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Adjourned at 1:50 A.M. to Tuesday, June 11, 1968, 8:00 P.M.

* * * * *

Ava Cripe
Minute Secretary

ii.

Council Minutes
May 28, 1968

Torrance, California
May 28, 1968

MINUTES OF A REGULAR MEETING
OF THE TORRANCE CITY COUNCIL

OPENING CEREMONIES:

1. CALL TO ORDER:

A regular meeting of the Torrance City Council was held on Tuesday, May 28, 1968, at 8:00 P.M., in the Council Chambers of City Hall.

2. ROLL CALL:

Those responding to roll call by City Clerk Coil were: Councilman Johnson, Miller, Sciarrotta, Uerkwitz, Wilson, and Mayor Isen. Absent: Councilman Beasley. Also present were City Manager Ferraro, City Treasurer Rupert, City Attorney Remelmeyer, and City Clerk Coil.

3. FLAG SALUTE:

At the request of Mayor Isen, Mr. George Lewison led in the salute to the flag.

4. INVOCATION:

Reverend Elmer E. Christiansen, Christ the King Lutheran Church, opened the meeting with an invocation.

STANDARD MOTIONS:

5. APPROVAL OF MINUTES:

Councilman Sciarrotta moved that the minutes of the regular meeting of May 14, 1968 be approved as written. His motion was seconded by Councilman Wilson, and there were no objections. Councilman Johnson abstained from such approval inasmuch as he was not present at the May 14th meeting.

6. APPROVAL OF DEMANDS:

Councilman Sciarrotta moved that all regularly audited bills be paid. His motion was seconded by Councilman Wilson, and carried as follows:

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

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, seconded by Councilman Uerkwitz, carried by unanimous roll call vote.

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8. COUNCIL COMMITTEE MEETINGS:

A meeting of the Committee on Commissions, Councilman Sciarrotta announced, will be held on Tuesday, June 11th, at 7:30 P.M.

Councilman Sciarrotta reported that it was the recommendation of the Commission Committee that the extended absence of Commissioner Morgan, due to a prolonged illness, be excused. Councilman Sciarrotta so moved; his motion was seconded by Councilman Johnson, and there were no objections.

* * * *

Council procedure to the large audience was explained in some detail by Mayor Isen, with a special welcome to the students from North High School in attendance.

* * * *

The fine reporting of Mr. Dave Polis, South Bay Daily Breeze, and the fact that this will be his last coverage of City Council meetings was noted by Mayor Isen, who advised that Mr. Polis is moving to Eugene, Oregon to join a newspaper there. The appreciation of the Council for a fine job was conveyed by Mayor Isen. Mr. Polis expressed his gratitude, and introduced Mr. Dick Anderson who will be taking his place.

* * * *

The winner of the Torrance Beautiful Essay Contest - Gary Keene, West High School - was congratulated by Mayor Isen for this achievement. Gary read his winning essay, "Try Involvement", following which a \$25.00 Savings Bond was presented to him by Mayor Isen.

* * * *

The auspicious occasion of the 100th birthday of Mrs. Phoebe Sykes was properly acclaimed by Mayor Isen, on behalf of the Council, with flowers and sincere congratulations. Mrs. Sykes spoke, conveying her pleasure at such recognition. Mr. Bill Sykes, her son, was also in attendance and related the important events in his mother's one hundred years.

* * * *

PLANNING AND ZONING HEARINGS:

(The following item was taken out of order.)

12. ZONE CHANGE 67-2, TORRANCE PLANNING COMMISSION.
Zone change from M-1 to R-1, R-2, RR-3, R-4, R-P, C-R, C-1, C-2 and/or C-3, property located on the east side of Yukon Avenue between 182nd Street and the San Diego Freeway.

Mayor Isen advised of the letter with the Southern California Edison Company's request for a year's continuance of this hearing, for the purpose of making further study, with the building moratorium imposed by the Council to continue during that time, and asked if there was anyone who wished to be heard.

Mr. Max Kelly, 18407 Haas Avenue, reminded the Council of the protests of the residents approximately one year ago for rezoning of the subject area for commercial use, primarily for the reasons of

safety and the problems that would be created by commercial development across the street from a school. Their feelings have not changed, and the basic argument, whether for one year or five years, will remain valid.

It was pointed out by Mayor Isen, and had been discussed by telephone with the homeowner's spokesman, Gerald Morris, that the requested continuance is for one year, the moratorium to remain in effect, and there are certain advantages in that (1) negotiations are underway for a Fire Station for a portion of the property, and (2) the Council expressed agreement with the homeowner's feelings as to the zoning, with the moratorium established as a courtesy to the Edison Company. It was Mayor Isen's recommendation that the courtesy be continued, in view of the evidences of good faith by the Edison Company throughout the City.

Mr. Kelly returned to state that he could understand the Mayor's reasoning; the homeowners' concern centered on the last paragraph of Mr. Jenkins' letter and the need for assurance that there would be proper notification. Mayor Isen first directed that the subject letter be made part of the record (item 12A) and that Mr. Jenkins come forward and confirm their intentions.

Mr. Lew Jenkins, District Manager, Southern California Edison Company, 505 Maple Avenue, representing Associated Southern Investment Company, stated that the above referred to final paragraph of his letter is self-explanatory: "Should there be any change in our plans the City would be notified well in advance so those people who might be involved and/or interested could be notified so they would have an opportunity to review it", in effect; further, Mr. Jenkins stated that they would abide by whatever time period the Council would establish for the purpose of notification - 45 days was agreed upon.

Mr. Vern Smith, 2816 West 182nd Street, recommended that the Council adopt a residential zoning for this property at the present time, and that the matter not be left in limbo as is proposed.

MOTION: Councilman Sciarrotta moved approval of the requested one-year continuance, with the building moratorium to continue during that time, and further subject to a 45 days notice from the Edison Company, with notification forthwith to the interested residents. His motion was seconded by Councilman Johnson, and there were no objections.

Councilman Miller moved that the following items 9,10,11, be consolidated for the purposes of public hearing; his motion was seconded by Councilman Johnson, and there were no objections.

