

I N D E XCity Council - July 15, 1969 - 5:30 P.M.

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Ava Cripe
Minute Secretary

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Adjourned at 8:55 P.M.

* * * *

July 15, 1969

MINUTES OF A REGULAR MEETING
OF THE TORRANCE CITY COUNCIL

OPENING CEREMONIES:

1. CALL TO ORDER:

The Torrance City Council convened in a regular meeting on Tuesday, July 15, 1969, at 5:30 P.M. in the Council Chambers at Torrance City Hall.

2. ROLL CALL:

Responding to roll call by City Clerk Coil were: Councilmen Beasley, Johnson, Miller, Sciarrotta, Uerkwitz, and Wilson.
Absent: Mayor Isen (at Cape Kennedy for Apollo 11 launching).

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

In the absence of Mayor Isen, Mayor Pro Tem Wilson conducted the meeting.

3. FLAG SALUTE:

At the request of Mayor Pro Tem Wilson, Mr. Gerald Alter led in the salute to the flag.

4. INVOCATION:

The invocation for the meeting was given by Mrs. Alpha Renz, YMCA Program Director.

STANDARD MOTIONS:

5. APPROVAL OF MINUTES:

July 8th minutes not yet received.

6. APPROVAL OF DEMANDS:

Councilman Beasley moved that all properly audited demands be paid. His motion, seconded by Councilman Johnson, carried as follows:

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

NOES: COUNCILMEN: None.

ABSENT: COUNCILMEN: Mayor Isen.

7. MOTION TO WAIVE FURTHER READING:

Councilman Uerkwitz moved that after the Clerk has given a number and read title to any resolution or ordinance on tonight's agenda, the further reading thereof be waived, reserving and

guaranteeing to each Councilman the right to demand the reading of any such resolution or ordinance in regular order. The motion, seconded by Councilman Sciarrotta, was unanimously approved by roll call vote (Mayor Isen absent).

8. COUNCIL COMMITTEE MEETINGS:

None.

* * * *

Mayor Pro Tem Wilson informed those present that Mayor Isen had been invited to witness the Apollo 11 launching -- an honor and privilege not only for the Mayor but for the City of Torrance as well.

The fine tribute to Mayor Isen on the back agenda page was also noted by Mayor Pro Tem Wilson, followed by an enlightening explanation of Council procedure.

* * * *

NONCONTROVERSIAL ITEMS:

9. AWARD OF CONTRACT for Furnishing and Fabricating 16-inch Class 150 Water Pipe and Flanged Spools - Ref. Bid B69-37.

RECOMMENDATION OF FINANCE DIRECTOR:

That Council accept the low bid submitted by American Pipe and Construction Company and award them the contract for furnishing and fabricating these materials per specification in the amount of \$30,364.95 including tax.

10. AWARD OF ANNUAL CONTRACT for Window Cleaning of City Buildings - Reference Bid B69-34.

RECOMMENDATION OF FINANCE DIRECTOR:

That Council approve the awarding of the window cleaning contract to the Allstate Building Maintenance Company in the amount of \$536.00 per washing (\$3,216.00 annually):

11. AWARD OF CONTRACTS - Annual Supply of:
- A. Insecticides - Reference Bid B69-35
 - B. Fertilizers and Top Dressings - Reference Bid B69-33
 - C. Weed Killers - Reference Bid B69-32

12. RENEWING CONTRACT - Steer Fertilizer.

RECOMMENDATION OF FINANCE DIRECTOR:

The initial year on this contract with Norwalk Fertilizer Company is now completed and Purchasing recommends that the renewal option included in the contract be exercised for an additional year with pricing remaining "unchanged". This will allow us to buy this material at one year old prices.

13. STANDARD OIL COMPANY GEOPHYSICAL SURVEY ON CARSON STREET - Request for Extension of Permit to September 1, 1969.

RECOMMENDATION OF ACTING CITY ENGINEER:

That request be granted.

14. RELEASE OF SUBDIVISION BOND - TRACT NO. 29143 (HOMER AND HUBERT ROGERS.)

Bonding Company: General Insurance Co. of America
 Bond No. 500965
 Amount: \$1,900

RECOMMENDATION OF ACTING CITY ENGINEER:

That subject bond be released.

15. RELEASE OF SUBDIVISION BOND - TRACT NO. 21205

(SUBDIVIDER: DANALOU, INC. RALPH G. GARLAND)

Bonding Company: Great American Insurance Co.
 Bond No. 2235924
 Amount: \$96,500.00

RECOMMENDATION OF ACTING CITY ENGINEER:

That subject bond be released.

16. RELEASE OF SUBDIVISION BOND - TRACT NO. 30186

(SUBDIVIDER: DANALOU, INC. - RALPH G. GARLAND)

Bonding Company: New Amsterdam Casualty Co.
 Bond No. 0216-65
 Amount: \$16,000

RECOMMENDATION OF ACTING CITY ENGINEER:

That subject bond be released.

17. EXPENDITURES IN EXCESS OF \$300:

A. BUDGETED:

1. \$398.63 to Automatic Printing of Torrance for the printing of 8000 "Notice of Improvement" posters for Street Lighting District No. 15 as requested by the Traffic & Lighting Department.
2. \$990.15 to Park-Son, Inc. for one only 16 inch water pipe valve with bypass as requested by the Water Department for use on the Van Ness Extension Project previously approved by Council on April 22, 1969.
3. \$982.81 to Hersey-Sparling Meter Company for Hersey-Sparling meter repair and replacement parts requested by the Water Department for stock as needed.

