

I N D E X

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Edith Shaffer  
Minute Secretary

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Council Minutes  
March 16, 1965

Torrance, California  
March 16, 1965

MINUTES OF A REGULAR MEETING  
OF THE TORRANCE CITY COUNCIL

OPENING CEREMONIES AND PRESENTATIONS:

1. CALL TO ORDER:

A regular meeting of the Torrance City Council was held on Tuesday, March 16, 1965, at 5:30 p.m., in the Council Chambers of City Hall.

2. ROLL CALL:

Those responding to roll call by City Clerk Coil were: Councilmen Beasley, Lyman, Miller, Olson, Sciarrotta, Vico, and Mayor Isen. Absent: None. City Attorney Remelmeyer and City Manager Ferraro were also present.

3. FLAG SALUTE:

Mrs. Phyllis Cloyd was present with a number of the Girl Scout Cadets and at the request of Mayor Isen, Sharon Reed and Debbie Robbins led the salute to our Flag.

4. INVOCATION:

The Reverend Fred Shiveley of South Bay Church of God opened the meeting with an invocation.

STANDARD MOTIONS:

5. APPROVAL OF MINUTES:

Councilman Sciarrotta moved to approve the minutes of the regular meeting of March 9, 1965 and his motion, seconded by Councilman Vico, carried, there being no objection.

25. Mayor Isen introduced another group of young people, several officers of the Torrance DeMolay Chapter and their Chapter Dad, Allan J. Butler. Mr. Butler is a City employee and he introduced each of the young men individually and spoke briefly of the aims and accomplishments of the organization.

Mayor Isen proclaimed the week of March 14 through 21 as DEMOLAY WEEK and the formal proclamation will be delivered to Mr. Butler. This is listed in the addenda items of the agenda as Item 25.

6. APPROVAL OF DEMANDS:

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

AYES: COUNCILMEN: Beasley, Lyman, Miller, Olson,  
Sciarrotta, Vico, and Mayor Isen.  
NOES: COUNCILMEN: None.

7. MOTION TO WAIVE FURTHER READING:

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

HEARINGS: PLANNING AND ZONING:

8. CASE NO. 65-4 - CHANGE OF ZONE - DELMAR L. WRIGHT. Third and final hearing on a change of zone from R-3 to R-P on property located at 24224 Madison Street. Recommended for denial.

This being a public hearing, Mayor Isen asked if anyone wished to be heard.

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

Mr. Delmar L. Wright of 1957 West Carson Street came forward and asked that in deference to the study being made by the Planning Commission, his request be held pending the outcome of that study.

Mayor Isen inquired of City Attorney Remelmeyer the proper procedure on holding this matter in abeyance and Mr. Remelmeyer stated if it were withdrawn after the first hearing, six months would have to elapse. His recommendation was to set it for a time certain.

Councilman Beasley moved to postpone Case No. 65-4, Change of Zone, Delmar L. Wright to June 29, 1965, which is a 5:30 p.m. Council meeting. Councilman Vico seconded and roll call vote was unanimously favorable.

9. CASE NO. 64-81 - VARIANCE - LESTER QUINN ET AL, 4016 Del Amo Blvd. Continued hearing on a variance to maintain dairy cattle and present operations known as Quinn Dairy at present located at 4016 Del Amo Blvd. Letter of protest from Laurence A. Wagner.

Part of the public hearing on this case has been held and it was continued to this evening. There has been no recommendation from the Planning Commission.

Mayor Isen asked if anyone wished to be heard and Mr. George Atkinson, Jr., one of the attorneys for Mr. Quinn, said he has a number of exhibits to introduce and because there has not been an agreement reached, he will need time to present his clients' case. He estimated he would need forty-five minutes to present the evidence and the legal arguments. There was some thought of adjourning to an afternoon session on March 17th, but it was decided instead to proceed with the balance of the evening's agenda and if it is found possible, the presentation will be made following the items listed.

PLANNING AND ZONING MATTERS:

10. FINAL TRACT MAP NO. 30150, PRAIRIE SUBDIVIDERS. Lanco Engineers. Six lots zoned R-1, located between 235th and 236th Streets, east of Arlington. Recommended for approval.

Councilman Beasley moved to concur in the recommendation to approve. His motion was seconded by Councilman Miller and carried by unanimous roll call vote.

11. TENTATIVE TRACT NO. 29497, Mertz/Fechner, Subdividers. Planning Director submitting request for extension of time on Tentative Tract No. 29497, located south of 238th Street between Cabrillo and Walnut.