9. ZONE CHANGE 68-11, CHARLES N. CAKE.
Request for a zone change from R-1 (controlled C-2) to R-3. Property located on the north side of Spencer Street approximately 438 feet east of Hawthorne Blvd. The Planning Commission recommends denial.
10. PRECISE PLAN 68-2, CHARLES N. CAKE.
Precise Plan of development for construction of two apartment developments on property located on the north side of Spencer Street approximately 438 feet east of Hawthorne Boulevard. Planning Commission recommends denial.
11. D 68-9, CHARLES N. CAKE.
Request for permission to divide into four parcels property located on the north side of Spencer Street at the end of Sara Drive. The Planning Commission recommends denial.

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City Clerk Coil presented Affidavits of Publication on Items 9, 10, and 11, and they were ordered filed.

Mayor Isen announced this is a public hearing, and invited anyone who wished to be heard to come forward at this time.

Mr. C.N. Cake, #1 Pine Tree Lane, Rolling Hills, the proponent, suggested that the opponents first be heard, and he will hold his comments at this time.

Representing the Delthorne Homeowners Association, Mr. Joseph Alario, 20425 Madison Street, expressed their plea that the Council uphold the R-1 zoning on the subject property, and presented a petition in support of this request bearing 176 signatures, along with an additional letter of protest. Mr. Alario reviewed the traffic problems which would be posed, the increase in population density already too high, the hazardous route of the school children, and the responsibility of the Council in avoiding blight and abiding by good planning principles, urging that they concur with the Planning Commission in denial of this request.

Three additional letters of protest were presented at this time, and they were ordered filed.

Mr. Earl Gandrow, 20520 Amie Avenue, stated that the construction of apartments in this area will only enhance an already impossible traffic situation; the pitiful condition of the paving on Garnett was pointed out as well, with Director of Public Works Nollac taking note.

Mrs. Sylvia Winter, 20441 Madison Street, referred to the transient element of apartment dwellers and their absence of pride in the City - further stating that the improvements made by the homeowners and the efforts they have put forth make Torrance a better place to live and reflect their pride in their community.

Mrs. Jean Elliott, 20408 Madison Avenue, expressed her concern for the school children with the inevitable traffic that will be generated and the possible need for half-day school sessions.

Next to speak was Mr. Craig Smyser, 3646 Michelle Drive, who stated that an impressive residential area has now been created, as was originally envisioned by Mr. Cake; it was his recommendation that the original R-1 concept be continued, with the nucleus already created.

At this point Mayor Isen requested that the people in attendance who are opposed to the request to please rise -- a considerable number of people, the majority in attendance, did so.

Those in favor of the request were now invited to speak by Mayor Isen.

Mr. Joseph T. Allen, 4807 Torrance Boulevard, commended the good planning apparent throughout the City, and the contributions to the City's development made by builders such as Ray Watt, Don Wilson, etc. Mr. Allen then presented a petition, bearing 502 signatures, which stated that they feel R-3 is the best use for the subject property. Mr. Allen added that this location is the logical place for apartments, between the business on Hawthorne Boulevard and the residential area.

Mr. C.L. Lodjic, 3743 Torrance Boulevard (residence: 1200 Brand Road, Long Beach) advised that he is the owner of considerable property in Torrance, and that the area in question was developed

and laid out by Mr. Cake; at the same time Mr. Cake provided a sump at the request of the City Engineering Department, along with an alley behind Hawthorne Boulevard; an R-3 situation already exists in direct line to the south of the subject property, with more apartments to the north. It seems to Mr. Lodjic that it would be reasonable to follow that north-south line and put in R-3 on this property under discussion.

Mr. Zeke Alter, 2220 Arlington, was of the opinion that anyone who is going to put three million dollars into a building must think it is going to work, the rentals will indicate that it is a quality development, and it is time that some use is made of the land.

Mr. John Donley, residing on 234th Street in Torrance, stated that he owns the six buildings containing some 90 units on Del Amo Boulevard and takes great pride in these apartments as well as the high caliber of his tenants and their tax contribution to the City. It is his further feeling that Mr. Cake is to be commended for his contribution to the development of Torrance.

Mr. Gil Sellan, 131 Paseo de la Concha, related his career as a developer in Torrance since 1951, stating that three years ago he was before the Planning Commission regarding a piece of property directly north of the property owned by Mr. Cake; at that time zoning was requested for that property which abuts the Scott Robinson Pontiac dealership facing Del Amo Boulevard. It was unanimously agreed by both the Planning Commission and the Council that there should be a buffer zone between commercial and residential; further, the City has placed buffer zones in other areas. It is Mr. Sellan's feeling that in all fairness to Mr. Cake's property that the logical zoning for this property is R-3 which will serve as a buffer since no one would want to live in a house directly behind a used car lot and the attendant lights and noise; apartment dwellers are not so sensitive to these things.

Mr. Donley returned to submit a petition bearing 47 names of people in the immediate area who are opposed to the Planning Commission recommendation of denial.

Returning to speak at this time was Mr. C.N. Cake, the proponent, who advised that there would be no traffic conflict with the school children and the people who would live in the apartments because of the different hours of travel; further, it was his estimate that a maximum of 20 children would reside in the apartment building which would not overload the school capacity, certainly not to the degree that would be represented by R-1 development. Mr. Cake then pointed out, with the assistance of a map, the mode of development of the entire area, the improvements accomplished, and the various zones employed.

Defending the apartment way of life was Mr. Rex Melton, 21109 Amie, who pointed out the scarcity of children residing in apartments and the traffic problems, noting the abundance of both in R-1 areas.

Rebuttal was made by Mr. Alario in reference to the 500-signature petition presented earlier urging R-3 zoning; he could not comprehend the source of such approval, having completely canvassed the neighborhood himself. Mayor Isen commented that decisions are not made by the Council based on the number of signatures presented on either side of an issue. Mr. Alario further deplored the effect of the subject request on property values, the lack of parking area that will result, and the fact that the depth of development for Hawthorne Boulevard was unknown at the time of Mr. Cake's original request. Denial by the Council was eloquently urged by Mr. Alario.

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

MOTION: Councilman Uerkwitz moved to concur with the Planning Commission recommendation for DENIAL, on Items 9, 10, and 11. His motion was seconded by Councilman Wilson.

