statement that no action will be taken against anyone until March 1, 1946, any additional legal notices should be had by the parties concerned to verify this fact. Mr. Wright replied that he would assure the people, on his word given here tonight, that no action will be taken against anyone, i.e., no defaults will be taken against anyone, until March 1, 1946 for failure to file their answers, even though the summons they received specify that answers must be filed within ten days.

Mayor Pro-tem Cucci advised that he had received from the West Basin Conservation Group a document including the Articles which the group intended to bring up for passage at a meeting scheduled for January 14, 1946. He asked Mr. Wright whether or not this meeting had been held, and whether the Articles had been adopted in full, Mr. Wright's reply being in the affirmative for both questions. He added that, probably because the City of Torrance already has a supplemental source of water, the group had not sent any further notice of meetings, assuming that the City would not wish to become a member of the group and pay the subsequent membership fees, etc., since the function of the group is to work on the supplemental water problem.

Mr. Drale called attention to the fact that the City Council had, he said, voted tax money for the City's participation in the water adjudication suit. Mayor Pro-tem Cucci replied that this is an erroneous belief, as the money which will be used in this action is actually Municipal Water District No. 1 funds, and not general tax money. He said the Council had authorized Municipal Water District No. 1 to become a party to the suit to protect the District's water rights, since water is pumped from the West Basin by said district.

Mr. Wright elaborated on this statement, stating that, whether a person or organization is a party defendant, or a party plaintiff in this suit, they have equal rights so far as the court is concerned, and that, by participating in the suit, Municipal Water District No. 1, being a user of water from the West Basin, is merely seeking to protect its interests the same as each person named as a party to the suit will seek to protect his rights, and, in so doing, an outlay of funds is to be expected.

Mr. Drale asked whether or not, in the event the North Torrance people are successful in forming a distribution system and bringing Metropolitan water to the people, the present users would be prohibited from any further pumping of water, through their own wells, from the West Basin.

Mr. Wright replied, "No, you will still be allowed to pump your fair share."

Mr. Drale said he had heard of an instance where wells had been capped. Mr. Wright replied that no one has this authority; that the only power anyone has is to limit the supply. He said that, whatever the courts determine to be a person's fair share of water, he can continue to pump and take, regardless of whether or not Metropolitan Water becomes available to the person. He mentioned that the water from the West Basin can be used in the regular manner by the consumer until his proportionate share is used, which, he said, is comparatively cheap water, after which the person would then have to switch to the use of the more expensive Metropolitan water.

Mayor Pro-tem Cucci asked whether or not the people would be prohibited from drilling new wells. Mr. Wright replied in the negative, adding, however, that the person so doing would not be allowed additional water, but only his proportionate share as determined by the courts, regardless of how many wells he may have. He said that this adjudication will result in an injunction against anyone taking more than his fair share. He again pointed out that this is not a suit against any one person, or group or groups of people, but is simply a method of dividing the available supply among the present users in as equitable and fair a manner as is known of, and is a protection to all users, assuring them of a continued supply of water, rather than letting everyone use any amount of water, "willy-nilly", bringing the water level lower and lower, and, inevitably, and within a few years, bringing in salt water to the distress of all users who would then lose that source of supply.

Mayor Pro-tem Cucci asked what method will be used to determine the amount of water each consumer has been pumping. Mr. Wright replied that this will be done through meter records and power bills, and that, also, a study will be made of the water being used by the consumers by the Division of Water Resources. He said that

the crops being raised will be noted, and that the Division will know how much water certain crops raised in certain soil, and under certain conditions, etc., require, and the water will be allotted accordingly.

Mayor Pro-tem Cucci asked what would happen if a default were taken against a party to the suit. Mr. Wright replied that the Courts would simply determine that the party had no rights and would take an injunction against the party from pumping any water.

Councilman Powell stated that this is not an unusual procedure, as the water rights have had to be adjudicated for various streams and rivers throughout the country, adding that it is the only legal and fair method by which a supply of water can be divided proportionately among those people dependent upon it for their water needs.

Someone in the audience asked whether or not, through this suit, the Moneta Water Company will be limited in the amount of water the company can pump from the West Basin the same as the individual will be limited.