The request is for an extension of one year and Councilman Sciarrotta moved to concur in granting that time. His motion was seconded by Councilman Vico and carried by unanimous roll call vote.

12. ORDINANCE ON CASE NO. 64-100 - LEROY FORSYTHE - Resubmittal. Planning Director resubmitting for approval at first reading ordinance reclassifying that certain property described in Planning Commission Case No. 64-100.

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

ORDINANCE NO. 1591

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING APPENDIX I OF "THE CODE OF THE CITY OF TORRANCE, 1954, (ADOPTED BY ORDINANCE NO. 791), RECLASSIFYING THAT CERTAIN PROPERTY DESCRIBED IN PLANNING COMMISSION CASE NO. 64-100 (Leroy Forsythe).

Councilman Miller moved to approve Ordinance No. 1591 at its first reading. His motion was seconded by Councilman Sciarrotta and carried by unanimous roll call vote.

FISCAL MATTERS:

13. Claim of Rudolph W. Hazuka, c/o Attorneys Windress & Schultz, 1926 South Pacific Coast Highway, Redondo Beach, for unlawful entry and damages allegedly sustained on December 10, 1964, as the result of bulldozers demolishing his two hangar structures.

Councilman Sciarrotta moved to deny and refer the claim to the Legal Department. His motion was seconded by Councilman Miller and carried, there being no objection.

14. Claim of William Cowan, c/o Attorneys Windress and Schultz, 1926 South Pacific Highway, Redondo Beach, for unlawful entry and damages allegedly sustained on December 10, 1964, as the result of bulldozers demolishing his hangar structure.

Councilman Sciarrotta moved to deny and refer the claim to the Legal Department. His motion was seconded by Councilman Beasley and there was no objection.

15. TRAVEL REQUEST: City Clerk's request for authorization to attend the International Institute of Municipal Clerks to be held in Denver, Colorado, May 24 - 27, 1965, with appropriate expenses paid.

Councilman Beasley moved to grant the request. His motion was seconded by Councilman Miller and carried as follows:

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

NOES: COUNCILMEN: None.

16. FAAP 9-04-123-04, ADVERTISEMENT FOR BIDS: Airport Manager Egan submitting request that City Engineer be authorized and directed to advertise for bid upon receipt of FAA approval.

Councilman Sciarrotta moved to concur in the recommendation to grant the request. His motion was seconded by Mayor Isen and carried by unanimous roll call vote.

COMMUNITY AFFAIRS:

17. PROCLAMATION OF YWCA MONTH, March 19 through April 19, 1965.

Mayor Isen proclaimed YWCA MONTH and Mrs. Naomi McVey introduced two young ladies from the Y. A formal proclamation will be prepared for presentation.

18. ASSEMBLY BILLS NO. 87 and 207 RE INDECENT LITERATURE.

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

RESOLUTION NO. 65-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE REQUESTING THE CALIFORNIA STATE LEGISLATURE TO SUPPORT AND ENCOURAGE THE PASSAGE OF ASSEMBLY BILLS NO. 87 and 207.

Councilman Sciarrotta moved to adopt Resolution No. 65-61. His motion was seconded by Councilman Vico and carried by unanimous roll call vote.

19. SOUTH BAY DAILY BREEZE BUILDING:

Torrance Beautiful Commission Chairman submitting to the City Council recommendation to nominate the South Bay Daily Breeze Building for a County award.

Chamber Manager J. Walker Owens was present and remarked that the Chamber of Commerce concurs in the opinion of the Torrance Beautiful Commission and has already recommended the building be entered for an award. He thought it quite appropriate, however, that both organizations do so.

Councilman Beasley moved to concur in the recommendation and his motion was seconded by Councilman Olson. There was no objection.

ITEMS NOT OTHERWISE CLASSIFIED:

20. WORKABLE PROGRAM FOR COMMUNITY IMPROVEMENT:

City Manager submitting First Quarterly Report on Workable Program for Community Improvement - December 1, 1964 - February 28, 1965.

The recommendation of the City Manager was to receive and file the report and on motion of Councilman Sciarrotta, seconded by Councilman Miller, it was so ordered.

21. City Manager's report re lot-splitting vs. subdivisions by Mr. Elwin Butcher.

Mayor Isen questioned the jurisdiction of the Council to reverse the opinion of the City Attorney in this matter which was reached after between fifty and 100 hours of work by the Legal Department in researching the question. It is a matter of state law. Councilman Sciarrotta thought the City should have advised Mr. Butcher of his rights, or lack of rights. Councilman Lyman deplored the tendency of bankers, real estate people and others to deliver along with their own services, legal advice and the tendency of their customers to rely thereon. This Council can not legalize this matter, it is either legal or illegal under the State Subdivision Map Act.