There was discussion prior to roll call vote, starting with the comments of Councilman Miller to the effect that Spencer Street is literally a freeway at the present time, it being used as a short cut, and generating as much traffic as some of the major arteries; it is Mr. Miller's recommendation that the stop sign be restored, possibly at Amie and Spencer. Secondly, substantially more traffic would be generated from apartment development vs. single family residences; thirdly, a major problem is the fate of the vacant acreage facing Madrona between Del Amo and Spencer. Councilman Miller was in agreement that the C-2 overlay was created at a time when it was not known what would happen to Hawthorne Boulevard and the necessity of going along with development as it evolves. He would concur in the motion for denial.

Expressing agreement with Councilman Miller's remarks, Councilman Sciarrotta further added that apartment owners should make it compulsory that the cars be parked in the garages since they are ever parked on the streets creating a monumental traffic hazard.

It was the suggestion of Councilman Johnson that the homeowners group select a committee to work with Mr. Cake in an attempt to resolve the problems to the best common interests of all parties concerned.

Councilman Wilson stated that it would be adding to an impossible situation by changing this to an R-3 zone, in reference to the school situation, in that eventually there would be a number of children residing in the apartments resulting in overcrowding at Madrona School and the need for construction of yet another school.

Mayor Isen first directed his comments toward the matter of petitions, reiterating his earlier statement pertaining to the lack of effect on decisions, adding that a petition bearing signatures of the immediate neighborhood is certainly more impressive than one which has been circulated all over the City. Mayor Isen then referred to the past Council action when the entire area was zoned industrially, with a reluctant change of zone by the Council because they thought this was going to be a residential area, the only reason being the nature of the land and the need for a private sump which private industry would never provide, and with apartment houses to be a very minor part of the development. His concern for the upsurge in apartment development, and the likelihood for blight areas, was expressed; this particular area has now developed in a most acceptable manner as single family residences, and he would recommend as well a get-together between Mr. Cake and the homeowners in search of a solution. The problem would only be compounded in the approval of some 232 units, with the addition of some 700 to 900 people, in this very restricted area. Attention was now directed to the conditions of the original tract map and the conditions of the sump site; Mayor Isen inquired if these conditions have been met. Director of Public Works Nollac stated that all of them had not been met in that the sump was never officially nor completely completed, and the City is presently in litigation with the bonding company on this requirement. A lengthy discussion ensued on how this all came about, without knowledge of the Council; the circumstances were outlined by Public Works Director Nollac who assured the Council that there is no problem or danger in connection with the unfinished sump at this

time, explaining that the ultimate overall development of the entire drainage system which would extend to the other side of Hawthorne Boulevard requires that the sump be finished, but that area is not developed, as yet. Mr. Nollac further stated that each time the subdivider had requested an extension of time, it had been pointed out to the Council that the sump was not completed. Mayor Isen stated that it apparently had not been made sufficiently clear, due to their complete reliance on the professional knowledge of the City Engineer. Councilman Uerkwitz suggested that the completion of the sump be looked into very deeply and that the Council be fully advised on any future considerations.

Roll call vote on the motion for denial was requested, and it was unanimously approved, "yes" being for denial (Absent: Councilman Beasley).

* * * *

A ten-minute recess was ordered by Mayor Isen at this time - 10:00 P.M.

* * * *

Discussion returned to the unfinished sump on resumption of the meeting. Mayor Isen requested progress reports from Director of Public Works Nollac and City Attorney Remelmeyer, the defendants in the lawsuit being of particular interest.

* * * *

A motion to recess as City Council and reconvene as the Redevelopment Agency at this time, 10:10 P.M., was made by Councilman Sciarrotta, seconded by Councilman Johnson, and unanimously approved; reconvening as City Council at 10:14 P.M.

(The following item was considered out of the regular agenda order):

33. NATIONAL SUPPLY/ARMCO STEEL SALES OFFICE

Mr. Edmund Reed, a lawyer with offices at 1118 Avalon Blvd., Wilmington, speaking on behalf of the Pacific Coast Gasoline Company, explained their need for the subject franchise.

Mayor Isen acknowledged the clarification furnished by City Manager Ferraro pertaining to the possibility of sales tax revenue for the City of Torrance, the Resolution having been held in abeyance until this information could be obtained.

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

RESOLUTION NO. 68-108

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DECLARING ITS INTENTION TO AWARD A FRANCHISE TO PACIFIC COAST GASOLINE COMPANY TO CONSTRUCT, OPERATE AND MAINTAIN PIPELINES FOR THE TRANSPORTATION OF HYDROCARBON SUBSTANCES IN THE CITY OF TORRANCE, AND PROVIDING FOR THE PUBLICATION OF NOTICE OF PUBLIC HEARING THEREON.

Councilman Johnson moved for the adoption of Resolution No. 68-108. His motion was seconded by Councilman Uerkwitz, and roll call vote was unanimously favorable (Absent: Councilman Beasley).

13. MASTER PLAN OF STREETS AND HIGHWAYS AMENDMENT, SOUTH TORRANCE OIL FIELDS. Determination of the location of 235th Place between Crenshaw Boulevard and Pennsylvania Avenue. The Planning Commission recommends denial.

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

This being a hearing, Mayor Isen asked if anyone wished to be heard and George Kurtz, Attorney at Law, came forward representing Narbonne Homes, Inc., and was advised by Mayor Isen to talk with Administration concerning this matter.

Charles Waring of 2442 West 235th Street, asked for any possible clarification as to the cul de sac, and Mayor Isen promised he would be advised. Because this is a public hearing, a time certain must be set and there was no opposition to continuing the public hearing until June 18th, a 5:30 p.m. meeting.

PLANNING AND ZONING MATTERS:

14. PROPOSED REVISION IN MASTER PLAN NO. 1 - 238th Street. Proposed resolution deleting portion of proposed 238th Street from Master Plan of Streets No. 1.

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

RESOLUTION NO. 68-109

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE DELETING PROPOSED 238th STREET FOR A CERTAIN DISTANCE NORTHWESTERLY OF CRENSHAW BOULEVARD TOGETHER WITH AN UNNAMED STREET RUNNING NORTHERLY OF SAID 238th STREET APPROXIMATELY 260 FEET WEST OF CRENSHAW BOULEVARD AND TERMINATING IN A CUL DE SAC SOUTH OF 235th STREET FROM THE MASTER PLAN STUDY NUMBER 1, STUDY AREA B.