Mr. Wright replied emphatically that it does, and added that it limits the City of Torrance and all those parties to the suit, whether they be party defendants or party plaintiffs. He named a large number of cities and water companies which will be allowed only their proportionate share of water, using what they have been pumping as a percentage for dividing the available supply in the West Basin.

Mrs. L. A. Mann asked whether or not, in the course of events in the future, Moneta Water Company should ever want to come into the new water district in North Torrance, assuming that the company would be excluded at the time of formation of the new district, the Moneta Water Company would be required to pay a proportionate share of the distribution system.

Councilman Powell said he would say they would have to pay their fair share of the system. Mr. Wright said this is a matter of "fairness" which could be brought before the City Council.

Engineer Jain pointed out that the Metropolitan Water District does not favor the mixing of Metropolitan Water with any other water in the mains.

Someone in the audience said that, "there is some chance of the wells being capped. What steps has the City taken to protect its residents in North Torrance?"

Mayor Pro-tem Cucci replied, "You can see by the response here of the Council as to what they are doing about it." He went on to say that he had done a great deal of research in connection with the North Torrance water situation and assembled a great deal of data and statistics in connection therewith. He said that the matter of the suit to adjudicate the water rights of the West Basin has no particular bearing on the condition in North Torrance, as it has long been a recognized need, advising that he has reports of surveys made several times over the past eight or nine years. He had these various reports and documents with him at the Council table and referred to the, reading portions thereof. He said that it is generally understood that action must be taken immediately to correct the condition.

Councilman Gilbert stated that, in connection with the question of what the Council has done to protect its North Torrance residents, a sum of money was set aside for a survey of the situation in North Torrance by the Engineering firm of Taylor and Taylor, and that a report was subsequently rendered by that firm, but that there is still another report which the Council is waiting for at this time. As to what the delay is on this report, he said, he does not know. However, he said, the entire Council is genuinely interested in seeing that a good distribution system is constructed to furnish North Torrance people with the much needed water. He said it is

hoped that the system decided upon will be the best and serve the district's present, as well as future, water needs. He said the entire Council is as interested in the formation of an adequate water system for North Torrance as it was in the same question a short time ago for the community of WALTERIA.

Mayor Pro-tem Cucci said, in referring to Municipal Water District No. 2, which designates the proposed North Torrance water system, he includes all that territory north of the present municipal water system, comprising some three thousand three hundred acres. In order to simplify the procedure, he said he thought Moneta Water Company should be excluded at this time, which he referred to as A & I District No. 124, comprising some 95 acres, since that company serves consumers outside the City of Torrance, and because of this fact, it would involve legal entanglements to include them.

He said that, according to a report from Taylor and Taylor, an adequate water system for North Torrance would cost approximately \$180,000.00. In order to make it possible to form the district, he said, it will be necessary to include General Petroleum Corporation property, as the tax value of all the land exclusive of General Petroleum Corporation and Moneta Water Company property would not be great enough to sponsor a distribution system large enough to serve the community needs. If the General Petroleum Corporation property is excluded, he said, the project will probably have to be abandoned for lack of funds. However, if the property is included, he continued, comprising some one thousand acres, or one-third of the land north of the present municipal water system, with its property tax valuation of approximately \$110,000.00, there would be a total figure of something like \$262,000.00 for a water system, which would provide a system to take care of all present and future needs. He said further that, even though General Petroleum Corporation has Metropolitan Water through a connection made recently on Crenshaw Boulevard, which he said, had been political maneuvering, this does not mean they can retain that same status if a subsequent Council should see fit to revoke the permit to have the connection nor does it mean that they are excluded, because of this fact, from the new district. He added, "I don't know exactly what the rest of the Council intend to do about it, but I have studied it enough to know that it isn't possible to do it without including General Petroleum."

Councilman Powell asked Councilman Cucci if he meant he didn't know what the Council intended to do about the boundaries, Councilman Cucci replying that he thought the Council has the right to designate the boundaries.

Mrs. L. A. Mann asked whether or not, although the map as originally drawn of the proposed system, shows a main or mains being laid in a field, the proper city officials could have those mains laid, instead, down a street which is populated, such as 171st Street or Hickman Street. Mayor Pro-tem Cucci replied that it is naturally the thought that the mains will be laid to serve the people who need it now, and that no mains will be laid through the areas not at the present time being used.