B. REIMBURSABLE ITEMS:

4. \$1698.25 to Dependable Trophy for 529 trophies and plaques requested by the Recreation Department for distribution as awards for the Recreation softball, tennis and soccer Summer League program winners. The City has already been reimbursed for the cost of these trophies through fees paid by the team participants.

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MOTION: Councilman Sciarrotta moved to concur with the recommendations on agenda items 9 through 17 inclusive. His motion was seconded by Councilman Johnson, and carried as follows:

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

HEARINGS:

18. WEED ABATEMENT PROGRAM FOR 1969
RESOLUTION authorizing and instructing Contractor to abate weed on or in front of properties in the City of Torrance described in Resolution of Intention 69-159.

Mayor Pro Tem Wilson announced that this is the time and place for the hearing on the Resolution of Intention declaring parcels described in said Resolution to be a public nuisance, and providing for the abatement thereof, excepting the following parcels: There were no exceptions.

City Clerk Coil presented the Affidavit of Posting and Affidavit of Mailing. Councilman Sciarrotta moved that they be received and filed; his motion was seconded by Councilman Miller, and there were no objections.

Mayor Pro Tem Wilson then inquired if anyone wished to be heard, and there was no response. Councilman Miller moved that the hearing be closed; his motion was seconded by Councilman Uerkwitz, and there were no objections.

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

RESOLUTION NO. 69-172

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING AND INSTRUCTING THE CONTRACTOR TO ABATE THE NUISANCE LOCATED ON OR IN FRONT OF PROPERTIES IN THE CITY OF TORRANCE AS DESCRIBED IN RESOLUTION NO. 69-159.

Councilman Johnson moved for the adoption of Resolution No. 69-172. His motion was seconded by Councilman Uerkwitz, and roll call vote was unanimously favorable (Mayor Isen absent).

19. 1968 WEED ABATEMENT PROGRAM -
CONFIRMATION OF ASSESSMENT ROLL

RECOMMENDATION OF ACTING CITY ENGINEER:

That at the conclusion of the hearing by the City Council, (1) the Report of the City Manager be approved as submitted or as modified, and (2) the appropriate accompanying resolution be adopted.

Affidavit of Posting was presented by City Clerk Coil. Councilman Beasley moved that it be received and filed; his motion was seconded by Councilman Uerkwitz, and there were no objections.

Mayor Pro Tem Wilson announced that this is the time and place for the public hearing on the subject matter, and inquired if anyone wished to be heard. There was no response.

Councilman Beasley moved that the hearing be closed. His motion was seconded by Councilman Johnson, and there were no objections.

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

RESOLUTION NO. 69-173

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE CONFIRMING THE WRITTEN REPORT OF THE CITY MANAGER SHOWING THE COST OF WEED ABATEMENT FOR 1968.

Councilman Sciarrotta moved for the adoption of Resolution No. 69-173. His motion was seconded by Councilman Uerkwitz, and roll call vote was unanimously favorable (Mayor Isen absent).

PLANNING AND ZONING HEARINGS:

20. Hearings deferred from July 8, 1969 Council Meeting to September 9, 1969 Council meeting, which is a legal holiday (Admission Day).

It was agreed that the regular Council meeting for that week would be held on Thursday, September 11, 1969, 5:00 P.M., with the two hearings deferred from the July 8th Council meeting to be scheduled for that date.

PLANNING AND ZONING MATTERS:

21. FINAL TRACT MAPS 23517 AND 30602.

City Attorney Remelmeyer reported on his meetings with Messrs. Hitchcock and Schmitz in an effort to reach an agreement in carrying out the terms of the verbal agreement made at the July 8th Council meeting. Mr. Remelmeyer then inquired of Mr. Hitchcock the status of the escrow.

Mr. Hitchcock advised that the escrow instructions received back from Imperial Bank did not incorporate by reference the mutual agreement; he unsuccessfully attempted to contact the escrow officer, but will pursue this. The terms were again reviewed by Mr. Hitchcock, as was the foolproof method of payment of bills -- immediate bills may be paid by Mr. Cake but those bills must be identified, signed by the person who did the work, the work must be described, the amount itemized, and signed by Mr. Cake, so that the City will have a complete record of what has transpired.

Further protection is offered to assure proper progress of the work in that Mr. David Halstead has been selected to analyze the situation as to work progress; should Mr. Halstead decree it other than satisfactory, the escrow officer is instructed that upon receipt of a demand from the City to take the balance of the funds in escrow and convey them to the City Treasurer's office so that the City may proceed with the remaining money.

Outlined by Mr. Hitchcock were the feelings of Mr. Cake that the work can be done more expeditiously and inexpensively with the proposed arrangement, all to done to City specifications.

Councilman Beasley suggested that, on assurance from the City Attorney that the \$50,000 is in escrow and irrevocable and that the City's position at the present time has not been jeopardized but, rather, bettered by the \$50,000, action be taken that the two tracts be released.