Councilman Wilson moved to adopt Resolution No. 68-109 and his motion, seconded by Councilman Johnson, carried by unanimous roll call vote (Councilman Beasley absent).

15. PROPOSED ORDINANCE providing for the recording of zoning conditions.

Mayor Isen commented very favorably on the draft of ordinance prepared by the City Attorney's office and explained its purpose. The recording would be constructive notice to interested parties. Mayor Isen felt the ordinance should be passed here tonight and then an opinion asked from the Title Company attorneys. At his request, City Clerk Coil assigned a number and read title to:

ORDINANCE NO. 1874

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING ARTICLE 26 TO CHAPTER 2 OF DIVISION 9 (THE LAND USE ORDINANCE) OF THE TORRANCE MUNICIPAL CODE TO PROVIDE FOR THE RECORDATION OF CONDITIONS IMPOSED ON CHANGES OF ZONE, VARIANCES, WAIVERS, CONDITIONAL USE PERMITS, PRECISE PLANS AND OTHER TYPES OF PLANNING AND ZONING RELIEFS.

Councilman Sciarrotta moved to approve Ordinance No. 1874 at its first reading and his motion, seconded by Councilman Wilson, carried by unanimous roll call vote (Councilman Beasley absent).

16. PROPOSED ORDINANCE prohibiting commercial occupancy of residences in commercial zones.

Councilmen Uerkwitz and Sciarrotta asked questions regarding the implementation of this ordinance which were satisfactorily answered by Planning Director Shartle and Building and Safety Superintendent McKinnon. However, Councilman Johnson believes this would be rushing something which would inure to the detriment of some and he would oppose it. If some of these restrictions had been imposed years ago, Mayor Isen said there could have been avoidance of a lot of hodge podge development in the City. At his request, City Clerk Coil assigned a number and read title to:

ORDINANCE NO. 1875

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING SECTIONS 91.10.8, 91.20.8, 91.21.7 AND 91.22.4 TO THE TORRANCE MUNICIPAL CODE TO PROHIBIT THE USE OF RESIDENCES FOR COMMERCIAL PURPOSES.

Councilman Wilson moved approval of Ordinance No. 1875. His motion was seconded by Councilman Sciarrotta and roll call vote was:

AYES: COUNCILMEN: Sciarrotta, Uerkwitz, Wilson and Mayor Isen.

NOES: COUNCILMEN: Johnson and Miller.

ABSENT: COUNCILMEN: Beasley.

17. PROPOSED ORDINANCE regulating temporary use permits.

Mayor Isen inquired of Planning Director Shartle if it would be possible to sell used furniture across the street from 1407 Cravens Avenue, this being the license application which prompted the drafting of the subject ordinance, and was advised by Mr. Shartle that he was not certain of the zone but if it were C-1 it would not be possible to sell used furniture there.

It was Mayor Isen's recommendation that this matter be held over for two weeks, to determine the zoning immediately across the street, pending a report from Planning Director Shartle. There were no objections.

18. PROPOSED RESOLUTION approving conditional use permit 67-29, Emil J. Zirbes.

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

RESOLUTION NO. 68-110

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE GRANTING A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION AND OPERATION OF A McDONALD'S CARRY-OUT RESTAURANT ON C-2 ZONED PROPERTY AS APPLIED FOR IN PLANNING COMMISSION CASE CUP 67-29 - EMIL J. ZIRBES, AND REPEALING RESOLUTION NO. 67-36, PREVIOUSLY ADOPTED ON THIS MATTER.

Councilman Sciarrotta moved adoption of Resolution No. 68-110 and his motion, seconded by Councilman Uerkwitz, carried by unanimous roll call vote (Councilman Beasley absent).

19. PROPOSED ORDINANCE reclassifying property described in ZC68-13, Torrance Planning Commission.

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

ORDINANCE NO. 1876

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 AT THE NORTHWEST CORNER OF CRENSHAW BOULEVARD AND PACIFIC COAST HIGHWAY AND THE NORTH SIDE OF PACIFIC COAST HIGHWAY FROM CRENSHAW BOULEVARD TO MADISON STREET AND DESCRIBED AS A PORTION OF LOT 1, TRACT 9765.

Councilman Uerkwitz moved to approve Ordinance No. 1876 at its first reading. His motion was seconded by Councilman Wilson and carried by unanimous roll call vote (Councilman Beasley absent).

20. RE MASTER PLAN STATUS: Communication from Planning Director Shartle.

Mayor Isen spoke highly of this report and suggested it be held for about three weeks' study. Mr. Bill Roberts of 3937 West 188th Street inquired as to the priority of "Utilization of Edison Co. rights of way for park purposes" listed on the fourth page of Appendix A. Councilman Uerkwitz suggested also that the Citizens' Advisory Committee study and make a recommendation within thirty days. There was no objection.

21.A. EMERGENCY ORDINANCE re overlapping land uses, etc.

The councilmen, Planning Commissioner Velma Shelbourn and Mr. Bill Roberts discussed this proposed ordinance at length and on being asked a direct question by Councilman Johnson, City Attorney Remelmeyer said it would be a "risky business". Mr. Vern Smith also spoke on the subject. Mayor Isen suggested that Mr. Remelmeyer and Mr. Shartle retire to the conference room and do a little rewording.

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In the meantime, Item 22 was considered:

STREETS AND SIDEWALKS:

22. AGREEMENT FOR ENGINEERING SERVICES - DESIGN OF DEL AMO BOULEVARD BETWEEN PROSPECT AVENUE AND HENRIETTA STREET.

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

RESOLUTION NO. 68-111

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST AN AGREEMENT BY AND BETWEEN THE CITY OF TORRANCE AND LANCO, LAND CONSULTANTS AND CIVIL ENGINEERS, FOR ENGINEERING SERVICES FOR THE IMPROVEMENT OF DEL AMO BOULEVARD BETWEEN PROSPECT AVENUE AND HENRIETTA STREET.

Councilman Wilson moved adoption of Resolution No. 68-111 and his motion, seconded by Councilman Sciarrotta, carried by unanimous roll call vote (Councilman Beasley absent).