Mrs. Mann asked that, since there is a quorum of the Council present, action be taken in connection with the North Torrance water situation tonight.

Someone in the audience asked what would happen if, through the adjudication suit and the final determination on how much each person and company can use, the Moneta Water Company should run short of water, if Metropolitan Water cannot be mixed with other water. Mr. Wright advised that he knows of no law which prohibits the mixing of Metropolitan water with other water once it is acquired for use.

At this time, Mr. Wright asked to be excused from the meeting, as there were apparently no further questions regarding the water suit. He invited anyone who might have further questions to telephone him.

Mayor Pro-tem Cucci thanked him on behalf of the Council and the North Torrance people for attending the meeting, whereupon he departed.

Mrs. L. A. Mann asked that the Council request all those people from North Torrance who use water from Moneta Water Company, who are present, to express their desires as to whether or not they would like to see Moneta Water Company excluded or included in the proposed new water district.

Mr. Plomert of General Petroleum Corporation addressed the Council at this time, stating that it was his understanding that this meeting was called solely for discussion of the water adjudication suit, and West Basin water conservation, rather than for formation of a water district in North Torrance. He said that he also recalled that the North Torrance people had been given ninety days from November 27, 1945 to bring in their recommendations on boundaries of the proposed water district.

Councilman Cucci replied that the Council, by a motion, can rescind that particular action.

Mr. Plomert repeated his statement regarding purpose of this meeting, whereupon Mayor Pro-tem Cucci replied that the meeting was adjourned to tonight to hear what Mr. Wright, the Attorney, had to say about the water adjudication suit, and also for the formation of a water district in North Torrance.

Councilman Gilbert said he did not think it was the intention of the Council when they adjourned to this meeting to form a water district in North Torrance at this meeting. He said, in connection with the matter of the ninety day delay from November 27, 1945, that had been done at the request of a number of people from North Torrance, many of them present at this meeting. He said that he felt the report from Taylor and Taylor in connection with this matter, which should be forthcoming at an early date, should be received before taking final action.

Councilman Cucci's reply was as follows: "There is something about this water district in North Torrance that seems to make everybody cringe. I don't think the Council realizes that there is two-thirds of the area in North Torrance dependent upon water for livelihood. If they did, they would make an effort to form a water district. The Council authorized General Petroleum some time ago to take water from the Metropolitan Water District from the Crenshaw side - I think that was a political move to exclude them from the district, and at the time I told Mr. Plomert I would be in favor of having them get all the water they wanted, provided they would consider a district in North Torrance when it was formed. He said at that time that they did not need a district if they are getting all the water they need. If the Council withdrew that authorization, they would be in the same position you are in now. (addressing the North Torrance delegation). They wouldn't have enough water to run that General Petroleum industry. I can't see any justification in excluding them from the district, as they will be benefited the same as everyone else in North Torrance. I think the point made about ninety days - that we gave you ninety days - doesn't necessarily make it a legal date. I am willing to act, and I will act tonight if necessary to get the thing going."

Mrs. Mann again asked for an expression of opinion from those people who are present who use water from Moneta Water Company as to whether or not they would like to see Moneta Water Company included in the district.

Mayor Pro-tem Cucci advised Mrs. Mann that any decision as to what should be done about Moneta Water Company should be made later, as complications might result if action to include the company is taken at this time.

Mayor Pro-tem Cucci moved that Clerk Bartlett be authorized to draw up the petitions as the first step in the formation of

Water District No. 2 (North Torrance), with the general boundaries covering all that portion of property North of Municipal Water District No. 1, with the exception of A & I No. 124 (Moneta Water Company).

Councilman Powell, addressing Mayor Pro-tem Cucci, stated that: "I am in favor of going ahead and setting up the district, but I think you are a little bit hasty on it. I would like to wait until our next regular meeting, and instruct our City Clerk to request Taylor and Taylor to bring in their report at that meeting, and at that time, we can know that the other members of the Council will be here and we can go ahead and set up the district. I feel like we are entitled to that report."

Mr. Drale objected, stating that all the report from Taylor and Taylor will contain will be the cost of the grid system.