City Attorney Remelmeyer spoke to this, outlining his efforts to pinpoint the desires of the Council in the matter. A further matter, Mr. Remelmeyer continued, is the Gallareto agreement, which is a separate consideration, and, by letter, states that Mr. Gallareto will deposit \$2000 with the City to pay for pumping the sump, this being a "one shot" deal, keeping the sump dry thereafter is the City's problem -- also, the City, by accepting this money, gives up the right in the future to withhold permits for building or occupancy based on the sump.

This clause re: the withholding of building permits was discussed at some length -- the consensus of the Council being this was a completely unacceptable condition.

Spelled out by Mr. Remelmeyer, in reference to the agreement with Mr. Cake: Mr. Cake is to deposit \$50,000 in escrow at Imperial Bank, the funds will be irrevocable in that they will not be returned to Mr. Cake; in return, the City agrees that it will approve the final tract maps on the subject tracts upon delivery to the bank by Mr. Cake of the \$50,000 and execution of the escrow instructions and of the Gallareto agreement. Then the City agrees with Mr. Cake that it will use its best efforts to drain the sump to a degree of dryness sufficient to commence construction; the City further agrees that it will commence to pump the sump within 48 hours after the agreement has been signed and the \$50,000 has been deposited. Continuing, Mr. Remelmeyer advised that Mr. Cake agrees that as soon as the sump is sufficiently dry to be excavated, as determined by the City Engineer, that he will engage a contractor or contractors to complete the sump in accordance with the original plans of the City Engineer, with the City Engineer to send notice to Mr. Cake when it has that sufficient degree of dryness to commence construction, and construction of the sump will be completed by Mr. Cake in accordance with the plans on or before 90 days following this determination by the City Engineer (with an extension of the 90 days for strikes, war, or anything of that nature that prevents completion of the sump).

In conclusion, City Attorney Remelmeyer advised that the City further agrees that Mr. Cake may dump, without charge to Mr. Cake, in the Meadow Park Redevelopment Project area up to 20,000 cubic yards

of dirt from the sump, with no more than 20,000 cubic yards to be dumped without the consent of the City Engineer -- there may be other places where the dirt may be dumped but that is not a part of the subject agreement.

Referring to the escrow per se, Mr. Remelmeyer advised that the bank will pay out of the funds deposited to the contractors hired by Mr. Cake, with itemized details of the transaction -- with the provision that in the event David Halstead determines that Mr. Cake has failed to start or to diligently continue the work of excavating the sump - and such failure should continue after 10 days notice of the default has been furnished Mr. Cake, then the City has the election by giving notice to Mr. Cake and the bank to have that balance of the \$50,000 revert to the City so that the City may use such money for digging the sump. Should Mr. Halstead decline to serve, Mr. Remelmeyer commented, then Mr. Gerald Alter has been selected as an alternate. Mr. Remelmeyer explained that a person acceptable to both the City Council and Mr. Cake had resulted in the selection of Mr. Halstead. City Manager Ferraro expressed reservations, certainly not as to the qualifications of either Mr. Halstead or Mr. Alter, but to the fact that neither have administrative responsibility to him or the Council and would be outside the chain of command as far as authority is concerned.

Further clarified by City Attorney Remelmeyer was that, in spite of the above provision, should Mr. Cake believe that he was not in default he could send a "stop notice" to the bank, or a rescission order on the agreement and the bank probably would hold the money, having the right under the escrow agreement to do so, until the court had made a determination as to where the money should go, or if the parties later agree among themselves as to the disposition of the money. Assuming that there is a default, and the money does come to the City, then the City agrees to hold the money to complete the sump or pay it over to Mr. Cake in accordance with any later order of the court, inasmuch as it obviously cannot be used for any other purpose. The agreement further states, according to Mr. Remelmeyer, that should the City get any part of the \$50,000, any future recovery from Mr. Cake would be reduced by that sum; however, the making of this agreement and the deposit of the money will not jeopardize the City's suit against Mr. Cake, so if Mr. Cake does not finish the sump the City may go ahead and enforce its rights under the existing sump and subdivision and grading agreements. It has further been provided that the sureties will consent in order that they not be released on the original bond.

Discussion returned to the Gallareto agreement re: the withholding of building permits, with the Council reiterating its objection to such a condition and the waiver of rights represented thereby.

Discussed as well was the matter of the authority delegated Mr. Halstead. Attorney Fidel Schmitz advised that while Mr. Cake thinks he could work very well with City Engineer Weaver, the point is that there are two parties to the litigation, with Mr. Weaver representing the City on a dispute; hence the choice of David Halstead. In the opinion of City Attorney Remelmeyer, the services of Mr. Halstead

would not be an infringement on the City Manager -- it being a policy to be determined by the Council as to whether or not to entrust this decision to anyone other than the City Engineer. The eminent qualifications of Mr. Halstead were reviewed at length, and it was agreed that such an arrangement would serve to expedite the whole matter.

MOTION: Councilman Beasley moved to approve Final Tract Maps 23517 and 30602, with instructions to the City Engineer not to sign the maps until the agreement has been fully executed by all parties in conformance with conditions outlined, and the \$50,000 deposited in the escrow, with the escrow instructions approved. (This action refers to the Cake Agreement). His motion was seconded by Councilman Johnson, and carried as follows:

AYES: COUNCILMEN: Beasley, Johnson, Miller, Sciarrotta,
and Uerkwitz.
NOES: COUNCILMEN: Wilson. (feels there should be a written
presentation.)
ABSENT: COUNCILMEN: Mayor Isen.