There was considerable discussion of the question and each of the councilmen expressed their questions and opinions. All of the factors are documented in detail in the material submitted with the agenda and were repeated orally.

Mayor Isen moved, on advice of the City Attorney, that Item 21 of the agenda be filed and his motion was seconded by Councilman Miller. City Attorney Remelmeyer outlined a hypothetical case involving like circumstances, showing the difference between a lot split and a subdivision. City Manager Ferraro detailed chronologically the events which show the City's good faith.

Roll call vote on the motion to file was unanimously favorable.

At 6:10 p.m., the Council recessed to convene as the Redevelopment Agency of the City of Torrance, following which a ten minute recess was held and the Council reconvened as such:

22. EXPENDITURES OF OVER \$300.

1. \$672.15 to Masterson Scaffold Company for one #500 Dri Spray Gun, #.018 tip, hose, repair kit and spare filters, for use by Building Maintenance Department.

2. \$6,026.17 to Vel's Ford for eight Ford Industrial Engines for packers, requested by Garage Department.

Councilman Beasley moved to approve the two expenditures listed above and his motion was seconded by Mayor Isen. Roll call vote was:

AYES: COUNCILMEN: Beasley, Lyman, Miller, Olson,  
Sciarrotta, Mayor Isen.

NOES: COUNCILMEN: None.

ABSTAIN: COUNCILMEN Vico.

SECOND READING ORDINANCES:

23. No. 1589, repealing Section 15S of Appendix I of the "Code" and adding a new section 15S thereto entitled "Unauthorized Sale of Vehicles on Vacant Lots" to prohibit the unauthorized sale of vehicles on vacant lots.

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

ORDINANCE NO. 1589

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE REPEALING SECTION 15S OF APPENDIX I OF "THE CODE OF THE CITY OF TORRANCE, 1954" AND ADDING A NEW SECTION 15S THERETO ENTITLED "UNAUTHORIZED SALE OF VEHICLES ON VACANT LOTS" TO PROHIBIT THE UNAUTHORIZED SALE OF VEHICLES ON VACANT LOTS.

Councilman Miller moved to adopt Ordinance No. 1589 at its second reading. His motion was seconded by Councilman Beasley and failed, as follows:

AYES: COUNCILMEN: Beasley, Miller, Olson.

NOES: COUNCILMEN: Lyman, Sciarrotta, Vico, Mayor Isen.

24. No. 1590,

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

ORDINANCE NO. 1590

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE REPEALING THE TITLE TO CHAPTER 20 OF "THE CODE OF THE CITY OF TORRANCE, 1954" AND ADDING A NEW TITLE TO SAID CHAPTER 20 TO READ "PUBLIC ENTERTAINMENT AND DANCE HALLS" AND ADDING A NEW ARTICLE TITLE, ENTITLED "PUBLIC DANCE HALLS" FOR THE FIRST 15 SECTIONS OF SAID CHAPTER 20, AND ADOPTING A NEW ARTICLE II ENTITLED "CAFE ENTERTAINMENT" IN ORDER TO REGULATE PLACES OF PUBLIC ENTERTAINMENT AND REORGANIZE SAID CHAPTER.

Councilman Sciarrotta moved to waive further reading of Ordinance No. 1590 and his motion, seconded by Councilman Vico, carried by unanimous roll call vote.

Councilman Sciarrotta moved to adopt Ordinance No. 1590 at its second and final reading and his motion was seconded by Councilman Vico. Roll call vote was unanimously favorable.

25. PROCLAMATION OF DEMOLAY WEEK - This item was handled earlier in the meeting.

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

RESOLUTION NO. 65-62

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ESTABLISHING THE SALARY OF THE CITY MANAGER.

Councilman Sciarrotta moved to adopt Resolution No. 65-62 and his motion, seconded by Councilman Beasley, carried by unanimous roll call vote.

ORAL COMMUNICATIONS:

27. City Attorney Remelmeyer asked that the Council formally accept a deed to the Borrow pit from the State. Councilman Vico so moved and his motion, seconded by Councilman Beasley, carried by unanimous roll call vote.

28. City Manager Ferraro reported that the Anza Avenue storm drain from Del Amo Boulevard to Torrance Boulevard is going in. Most of the rights of way have been obtained. There is a problem as to the dip at the corner of Torrance Boulevard and Anza Avenue.