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Mr. Remelmeyer, going back to Item 21, told what changes should be made: to scratch out the words "above the third floor" on page 1, Section 91.20.1 a) and also the same words on Page 3, Section 91.21.1 Permissible Uses a). Mayor Isen asked that these changes be considered to have been made in voting on the Ordinance and there was no objection. At his request, City Clerk Coil assigned a number and read title to:

ORDINANCE NO. 1877

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTIONS 91.20.1, 91.20.5, 91.21.1, 91.21.2, 91.30.1, 91.31.1 and ADDING SECTION 95.3.22 TO THE TORRANCE MUNICIPAL CODE TO PROHIBIT CERTAIN OVERLAPPING LAND USES WITH EXCEPTIONS; EXCLUDING RESIDENTIAL USES FROM COMMERCIAL ZONES WITH EXCEPTIONS; EXCLUDING COMMERCIAL USES FROM MANUFACTURING ZONES WITH EXCEPTIONS; AND AMENDING SECTION 92.22.4 RELATING TO IMPROVEMENT OF NONCONFORMING USES AND DECLARING THE PRESENCE OF AN EMERGENCY.

Councilman Uerkwitz moved to adopt Ordinance No. 1877 as an emergency measure. Councilman Wilson seconded and roll call vote was unanimously favorable (Councilman Beasley absent).

Councilman Sciarrotta moved to file Ordinance No. 1872; Mayor Isen seconded and there was no objection.

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

ORDINANCE NO. 1878

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTIONS 91.20.1, 91.20.5, 91.21.1, 91.21.2, 91.30.1, 91.31.1 AND ADDING SECTION 95.3.22 TO THE TORRANCE MUNICIPAL CODE TO PROHIBIT CERTAIN OVERLAPPING LAND USES WITH EXCEPTIONS; EXCLUDING RESIDENTIAL USES FROM COMMERCIAL ZONES WITH EXCEPTIONS; EXCLUDING COMMERCIAL USES FROM MANUFACTURING ZONES WITH EXCEPTIONS; AND AMENDING SECTION 92.22.4 RELATING TO IMPROVEMENTS OF NONCONFORMING USES AND REPEALING EMERGENCY ORDINANCE NO. 1877 RELATING TO THE SAME MATTER.

Councilman Sciarrotta moved to approve Ordinance No. 1878 at its first reading. His motion was seconded by Councilman Wilson and carried by unanimous roll call vote (Councilman Beasley absent).

A recess was declared and the Council returned to its deliberations at 11:30 P.M.

Out of order to accommodate two attorneys, Messrs. Kelly and Mann, Mayor Isen asked that an item to be known as "Item 51" be next heard. City Attorney Remelmeyer explained the purpose of the item is to clarify the record as to contract entered into between the City and Wm. Harris as Trustee (for whom Mr. Kelly is the attorney) to install a traffic signal at Bluff Street and Hawthorne Boulevard. This transaction was authorized at the Council meeting of October 24th but the minutes do not reflect the action. He asked that the Council ratify that agreement now as approved by the Council previously.

The Council minutes of October 24th show only an appropriation, but they should have shown approval of the agreement itself and its execution by the Mayor and City Clerk. Councilman Sciarrotta moved to approve the standard agreement as described by Mr. Remelmeyer and Councilman Johnson seconded. Roll call vote was unanimously favorable (Councilman Beasley absent).

The regular order of the agenda was resumed.

BUILDINGS, STRUCTURES AND SIGNS:

23. COMPLETION OF SECOND FLOOR OF THE POLICE STATION - AWARD OF CONTRACT
Recommendation of Building and Safety Director and Chief of Police that the firm of Koebig and Koebig, Inc. be approved to complete the plans and specifications for bidding for the completion of the second floor of the Police Station.

Councilman Sciarrotta moved to approve the completion of the plans and specifications as outlined above. Councilman Johnson seconded and roll call vote was unanimously favorable (Councilman Beasley absent).

REAL PROPERTY:

24. SALE OF CITY PROPERTY - VIA VALMONTE; This item was withdrawn from the agenda prior to the meeting.

TRAFFIC AND LIGHTING:

25. Recommendation of Traffic Engineer that the request of Mr. Sam Failla (San Franciscan Restaurant) to repeal Resolution No. 67-249, "NO PARKING ON BOTH SIDES OF SEPULVEDA BOULEVARD BETWEEN CRENSHAW BOULEVARD AND HAWTHORNE BOULEVARD" be denied.

Mr. Failla of 2520 Sepulveda Boulevard was present and told of the adverse effect this has on his business. Councilman Miller suggested some sort of designation as to hours of parking and Councilman Johnson asked what hours would be suitable for restriction based on traffic flow. Traffic Engineer Horkay mentioned from 7 to 9 in the morning and 4 to 6 in the evening.

Councilman Johnson moved to restrict in compliance with Mr. Horkay's statement, although as Mayor Isen pointed out, enforcement is difficult if not impossible. Councilman Uerkwitz asked for some specific figures.

City Clerk Coil referred to a letter from the owner of the Carriage House store in this area agreeing with the restriction first recommended, the complete restriction. It was pointed out that he has adequate off-street parking and the store hours are comparatively short. There was considerable conversation on what should or could be done and at what hours of the day.

The result was a motion by Councilman Johnson that the sign specify NO PARKING 6 A.M. to 7 P.M. and Councilman Uerkwitz seconded. City Manager Ferraro said there would be a quarterly and a six months report on the results, and it was specifically stated that the area is to extend to Madrona Avenue from Crenshaw Boulevard.

Mr. Warren Thompson of 2751 Orange Avenue, owner and operator of the El Taco on Sepulveda, outlined his particular traffic problems in this area. He was promised some investigation.

Roll call on the motion of Councilman Johnson was unanimously favorable (Councilman Beasley absent).

PERSONNEL MATTERS:

26. Communication from Water Department employee regarding Ordinance No. 1784, with recommendation from City Manager.

This letter from James J. Lynch is written on behalf of the employees of the Water Department and in effect, asks amendment of the ordinance to provide overtime pay on holidays. Councilman Johnson expressed his opinion that all employees, of whatever department, should be paid at overtime rates for any and all overtime worked.