As to the Gallareto Agreement, Councilman Beasley commented that if Mr. Gallareto has enough confidence in the City Building and Safety Director and the City Engineer to accept the agreement without the provision pertaining to occupancy of the houses, then that part could be stricken and pumping of the sump could commence tomorrow morning.

It was pointed out by City Manager Ferraro that the Council does not give occupancy permits -- this is a matter for the Building Department. Building and Safety Director McKinnon commented that if the sump is not finished, the real fear is not for the subject tracts, but, rather, other lower tracts -- what does it matter if someone is living under a roof or not; the run-off down the street is still the same affecting the lower tracts -- if this is the fear, then they should not be permitted to start.

The element of chance was acknowledged by Councilman Johnson, following review of the grading, etc. stages of the construction procedure, but he was of the opinion that substantial agreements have been reached, and offered the following:

MOTION: Councilman Johnson moved approval of Final Tract Maps 23517 and 30602, subject to City Attorney Remelmeyer's concurrence in the letter of agreement, and with instructions to the City Engineer not to sign the maps until the agreement has been fully executed by all parties in conformance with conditions outlined; the \$50,000 deposited in escrow, with the escrow instructions approved.

Prior to a second on the motion, City Attorney Remelmeyer outlined his understanding of the action taken by the Council: As to the Cake Agreement, it is satisfactory to the Council, subject to confirmation that Mr. Halstead or Mr. Alter will accept the request to serve, and that the escrow company will take this escrow; otherwise the agreement will not be rewritten.

As to the Gallareto Agreement, City Attorney Remelmeyer advised that \$2000 maximum will be deposited; they will be responsible for pumping the sump only once, and that the provision with regard to the future action of the Council on the tract will be deleted.

There was discussion by the Council as to likely controls - including that of a moratorium - to insure the successful evolvment of the development. A weekly status report was requested by Councilman Miller.

Councilman Johnson's motion was seconded by Councilman Sciarrotta, and carried, with roll call vote as follows:

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

It was the comment of Mayor Pro Tem Wilson that he feels the Council is acting in haste, feeling this a matter that should be considered further, and that there should be a written presentation; hence his "no" vote.

* * *

22. TIME EXTENSION FOR TENTATIVE TRACT NO. 24209,
DON WILSON BUILDERS.

Withdrawn.

23. RESOLUTION approving a variance from the provisions of the R-3 zone as applied for by Joseph F. Corda (Planning Commission Case No. V69-1).

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

RESOLUTION NO. 69-174

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A VARIANCE FROM THE PROVISIONS OF THE R-3 ZONE OF THE TORRANCE MUNICIPAL CODE, AS APPLIED FOR BY JOSEPH F. CORDA IN PLANNING COMMISSION CASE NO. V69-1.

Councilman Johnson moved for the adoption of Resolution No. 69-174. His motion was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable (Mayor Isen absent).

* * *

PERSONNEL MATTERS:

24. RESOLUTION adopting a uniform three-step pay plan and amending salaries of certain classes of City employees.

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

RESOLUTION NO. 69-175

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF TORRANCE ADOPTING A UNIFORM
THREE-STEP PAY PLAN AND AMENDING SALARIES
OF CERTAIN CLASSES OF CITY EMPLOYEES.

Councilman Uerkwitz moved for the adoption of Resolution No. 69-175. His motion was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable (Mayor Isen absent).

25. Request of Walter Koenig re: HIGHWAY PATROL RETIREMENT PLAN.

City Manager Ferraro advised that information had been received this date pertaining to AB 1717 and AB 374 to the effect that AB 1717 has been held by the Senate Committee for one week; AB 374 has been taken under submission.

Mayor Pro Tem Wilson referred to the communication from the Torrance Police Officers Association regarding representation in this matter. City Manager Ferraro advised that the Torrance Management Employees Association has been authorized by Chief Koenig to represent him.

Phillip Joseph, Torrance Police Officers Association, stated that the fact that Chief Koenig requested TMEO to represent him is not questioned, but, rather, the fact that the Retirement Bill is being discussed by TMEO and management; they feel that TPOA should be included in such discussions, and properly notified.

Explained by Sr. Administrative Assistant Jackson was that the request of Chief Koenig was placed on the July 15th agenda -- the TPOA, as were all employee organizations, was given legal notice by delivery of this agenda to their boxes on July 11th. This provided Monday and Tuesday to contact the City Manager's office for consultation in good faith; Mr. Jackson affirmed that they have therefore conformed with the requirements of SB 1228.

Councilman Johnson commented that there was a significant interest on the part of TPOA in this particular matter; it seems to him that they should have at least been invited to talk. Sr. Administrative Assistant Jackson clarified that, under the law, there has been a meeting with TPOA on both Assembly bills, with notice having been served in the manner above described.

Officer Joseph described the irregular arrangement for his mail delivery, and suggested that the notification should have been in writing, five days prior.

At Councilman Miller's question as to whether an agenda item is proper notice under the "meet and confer" law, City Attorney Remelmeyer stated that it would be his offhand opinion that it is not necessary to "meet and confer"; this is a statute of the Legislature, not an internal law -- as a City Council they are free at any time to take a position on a statute of the Legislature -- further, this matter affects the Chief personally, and it is Mr. Remelmeyer's opinion that the Chief can choose his own bargaining group. This was acknowledged by Officer Joseph, but TPOA maintains that their Retirement Bill is being discussed and they feel they should be included in the discussions. Mr. Remelmeyer was not in agreement, adding that, under the statutes, there is nothing to prevent the Council from going ahead without consulting with anyone, making a request to the Legislature to amend any bill in the Legislature.