Clerk Bartlett advised that Mr. Taylor had telephoned him and advised that he has an amended report almost finished, extending the boundaries of the North Torrance water district into other districts within the City, and that the report would be ready for the next meeting.

Mr. Plomert stated as follows: "On behalf of our Corporation, when the people of North Torrance asked for an additional ninety days in which to prepare and get some of the questions answered in connection with the formation of the district, representatives of our Corporation were very cooperative in furnishing maps and assessed valuations, and even brought tax bills down so you could see the figures yourself, Mr. Cucci, and I think Mr. Powell is certainly correct in saying he would like to see this matter carried over to the next regular meeting when all the Councilmen will be here or at least, until time has been allowed for general discussion on the question. Last night, I don't believe it was clearly understood that the matter of formation of a district would come up here tonight."

Mrs. Mann demanded that the minutes of the meeting held last night be produced to prove whether or not the meeting was called for the purpose of forming a water district, claiming that it was. Since the minutes had not been transcribed, the Secretary advised that the action upon adjournment of the meeting was to make it an adjourned Council Meeting, rather than an informal meeting, in case any action should be necessary, although it was not specifically mentioned that the action would be relative to formation of a water district.

Mrs. Mann angrily protested that it had been only through exhaustive efforts that the North Torrance people had been notified of this meeting. She said that it had been necessary to send boys around on bicycles, as there is no organized system of communication in the district, and that the North Torrance people have attended this meeting with the specific understanding that action will be taken upon formation of a water district for North Torrance, whereupon she demanded that the matter be acted upon.

Councilman Powell: "I am not making any front for the two members of the Council who are not here. I am in favor of forming a district out there, but I think - and I am going to say, that, personally, I did not understand we were to meet here tonight to form a water district, but that does not mean to say that I am opposed to forming it."

Councilman Powell moved that Clerk Bartlett be authorized to request Taylor and Taylor to bring in their report on the North Torrance water situation for the next regular meeting, and that Mr. Taylor be requested to attend the meeting in person to explain the report and answer inquiries. Councilman Gilbert seconded the motion, which was carried unanimously.

Mayor Pro-tem Cucci declared his motion for formation of a water district in North Torrance lost for want of a second.

Mrs. Mann declared in a loud voice that she felt, and said she had no hesitation in saying, that the two absent members of the City Council have no interest in the welfare of North Torrance whatsoever. She said she felt the other Councilmen know that North Torrance supports them. She thanked them for the meeting, and implored the Council to settle the question, get the petitions ready, hold a special election, emphasizing strongly that the people want the election held as soon as possible, and get the project started. She said this is an opportune time to start the project, since the winter is practically over, and the ground will be easier to work.

Councilman Powell said it was his intention to see that the matter is brought up for final decision at the next regular meeting, February 13, 1946.

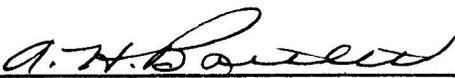
Mayor Pro-tem Cucci declared that the two absent Councilmen probably do not want to commit themselves.

Councilman Powell replied: "I am not so concerned about the opinions of the other Councilmen as I am about the report from Taylor and Taylor. When you infer (addressing Mr. Cucci) that it might make a difference in my opinion, you are off the beam."

Councilman Gilbert read excerpts from the minutes of a meeting of the Council held November 20, 1945 relative to the ninety day delay referred to hereinabove. He stated that, at the time, a motion was made by Councilman Hitchcock to establish the south boundary of the proposed district at 190th Street, whereupon a delegation from North Torrance protested and asked for ninety days from the next regular meeting (November 27, 1945) before establishing the boundary lines of the district. At this point, Councilman Gilbert continued, he had made the motion to defer action on the matter for ninety days, believing that he was following the desires of the people, who were asking for the delay.

Mrs. Gonner stated hurriedly that the reason the delegation had demanded a ninety day delay at that time was because they had not wanted the district to be established with the south boundary line at 190th Street, and that this method had been used to cause a withdrawal of the motion to do so.

At 9:45 P.M., upon motion of Councilman Gilbert, seconded by Councilman Powell, the meeting adjourned.


CITY CLERK OF THE CITY OF TORRANCE

APPROVED:


MAYOR OF THE CITY OF TORRANCE