Mr. James Lynch, 2248 West 237th Street, Torrance, stated the whole controversy is based on a mistake made in the Finance Department. Councilman Johnson asked that his opinion as set forth in the preceding paragraph be considered a motion to the effect that the same rates be paid for holidays as for Saturdays and Sundays. An ordinance will be required to implement the motion. Councilman Uerkwitz seconded Councilman Johnson's motion. Whether or not this would be retroactive was also discussed and it was noted that the particular holiday under consideration is this Memorial Day, two days hence.

Mr. Ray Saukkola, President of the Employees' Association, said he had received two telephone calls from employees of the Airport Department on this subject. There is an additional feature of "standby time" involved in the Water Department employees' request.

City Manager Ferraro asked for clarification as to just who is being included in this motion and the statement was made that it is to apply only to the subject request. Roll call vote was:

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

NOES: COUNCILMEN: None

ABSENT: COUNCILMEN: Beasley.

27. PROPOSED ORDINANCE amending Code to permit the appointment of an eligible to a position in a department in which an in-law of the eligible has been appointed or elected. (Two ordinances, regular and emergency)

Mr. Sam Hunegs announced that he, too, has a personnel matter to be considered on which there is a stringent time element. Mayor Isen promised he would be heard under "Oral Communications".

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

ORDINANCE NO. 1879

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 14.1.41 OF THE TORRANCE MUNICIPAL CODE TO PERMIT THE APPOINTMENT OF AN ELIGIBLE TO A POSITION IN A DEPARTMENT IN WHICH AN IN-LAW OF THE ELIGIBLE HAS BEEN APPOINTED OR ELECTED, AND DECLARING THE PRESENCE OF AN EMERGENCY.

Councilman Johnson moved to adopt Ordinance No. 1879 as an emergency measure at its only reading. Councilman Uerkwitz seconded and roll call vote was unanimously favorable (Councilman Beasley absent).

Mayor Isen then requested that the regular ordinance be considered and City Clerk Coil assigned a number and read title to:

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ORDINANCE NO. 1880

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 14.1.41 OF THE TORRANCE MUNICIPAL CODE TO PERMIT THE APPOINTMENT OF AN ELIGIBLE TO A POSITION IN A DEPARTMENT IN WHICH AN IN-LAW OF THE ELIGIBLE HAS BEEN APPOINTED OR ELECTED, AND REPEALING EMERGENCY ORDINANCE NO. 1879 RELATING TO THE SAME MATTER.

Councilman Sciarrotta moved to approve Ordinance No. 1880 at its first reading; Councilman Johnson seconded and roll call vote was unanimously favorable (Councilman Beasley absent).

FISCAL MATTERS:

28. EXPENDITURES OF OVER \$300.

Councilman Sciarrotta moved to approve the following three listed items of expense:

1. \$445.74 to the Los Angeles News Co. for 191 adult fiction and non-fiction books.
2. \$359.18 to Associated Libraries, Inc. for 120 juvenile books.
3. \$1,033.31 to Peter Smith Co. for 225 adult non-fiction books.

Councilman Johnson seconded and roll call vote was:

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

NOES: COUNCILMEN: None

ABSENT: COUNCILMEN: Beasley.

Mayor Isen asked City Manager Ferraro what had been done about the man who had failed the physical because of the condition of his back. Mr. Ferraro said a panel of two doctors has been arranged and a way of making a determination.

Councilman Johnson asked how the schedule of book purchases is progressing and at the suggestion of City Manager Ferraro, City Librarian West explained there is about \$355,000 left of the bond money which was allocated for books. About 121,000 books are either purchased or on order.

29. AWARD OF CONTRACT - CUSTODIAL SERVICES AND WINDOW CLEANING - B68-26.

The recommendation of the Finance Department, concurred in by the City Manager, is to award the contract for custodial services and window cleaning for City buildings to Columbia System Co. in the total amount of \$27,842.00 the low bid. Councilman Sciarrotta moved to concur; Councilman Wilson seconded and roll call vote was unanimously favorable (Councilman Beasley absent).

30. AWARD OF CONTRACT FOR FIRE HOSE - B68-27. Recommendation of Purchasing Supervisor to award contract to American Rubber Mfg. Co. in the amount of \$3,906.00, including sales tax, this being the low bid.

Councilman Wilson moved acceptance of the low bid as set forth above; his motion was seconded by Councilman Johnson and carried by unanimous roll call vote (Councilman Beasley absent).

31. RECOMMENDATION OF CIVIL SERVICE COMMISSION ON TESTING CONTRACT PROPOSALS. The recommendation is to award the "open end" contract to Los Angeles County, concurred in and explained by the City Manager.

Councilman Sciarrotta moved to concur in the recommendation as set forth in the communication and his motion, seconded by Councilman Miller, carried by unanimous roll call vote (Councilman Beasley absent).

32. PROPOSED RESOLUTION authorizing execution of contract for appraisal services with Christy J. Petrofanis.

This deals with the appraisal of the fair market value of the property located at the northeast corner of 188th Street and Prairie Avenue which the City needs in order to improve said streets. At the request of Mayor Isen, City Clerk Coil assigned a number and read title to:

RESOLUTION NO. 68-112

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING AND DIRECTING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST THAT CERTAIN CONTRACT FOR APPRAISAL SERVICES BETWEEN THE CITY AND CHRISTY J. PETROFANIS.

Councilman Wilson moved to adopt Resolution No. 68-112 and his motion, seconded by Councilman Miller, carried by unanimous roll call vote (Councilman Beasley absent).

AIRPORT MATTERS:

34. AIRPORT MANAGER, submitting Council Airport Committee's recommendation re policy of City constructing and operating T-hangars.

The motion of the Council committee was to unanimously recommend to Council that the City retain the present method of construction and operation of T-hangars by private enterprise. Councilman Sciarrotta moved to concur and approve that motion. His motion was seconded by Councilman Johnson and carried by unanimous roll call vote (Councilman Beasley absent).

35. AIRPORT MANAGER, submitting Council Airport Committee's recommendation for denial of William Bergsjo's request for subtenancy on the Kidwell leasehold.

Councilman Sciarrotta moved that Item 35 be held until the next Council meeting; there was no objection.

36. AIRPORT MANAGER, submitting Council Airport Committee's recommendation for approval of Jule Executive Transport, Inc.'s request for subtenancy on the Nallick leasehold.

This item was withdrawn with the comment that the question is now moot.