In order to permit research of procedure in this case, Mayor Pro Tem Wilson ordered a 10-minute recess - the hour, 6:50 P.M.

* * * *

On resumption of the meeting, Councilman Sciarrotta MOVED that agenda item #25 be referred to the Council Police and Fire Committee for investigation and recommendation, and to be resolved by the Council meeting of July 22nd. The motion was seconded by Councilman Johnson.

Representing TMEO, and on behalf of that organization and the Chief of Police who is a member, Mr. Jack Egan urged that the Council adopt the recommendation of the City Manager on Item #25 and give all support it possibly can to the enablement of legislation which will permit the Chief to be retained by the City.

It was the comment of Mayor Pro Tem Wilson that the Chief is being put in a very embarrassing position -- looking into the case reveals that he was invited to come to the City with full expectation of reaching 65 years of age for retirement; it now seems that this possibility is being eliminated by not supporting the bill which would make this possible. Dr. Wilson further stated that he feels the City has a moral obligation, and he would hope for greater support than is apparent at this point.

Speaking at this point, Chief Koenig stated that unless action is taken by the Council at this meeting, by next week when the bill is heard, it will be entirely irrelevant; the recommendations of this Council could be very important in the final considerations of the bill. In the opinion of Chief Koenig the week postponement by the Council is just the same as killing it right here.

Councilman Sciarrotta explained that it is desired to hear everyone -- no delaying tactic is involved -- which will permit the Committee to present a considered recommendation to the full Council.

Roll call vote on the motion was as follows:

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AYES: COUNCILMEN: Beasley, Johnson, Miller, Sciarrotta,
and Uerkwitz.

NOES: COUNCILMEN: Wilson.

ABSENT: COUNCILMEN: Mayor Isen.

It was agreed that the Council Police and Fire Committee would meet on Wednesday, July 16th, at 2:30 P.M. - to be invited: Chief Koenig, TMEO, TPOA, and Torrance Fire Fighters representatives.

26. Report on Status of Acting City Engineer.

RECOMMENDATION OF CITY MANAGER:

That no changes be made to the present move-up pay provisions of the Torrance Municipal Code. (At the present time neither class specification nor salary have been established for the class of City Engineer.)

It is further recommended that upon the adoption of these class specifications, the City Manager be authorized to appoint on a temporary basis, Glenn Weaver to the position of City Engineer; such appointment to be retroactive to the date of the final termination of the Public Works Director.

MOTION: Councilman Beasley moved to concur with the above recommendation of the City Manager, and file the matter.

Prior to a second on the motion, it was the comment of Councilman Johnson that he recalls, in past move-up pay considerations, that the purpose of excluding Assistant Department Heads was for covering Council meetings, etc. and did not relate to the long time absence of a Department Head. In the subject case, the Acting City Engineer has been performing all the duties of the Public Works Director for a considerable period of time and he should be given move-up pay.

Sr. Administrative Assistant Jackson pointed out that the move-up rule was rewritten in December, 1968, and adopted by the Council, per a Memorandum of Understanding with the employee organizations -- the ordinance makes it clear that Assistant Department Heads do not receive move-up pay.

Past instances involving move-up pay were reviewed. Clarified by City Manager Ferraro in the subject case was the fact that Mr. Weaver's Department Head had a dual title -- City Engineer/Public Works Director -- and other arrangements were made for the Public Works aspects of the position; in arriving at any relief for Mr. Weaver it must be determined what part of the salary was City Engineer and what part Public Works Director. Further pointed out by Mr. Ferraro was that part of the salary of ^{an} Assistant Department Head is predicated on the fact that he will take the place of the Department Head when he is not there. Mr. Ferraro acknowledged the unusual circumstances in this case, and noted that his recommendation includes retroactive action.

Councilman Uerkwitz seconded Councilman Beasley's motion.

Roll call vote was as follows:

AYES: COUNCILMEN: Beasley, Miller, Uerkwitz,
and Wilson.

NOES: COUNCILMEN: Johnson, Sciarrotta.

ABSENT: COUNCILMEN: Mayor Isen.

Councilman Johnson stated that he voted "no" for the reason that he believes the retroactive aspect should go farther back than recommended.

BUILDINGS, STRUCTURES AND SIGNS:

27. REQUEST FOR RELIEF FROM COMPLIANCE WITH EMERGENCY ORDINANCE NO. 1937 (ESTABLISHMENT OF NEW STANDARDS FOR MULTIPLE RESIDENTIAL CONSTRUCTION) MR. DONALD G. HUNT.

RECOMMENDED FOR DENIAL BY BUILDING & SAFETY DIRECTOR.

Councilman Miller stated that he would abstain in the consideration of this matter inasmuch as he lives within 300 ft. of the subject property.