29. Another matter not on the agenda, City Manager Ferraro said, is the intersection of Torrance Boulevard and Madrona Avenue. Bids for the signalization will be opened at 2:30 April 6th. The general improvement and widening and storm drain work is included.

30. City Manager Ferraro announced the honor which had been shown City Clerk Coil by his appointment as chairman for Southern California committee on resolutions of the Municipal Clerks organization.

31. City Manager Ferraro commented favorably on the report filed by the City Treasurer for the first six months showing earnings through investment of funds appropriated but not yet spent, of \$66,000 which is approximately one-third higher than previously.

32. Councilman Beasley commented on remarks made by the owner of the Pussy Cat A Go Go made at last Council meeting, and thanked the other members of the Council for coming to his defense when he was not present to explain what had occurred. He had stated the field had been pre-empted by the State, but otherwise he was misquoted by Mr. Tripp.

33. Councilman Beasley mentioned the excellent basketball records of North High School and Torrance High School and asked that resolutions be drafted commending the Tartars and the Saxons on their performances in the C.I.F. playoffs. Two resolutions, one for each school, will be drafted and on motion of Councilman Miller, seconded by Mayor Isen, they were authorized to be in perma-plaque form. The one resolution which was present at this time was assigned a number and City Clerk Coil read title to:

RESOLUTION NO. 65-63

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE CONGRATULATING TORRANCE HIGH SCHOOL AND NORTH HIGH SCHOOL FOR THEIR FINE SHOWING IN THE CALIFORNIA INTERSCHOLASTIC FEDERATION PLAYOFF.

Councilman Beasley moved to adopt Resolution No. 65-63 and his motion, seconded by Councilman Miller, carried by unanimous roll call vote.

City Manager Ferraro suggested the teams be invited to appear before the council for the presentations of the perma plaqued resolutions and Councilman Vico mentioned the City plaques with insignia. At any rate, Mr. Ferraro was instructed to do what would be suitable, on motion of Councilman Beasley, seconded by Councilman Vico.

34. Councilman Olson stated the YMCA plans for their building complex will be coming to the City this week. He said it would be one of the most monumental structures of its kind in the country, and certainly badly needed in Torrance. Over 800 people solicited funds for this building which will total \$825,000, truly a community effort. He asked for an opinion of the City Attorney as to waiving routine City fees, plan check fees, building inspection fees, electrical inspection, plumbing inspection, etc. including sewer and water reimbursement connection fees. If the City Attorney's research discovers this is within the power of the Council, a vote should be taken two weeks from now on whether or not to make this as a contribution from the City.

35. Councilman Sciarrotta announced the Consul General of Guatemala will meet with the Sister City Committee tomorrow with a view to formalizing the relationship between the City of Torrance and Guatemala City. All interested persons are invited to attend.

36. Councilman Sciarrotta said he had attended the ceremonies at Entradero Park last Saturday and noticed the perfect setting for an amphitheatre for pagents, rallies, etc. He asked that the Park and Recreation Commission investigate the possibility of such an asset to the South Bay area.

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The balance of the formal agenda having been considered, Mayor Isen announced the Quinn dairy matter would now be heard and Attorney Atkinson came forward.

First, he asked that there be a complete taped record of this portion of the meeting which would be kept and not destroyed until the proceedings are completed before the Commission, the Council, and possibly the courts. He offered into evidence a number of matters which were before the Planning Commission and asked that they be marked for identification as exhibits of the Quinn Dairy.

Pictures of the Dairy and surroundings were listed as Exhibits 1 through 22 respectively.

No. 23 is a petition with 571 signatures on behalf of the Quinns.

No. 24 is a plot plan of the dairy facility.

No. 25 is the testimony of Robert M. McCune consisting of 13 pages.

No. 26 is the testimony of John R. Williams consisting of 5 pages.

No. 27 is a letter from Joyce Sanchez, 5106 Patrick St., Torrance.

No. 28 is a letter from Mr. Ivan Jurio, 4718 Darien St., Torrance.

No. 29 is a letter from Mr. and Mrs. Jack Young of 5110 Patrick St. Torrance.

No. 30 is a letter from Mr. and Mrs. Richard E. Wilson of 4618 Carmelynn Street, Torrance.

No. 31 is a "To Whom it May Concern" notice signed by seven family groups of the area.

Also offered by reference was the application of Mr. and Mrs. Quinn.

Mr. Atkinson said he has the one copy available for inspection by the Council if they wish, of the Community Oil and Gas Lease covering the property.

Mr. Atkinson said he would call attention to a number of important factors in the testimony and Mr. Googooian would discuss the legal phases of the matter.