PARK AND RECREATION:

37. VICTOR PARK PICNIC SHELTER: Recommendation of Recreation Director and Superintendent of Building & Safety that all bids for construction of Victor Park Picnic Shelter be rejected and that they be authorized to advertise for new bids for four picnic shelters.

Councilman Sciarrotta moved to concur in the recommendation as stated. His motion was seconded by Councilman Johnson and there was no objection.

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38. This item was withdrawn prior to the time of the meeting.

LIBRARY OPERATIONS:

39. REQUEST FROM CITY LIBRARIAN for approval to enter into membership agreement with Public Library Film Circuit Commission.

Councilman Wilson moved to approve the membership as set forth in the letter of transmittal. Councilman Uerkwitz asked and was told the total cost is \$2400 (\$1,500 initiation fee plus \$900 the first year's service fee). City Librarian West explained the program, and Councilman Johnson was assured that the money comes from the Library budget. Thereupon he seconded the motion and it carried as follows:

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

Mayor Isen asked that proper publicity be given this service and a report made after it has been in effect for six months, as to the demand.

COMMUNITY AFFAIRS:

40. RECOMMENDATION OF CITY CLERK that an alternate be appointed to serve on the City Selection Committee of the S.C.R.T.D. to replace ex-councilman Lyman.

Mayor Isen moved, subject to checking by City Attorney Remelmeyer, to appoint Marvin Anderson to this membership, with Councilman Miller as an alternate. Councilman Wilson seconded and there was no objection.

41. PROPOSED RESOLUTION commending the League of Women Voters for their part in the acceptance of the Votomatic device by the people of Torrance at the last General Municipal Election.

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

RESOLUTION NO. 68-113

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE COMMENDING THE LEAGUE OF WOMEN VOTERS FOR THEIR PART IN THE ACCEPTANCE OF THE VOTOMATIC DEVICE BY THE PEOPLE OF TORRANCE AT THE LAST GENERAL MUNICIPAL ELECTION.

Councilman Sciarrotta moved for adoption of Resolution No. 68-113 and his motion was seconded by Councilman Wilson. Roll call vote was unanimously favorable (Councilman Beasley absent).

42. PROPOSED RESOLUTION commending the Junior Chamber of Commerce in a like manner.

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

RESOLUTION NO. 68-114

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE COMMENDING THE JUNIOR CHAMBER OF COMMERCE FOR THEIR PART IN THE ACCEPTANCE OF THE VOTOMATIC DEVICE BY THE PEOPLE OF TORRANCE AT THE LAST GENERAL MUNICIPAL ELECTION.

Councilman Wilson moved to adopt Resolution No. 68-114 and his motion, seconded by Councilman Sciarrotta, carried by unanimous roll call vote (Councilman Beasley absent).

ITEMS NOT OTHERWISE CLASSIFIED:

43. FINAL TRACT MAP NO. 19645; SUBDIVIDER: DON WILSON BUILDERS.
Recommendation of Public Works Director and Planning Director, with approval of Planning Commission Chairman, that subject final tract map be approved.

Councilman Sciarrotta moved to concur in approval. His motion was seconded by Councilman Wilson and carried by unanimous roll call vote (Councilman Beasley absent).

44. LETTER TO MAYOR AND COUNCIL FROM CITY MANAGER re request for committee assignment (Oil Code Committee).

Councilman Miller reported in a general way on the several Oil Code Committee meetings which have been held and City Manager Ferraro listed a variety of things which the previous Council instructed the Staff to do: aerial photographs, determining the particular problems for the particular wells, identification code for the particular oil wells showing the right of way problem, the junk problem, or any specific problem which applies. There is also a tentatively discussed beautification ordinance to cover the oil fields area. Three representatives of the oil well owners are Messrs. Robinett, Peckham, and Granier, and they have met with the committee. Mayor Isen said he believes the matter is now administrative and that Staff return with recommendations, with a possible future workshop session of the Council as a whole.

45. LETTER TO MAYOR AND COUNCIL from Larry Bowman, Chairman of Torrance Charter Review Committee re: Progress Report - Charter Review.

Councilman Wilson moved to concur with the Charter Review timetable. His motion was seconded by Councilman Uerkwitz, and roll call vote was unanimously favorable (Councilman Beasley absent).

SECOND READING ORDINANCES:

46. ORDINANCE NO. 1871.

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

ORDINANCE NO. 1871

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING ARTICLE 11 TO DIVISION 9 OF THE TORRANCE MUNICIPAL CODE, PROVIDING FOR THE CREATION OF A HIGH RISE RESIDENTIAL DISTRICT (R-5) AND PROVIDING REGULATIONS TO GOVERN THE LAND USES FOR SUCH ZONE.

Councilman Sciarrotta moved for the adoption of Ordinance No. 1871 at its second and final reading. His motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable (Councilman Beasley absent).

47. ORDINANCE NO. 1873.

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

ORDINANCE NO. 1873

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING SECTION 14.5.15 TO THE TORRANCE MUNICIPAL CODE TO PROVIDE FOR HAZARD PAY FOR MOTORCYCLE OFFICERS.

Councilman Wilson moved for the adoption of Ordinance No. 1873 at its second and final reading; his motion was seconded by Councilman Uerkwitz, and roll call vote was unanimously favorable (Councilman Beasley absent).

PROCLAMATIONS:

- 48. Mayor Isen proclaimed June, 1968 as PARK AND RECREATION MONTH.
- 49. TORRANCE ADOPTION WEEK - June 3-9, 1968 - was so PROCLAIMED. by Mayor Isen.
- 50. COLLECTIVE BARGAINING BILLS.

City Attorney Remelmeyer advised that this report, prepared by him, was for the information of the Council, should they desire to take any action. No action was recommended by Mayor Isen for the Council, it being felt that individual action would be appropriate.

It was pointed out by Sergeant Oates that the information on Page 1 of this report pertaining to Senate Bill 499 was not accurate; he will furnish copies of the Bill to the Council. Support of AB 1327 was recommended by Ray Saukkola.