The proponent's attorney, Mr. Richard L. Riemer, 1212 North Broadway, Santa Ana, was present to elaborate on the contents of his June 27th letter in support of their request for relief from Emergency Ordinance No. 1937. Mr. Riemer also advised that more detailed drawings had been viewed by Building & Safety Director McKinnon, with Mr. McKinnon reiterating his recommendation for denial inasmuch as he does not feel that the drawings as submitted are in substantial compliance; they, of course, differ with him entirely in that respect. It is the contention of the proponent, Mr. Riemer continued, that the subject drawings were in existence at the time that the City modified its ordinance changing the standards and were in sufficient detail to depict entirely every modification from the new ordinance.

It was further pointed out by Mr. Riemer that under the existing ordinance at the time the land was purchased by his client, approximately 80 units could have been constructed on this property -- Mr. Hunt chose not to do that, it being his thought, based on his experience, that a more workable and more desirable plan and layout for the development of this property would be for some 42 units, which is what is proposed for the property. It is Mr. Riemer's understanding that under the new ordinance 40 units would be authorized -- two additional units does not represent a substantial modification to him. Further, parking requirements are met -- differences center on the patio area requirements, which have been met by the outdoor living area, pool area, tennis and badminton courts, etc.

Mr. Riemer then commented on the fact that there was virtually no notice given so that the plans might be completed, along with a substantial lack of communication and understanding between City Staff and the proponent.

The architect for the project, Mr. Riemer continued, advises that there is less than two weeks of architectural drawing of the engineering work to be done before they would be completed building drawings, sufficient to seek a building permit on the property.

In conclusion, Mr. Riemer outlined the timetable of events in this matter, reaffirming his conviction that the plans are in substantial compliance.

At questions posed by the Council, Director of Building and Safety McKinnon clarified that he had never talked to Mr. Hunt or Mr. Riemer, or anyone in the organization, until approximately one month ago -- after the deadline established by the Council no more plans could be submitted to be put on the list to change their plans; no one has asked for such relief - any relief that has been before the Council has been for those who have already completed their plans, have their permits, and have encountered other problems.

As to notification, Mr. McKinnon outlined the manner of accomplishing this difficult task, with Mr. Hunt's name on the list of those notified. However, he continued, nothing was submitted during the intervening time until one month ago when (as a result of another problem completely aside from the proponent's building project) it was learned that building was contemplated.

It was further stated by Director of Building and Safety McKinnon that the drawings examined by him do not qualify as to substantial working drawings.

MOTION: Councilman Sciarrotta moved to concur with the recommendation of the Building and Safety Director in DENIAL of the request.. His motion was seconded by Councilman Uerkwitz.

Prior to taking action on the motion, Mr. Donald G. Hunt came forward and stated that the notification had never been received by him, reciting the timetable of events and negotiations on the land as well.

At Mayor Pro Tem Wilson's question as to the recourse available to Mr. Hunt in the event of denial, Director of Building and Safety McKinnon advised that would be consideration before the Planning Commission under a procedure now established to accomodate such circumstances. Planning Director Shartle explained the procedure wherein the Commission may grant greater density to a developer if they feel it an exceptional development, but all the other terms of the ordinance must be met. Mr. Hunt stated that the lot is almost 41,000 sq. ft. with 42 units; it was indicated that parking space, open area, etc. are in compliance so no particular difficulties should be presented.

Roll call vote on Councilman Sciarrotta's motion for DENIAL, the recommendation that the matter be presented to the Planning Commission being noted, was as follows:

AYES: COUNCILMEN: Beasley, Johnson, Sciarrotta,
Uerkwitz, and Wilson.

ABSTAIN: COUNCILMEN: Miller.

ABSENT: COUNCILMEN: Mayor Isen.

REAL PROPERTY:

28. RESOLUTION authorizing agreement providing for the acquisition of a parcel of property required for the widening of Del Amo Boulevard, easterly of Crenshaw Boulevard - Parcel No. 14 - Artemio and Dolores Duarte.

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

RESOLUTION NO. 69-176

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST THAT CERTAIN AGREEMENT BETWEEN THE CITY AND ARTEMIO AND DOLORES DUARTE FOR THE PURCHASE OF PROPERTY FOR THE WIDENING OF DEL AMO BOULEVARD.

Councilman Miller moved for the adoption of Resolution No. 69-176. His motion was seconded by Councilman Beasley, and roll call vote was unanimously favorable (Mayor Isen absent).

TRAFFIC AND LIGHTING:

29. RESOLUTION authorizing execution of the City of Torrance and City of Lomita agreement for maintenance of traffic signal and highway safety lighting installations at locations under common jurisdiction.

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

RESOLUTION NO. 69-177

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AND ATTEST THAT CERTAIN AGREEMENT FOR MAINTENANCE OF TRAFFIC SIGNAL AND HIGHWAY SAFETY LIGHTING INSTALLATIONS AT LOCATIONS UNDER COMMON JURISDICTION WITH THE CITY OF LOMITA.

Councilman Sciarrotta moved for the adoption of Resolution No. 69-177. His motion was seconded by Councilman Miller, and roll call vote was unanimously favorable. (Absent: Mayor Isen).

FISCAL MATTERS:

30. RESOLUTION authorizing amendment to Agreement for Engineering Services with Koebig & Koebig, Inc., for storm drains to be constructed under Los Angeles County Flood Control District 1964 Bond Issue Project 1105.

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

RESOLUTION NO. 69-178

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 AMENDMENT TO AGREEMENT FOR ENGINEERING SERVICES WITH KOEBIG & KOEBIG, INC., FOR STORM DRAINS TO BE CONSTRUCTED UNDER LOS ANGELES COUNTY FLOOD CONTROL DISTRICT 1964 BOND ISSUE PROJECT NO. 1105.