Various statements contained in the testimony of Mr. McCune and Mr. Williams were introduced and discussed by Mr. Atkinson, and stated this is an integrated operation which legally does not come within the provisions of the ordinance. If the dairy operation were eliminated, the price of milk produced therein would be increased so that the public would lose approximately half of the saving they now enjoy. The dairy has won in excess of 100 Gold Medals for its fine quality of milk, five in this past year.

Mr. Atkinson contends, as do the two witnesses, McCune and Williams whose testimony is introduced, that this is the highest and best use of the property at this time, and has a remaining economic useful life of thirty years. Failure to grant the variance, he said would damage the Quinns to the extent of \$386,200 without due process of law or any payment therefor. The dairy improvement which produces the milk, alone is valued at \$226,800. He told why it would be impossible to move or reuse the facilities, such as the corrals, milking machines, stainless steel pipelines, etc. There is considerable M-1 land in the area which is not being used.

Mr. Atkinson asked Mrs. Harriett Quinn, one of the owners, who lives at 5425 Middlecrest Road, a specific question, whether or not she was contacted by a former City councilman, Mr. Drale, relative to the property. Mrs. Quinn said Mr. Drale had asked if she and her husband realized what it would mean to have Victor Tract taken into the City of Torrance and when she indicated it might mean they would have to move, he said she had been misinformed; that the City would never want them to move. For that reason, she and Mr. Quinn did not oppose the annexation. Mayor Isen did not think this was pertinent to the question and Mr. Atkinson said he is merely trying to establish certain things in the record, in case the application is denied.

Attorney Alex Googooian presented the legal aspects of the case, and said there is before the Council not only an application for a variance but for an extension of an exception as is provided in the zoning ordinance, as a non-conforming use. The heavier type of construction is granted an exception of 40 years, and Mr. Googooian said this fire proof construction at Quinns would come within the 50 year exception. However, the City has now said all agricultural uses will be forbidden as of January 1, 1965. This operation of milk producing and processing is a mixed use. Mr. Googooian said on or about July 1, 1958 the City was to make a survey of

all the properties and establish the non-conforming uses and the times therefor. The City has failed to do so.

Now the Quinns must exhaust their administrative remedies. They ask a reasonable time within which to amortize their investment and the attorney read from citations at 127 Cal. App. 2d 442 and 146 Cal. App. 2d 762. Also Livingston Rock & Gravel case at 43 Cal. 2nd 121. He listed other uses which are permitted in this type zoning which he contends are much more objectionable than that of conducting a dairy, which is one of the less onerous uses permitted in M-1.

Again, Mr. Googooian asked on behalf of his clients, a reasonable time within which to amortize their investment. The only way to bring this to the Council's attention is to file for a variance and ask for a determination as to the time periods involved under Section 17.

Councilman Olson felt there might be some discrimination, in that several dairies have complied with the previous decision by a former council that they should remove their dairy herds and were "legal" as of January 1, 1965. Thus, the Quinns would have a competitive advantage over those dairies which had complied with the law.

The time allowed to the Quinns' attorneys was almost over and Mayor Isen asked if anyone else wished to speak.

The following spoke briefly: Mr. Sanchez, in favor of the Quinns' remaining and about five stood in the audience to indicate they were willing to speak if time permitted.

Mr. Atkinson spoke again regarding the vested legal right of the dairy under the ordinance to continue their business until the economic life is used up, and in this case that life cannot be taken away and it should last for another thirty years.

Councilman Sciarrotta moved to close the hearing and his motion was seconded by Councilman Vico. There was no objection.

Mayor Isen stated the proponents' attorneys had expounded the law at length and City Attorney Remelmeyer should have an opportunity to study and advise the Council in open meeting his legal opinion.

Councilman Beasley thought it might be well to deny the variance and refer the matter to the City Attorney to reopen negotiations and City Attorney Remelmeyer said he believed that suggestion could be carried out from a practical standpoint. Councilman Lyman felt the Council should hear the legal arguments and opinions in regard to whether or not they have had a reasonable time and, if not, what that time would be. The Quinns will not be dispossessed, Mr. Remelmeyer said, without one more review before the Council.

Mayor Isen favored adjourning to a time certain for the purpose just mentioned. In the meantime, all statements, exhibits and material will be gathered and presented to the Council members for several days' study. With this understanding, Councilman Beasley moved to adjourn this meeting to 6:45 p.m., Tuesday, March 23, 1965. His motion was seconded by Mayor Isen and carried by unanimous roll call vote.

The time was 7:45 p.m.

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

APPROVED:

Albert J. ...  
Mayor of the City of Torrance