ORAL COMMUNICATIONS:

- 51. (Page 11)
- 52. Director of Recreation Van Bellehem reported that the North West Torrance Little League needs have been met with the use of Guenser Park.
- 53. Building and Safety Director McKinnon reported on the breakdown of Police Department air conditioning and the need for emergency repair. Councilman Johnson MOVED that the City Manager be authorized to have the equipment repaired, and that the necessary funds be appropriated. The motion was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable (Councilman Beasley absent).
- 54. Mr. Sam Hunegs advised that a recent open and promotional examination for the position of Accountant was held, with two successful promotional candidates and two successful open candidates now appearing on the respective lists. It is Mr. Hunegs understanding that an open candidate has been appointed. The history of promotional preference was recited by Mr. Hunegs, and he requested that such appointment not be made until this matter has been fully investigated.

Finance Director Dundore advised that the appointment had already been made, and stated his understanding of the "rule of three", adding that, in his professional judgment, he had selected the best man for the job. City Manager Ferraro added that he personally reviewed the aspects of this appointment, including the three applications of the names certified, and concurred in the recommendation of the department head; in his opinion the best interests of the City have been served.

City Attorney Remelmeyer advised the Council that there is no specific rule pertaining to the appointment of promotional candidates; the rule of three has ever been applicable with the promotional preference merely an administrative interpretation.

Sergeant Oates deemed it necessary to interject the information to the Council that an ordinance relative to the deletion of evaluation reports on promotional examinations that the Civil Service Commission ^{has been} passed on. Sergeant Oates requested that the Council adopt that ordinance as an emergency ordinance at this time - time being of the essence - with Police promotional lists involved, and the scheduled meetings of the Civil Service Commission and the Council

on June 10th and 11th respectively. Councilman Johnson MOVED that the Civil Service Commission be instructed to withhold any further action on the subject ordinance until there has been further Council consideration, and that the Police promotional lists not be promulgated until so instructed. The motion was seconded by Councilman Uerkwitz, and there were no objections.

Discussion returned to the Accountant appointment. Mayor Isen then MOVED that the Council reaffirm their policy that the promotional list be exhausted first before the open list in the same examination is even resorted to. The motion was seconded by Councilman Johnson. Prior to roll call vote, Councilman Uerkwitz questioned the "rule of three"; Mayor Isen clarified that the "rule of three" would not dip over into the open list when there are promotional candidates; there were reservations by Councilman Uerkwitz as to the obtaining of the best qualified person. The motion carried, with roll call vote as follows:

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

City Attorney Remelmeyer stated that he would take the above action as direction that the proper ordinance be prepared also. He outlined as well the need for the Council to translate its thoughts into law and the difficulties of following through when considering only "policy".

It was then the recommendation of Mayor Isen that the party appointed to the Accountant position be advised that such appointment had been in error, and that the appointment then be made from the Promotional List. Discussion followed on the inequity of this action to the concerned party, which came about because of a policy misunderstanding, with Mayor Isen maintaining that the greater inequity is to City employees. Councilman Wilson then MOVED that the Council support administration in the appointment of this person, and that there be an ordinance which in the future would so instruct personnel as to whom can be selected. The motion died for lack of a second.

Mrs. Pauline Greer, Finance Department, stated that she is the #1 person on the list being discussed, and when told by Mr. Dundore of the appointment of the #3 person she advised him of the rule of first exhausting the promotional list before going to the open list, but the results of his research on such a rule were not relayed to her. Reviewed as well by Mrs. Greer were past experiences of the City in like cases, and she urged that the Council postpone the pending appointment until adequate research can be accomplished, and that ultimately the appointment of one of the promotional candidates result.

Councilman Miller then MOVED that Mayor Isen's earlier motion on Council policy (that the promotional list be exhausted first before the open list in the same examination is even resorted to) be made in the form of an ordinance. His motion was seconded by Councilman Sciarrotta, and there were no objections.

Discussion returned to the appointment already effected. At Councilman Uerkwitz's question as to remedies available, City Attorney Remelmeyer advised that it is his opinion that an ordinance, as a matter of law, could be passed which would undo this appointment (in view of the 6-month probationary period) with the effective date of such an ordinance. Councilman Johnson then MOVED that the

appointment be retracted with the eligible notified that the matter is being held for the moment until it can be discovered whether or not there is in fact an ordinance. Mayor Isen questioned the motion, and ordered a 5-minute recess to permit research for such an ordinance, the hour being 1:30 A.M.

Upon resumption of the meeting, Ray Saukkola read from Rule 10, Section 2, of the C.S. Rules pertaining to "Certification of Eligibles" which includes the "rule of three" but infers that it is not impractical to fill by promotion. It would be Mayor Isen's interpretation that this would be the thing to be done first.

City Attorney Remelmeyer was not in agreement, and dissenting discussion followed on the interpretation, with Mr. Remelmeyer again alluding to his earlier recommendation that the Council can effect the creation of an ordinance which will remove the eligible from the position. Mayor Isen stated that he felt the morale of City employees of sufficient importance to warrant such an action, and recommended that the man be notified not to come to work. Mayor Isen then MOVED that an ordinance be prepared which would incorporate existing policy that the promotional list first be exhausted before going to the open list; that this ordinance be made applicable to all appointments made during the probationary period that the law permits.

Discussion ensued on the retroactive aspect of Mayor Isen's motion; he then expanded the MOTION: That as of May 27th any employee selected from an open list as against the promotional list where there was a promotional list available, that during the six-month period that that employee would be discharged.

The motion as expanded was seconded by Councilman Johnson, but failed to carry, with a tie vote as follows:

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

It was the consensus of the Council that an impasse had been reached, out of it has come an ordinance that will take care of future situations, and that it will be necessary for administration to act on their own good conscience. Mayor Isen requested that a report be furnished the Council.

55. Councilman Johnson reported that there is a very small area in the County where the City has inadvertently withdrawn their opportunity to use the library. Pending determination of the status of the reciprocal agreement, Councilman Johnson MOVED that the City extend the use of its Library services to the small island of people in the area of Avenue A in Redondo Beach. The motion was seconded by Mayor Isen. There were no objections, and it was so ordered.

At 1:50 A.M. Councilman Sciarrotta moved to adjourn to Tuesday, June 11th, at 8:00 P.M. His motion was seconded by Councilman Johnson, and roll call vote was unanimously favorable (Councilman Beasley absent).

* * * *

Ava Cripe
Minute Secretary

APPROVED:

Albert Isen
Mayor of the City of Torrance

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