Councilman Beasley moved for the adoption of Resolution No. 69-178. His motion was seconded by Councilman Johnson, and roll call vote was unanimously favorable (Mayor Isen absent).

31. City Attorney recommending approval of settlement regarding a complaint for property damages against the City by Wilfred J. and Diana Mary Cowell.

MOTION: Councilman Sciarrotta moved to concur with the recommendation of the City Attorney to approve a settlement of all claims of Mr. and Mrs. Cowell, in the amount of \$500, and that said \$500 be appropriated from the General Fund for this purpose. His motion was seconded by Councilman Johnson, and roll call vote was unanimously favorable (Mayor Isen absent).

* * * *

The hour being 7:50 P.M., Mayor Pro Tem Wilson ordered a 10-minute recess.

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AIRPORT MATTERS:

32. REQUEST FOR APPROVAL TO NEGOTIATE RETURN OF HALFWAY HOUSE PORTION OF THE KIDWELL LEASE AND TO NEGOTIATE NEW LEASE THEREFOR.

Airport Manager Egan reported on a new development in this matter in that Mr. Kidwell intends, in light of the recommendations by the Airport Manager that the leasehold is of no value and that there be negotiations at no cost to the City, to put offices in that building for the 20 months remaining. In the opinion of Airport Manager Egan this would compound the problem in that there would probably be three or four subtenants to deal with, along with considerable administrative burden on the Airport office -- it being Mr. Egan's recommendation that the City terminate with Mr. Kidwell and that he be paid \$8000 for his remaining leasehold interest.

MOTION: Councilman Beasley moved that the City offer Mr. Kidwell \$8000 for the balance of his lease on the restaurant facility. The motion was seconded by Councilman Sciarrotta.

Discussion followed on the type of restaurant appropriate for this location -- Airport Manager Egan advised that he had no commitment from the Taste of Sweden. Councilman Beasley recommended that the lease be purchased, with the other necessary determinations to follow.

It was the consensus that there should be further study on this matter. Mr. Slim Kidwell was in attendance and indicated that postponement to July 25th, no later, would be agreeable with him.

A SUBSTITUTE MOTION to defer this matter until July 25th, to be on the July 22nd Council agenda, was made by Councilman Miller, seconded by Councilman Uerkwitz, and unanimously approved by roll call vote (Mayor Isen absent).

33. DOUGLAS AIRCRAFT DIVISION REQUEST IN THE EVENT OF A DECLARED EMERGENCY FOR THE EVACUATION OF THEIR EMPLOYEES ACROSS CITY PROPERTY AND RIGHT TO ENTER AND CONSTRUCT A TEMPORARY ROADWAY ON THE AIRPORT.

RECOMMENDATION OF AIRPORT MANAGER:

That the subject request be granted, subject to:

- A. 1. The satisfaction of the departments having jurisdiction; and
 2. Douglas Aircraft executing a conditional use permit which would contain the usual safeguards to protect the City along with other stipulations in respect to the termination, restoration, use of, and specifications of the roadway.
- B. In the event Council approves the request, that the Airport Manager be authorized and directed to issue a proper permit and coordinate the implementation of their request with Douglas Aircraft and other departments having jurisdiction.

MOTION: Councilman Sciarrotta moved to concur with the above recommendation of the Airport Manager. His motion was seconded by Councilman Beasley, and roll call vote was unanimously favorable (Mayor Isen absent).

34. CAPITAL IMPROVEMENT PROGRAM PRIORITIES.

Priority Report submitted by Airport Manager/Airport Commission.

Councilman Sciarrotta moved to concur with the subject report. His motion was seconded by Councilman Beasley, and roll call vote was unanimously favorable (Mayor Isen absent).

COMMUNITY AFFAIRS:

35. RESOLUTION authorizing Agreement by and between the City of Torrance and the Torrance Area Youth Bands, Inc., for the fiscal year 1969-70.

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

RESOLUTION NO. 69-179

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 AGREEMENT BY AND BETWEEN THE CITY OF TORRANCE AND THE TORRANCE AREA YOUTH BANDS, INC. FOR THE FISCAL YEAR 1969-70.

Councilman Uerkwitz moved for the adoption of Resolution No. 69-179, with a sum not to exceed \$2500 to be appropriated from the General Fund (a budgeted item). His motion was seconded by Councilman Johnson, and roll call vote was unanimously favorable (Mayor Isen absent).

ORAL COMMUNICATIONS:

36. City Manager Ferraro advised that in view of the meeting scheduled for July 16th re: Highway Patrol Retirement Plan and the fact that Officer Joseph will be on vacation, another day's vacation will be granted Officer Joseph.
37. Reported by City Attorney Remelmeyer was the fact that A.B. 1618 would levy a tax of 14%, based on the gross annual revenue on retail sales from all municipal electric utilities and 8% on all municipal gas utilities, and he would recommend that telegrams be sent to the Legislature on July 16th protesting such legislation. Councilman Johnson so MOVED; his motion was seconded by Councilman Uerkwitz, and there were no objections.
38. City Treasurer Rupert advised that with the close of the fiscal year on June 30th, approximately \$450,000 was earned in investment income for the year.
39. Further reported by City Treasurer Rupert was that he will be on vacation for two weeks, commencing July 21st.
40. Recommended by Councilman Beasley was that someone take up the cudgel for a 1% increase for Councilmen, action of this nature being long overdue.
41. Councilman Beasley criticized the Torino Construction Company operation -- they park three abreast in the street and display a carelessness and lack of regard for the citizens of Torrance, and he would hope this could be remedied post haste.
42. Exception was taken by Councilman Beasley to the edict by Mr. N.S. Johnson, Director of Parks and Recreation, Los Angeles County, that there will not be a Children's Zoo in the proposed Columbia Park -- Mr. Beasley will be tempted to change his vote (a 4-3 situation) if it develops that Torrance will not have any jurisdiction over what is to go into the park. Councilman Miller advised that he and Mayor Isen will be meeting with Supervisor Hahn on July 21st, and this matter will be discussed at that time.

43. Councilman Johnson stated, in reference to Columbia Park, that part of the criteria of a Regional Park is that the City of Torrance will lose control of what goes on the park -- it does not belong to Torrance; it belongs to the County.

44. Noted, with regret, by Councilman Johnson was the resignation of Mr. Ward Gray from the Citizens' Advisory Committee.

45. In reference to Columbia Park, it was the comment of Councilman Miller that it should be noted that the cost of acquisition of this park, and the maintenance thereof, will be virtually nil to the City of Torrance. Mr. Miller is optimistic about the Children's Zoo being permitted, a project which he has long advocated, and feels that cooperation will be in evidence.

46. Further salary adjustments, according to Councilman Sciarrotta, should be considered -- that of the City Manager, Assistant City Manager, City Clerk Coil, City Treasurer Rupert, City Attorney Remelmeyer, and Sr. Administrative Assistant Jackson -- and he requested that the matter of adjustments for these positions be placed on the July 22nd agenda.

47. Councilman Uerkwitz commented, re: Columbia Park, that it will not be "free", and that many restrictions will loom up as this project progresses.

48. Investigation of the legality of the "Pussycat Theatre" by the City Attorney was requested by Councilman Uerkwitz.

49. Noted, and reported, by Councilman Uerkwitz were the many, many fountains observed on the recent Water Trip -- not one major installation was without a fountain.

50. Mr. Carl Pearlston, 20610 Vacarro, president, South Bay Chapter, Civil Liberties Union, read aloud a letter criticizing the Council for their action concerning a conditional use permit for the Russ Thor agency, deeming it an "illegal act" and of questionable conduct, and recommending that the Council reconsider its action.

A question was directed to the City Attorney by Councilman Miller: "Was the Council action illegal?" City Attorney Remelmeyer responded that he had advised the Council at that time that their action was illegal, because Mr. Thor was present under the CUP Exemption, and he had ruled that the Council had no authority to grant the exemption. Councilman Miller then reiterated his feeling that the entire action was illegal; the Mayor has no right, on his own say so, to declare something unconstitutional, and Mr. Miller would agree that the matter should be reconsidered.

Councilman Sciarrotta pointed out his specific question to the City Attorney, following the Council action and the recess at the July 7th meeting, as to the legality of the action taken, it being reiterated by the City Attorney that it was illegal. It had been hoped by Councilman Sciarrotta that reconsideration would have been introduced at that point.

Councilman Beasley thereupon MOVED that the action of the Council in connection with the Russ Thor case be reconsidered.

Prior to a second on the motion, Building and Safety Director McKinnon advised the Council that a building permit had been issued to Mr. Thor on July 14th and construction had started this date.

Discussion was then directed to review of the Council action of July 7th on this matter. Councilman Beasley acknowledged that the motivating factor in his "yes" vote on that date was the substantial sales tax represented for the City by the Thor Agency

It was the comment of City Attorney Remelmeyer that the fact that a building permit has been issued would not prevent reconsidering, and rescinding, the action -- however, with the permit issued the burden would probably be upon the City by filing a writ of injunction to restrain the proponent from building until he had gone through the proper procedure.

Councilman Uerkwitz stated that in the subject case all the proper processes were followed, including a hearing before the Planning Commission, which resulted in three conditions with which Mr. Thor could not comply; with a lease deadline to meet, Mr. Thor requested relief from those three conditions by the Council.

This was labelled a gross misrepresentation by Councilman Miller who stated that it was necessary that the Council pass an appropriate ordinance in order to even hear Mr. Thor -- the needed ordinance died at the July 7th meeting because of a 3-3 vote; therefore, Mr. Thor had no legal right to be heard. Then, by some undefined wisdom, Councilman Miller continued, the Mayor ruled the entire ordinance unconstitutional, an ordinance that was unanimously approved approximately one year ago.

Councilman Sciarrotta outlined the usual procedure in such matters: that when a change in an ordinance is desired, the Council, as a whole, so instructs the City Attorney, and all are aware of what is contemplated; such was not the case in this instance. Questioned by Councilman Sciarrotta was whether or not a legislative body, such as the Council, has the power to declare a law unconstitutional? City Attorney Remelmeyer responded that should the Mayor believe the law unconstitutional, and wish to predicate his vote on that basis, he has that privilege, but the law is not unconstitutional for any purpose other than his own vote; the Council is not bound by such an assumption.

Councilman Beasley's motion to reconsider was seconded by Councilman Sciarrotta. (Based on his recollection of previous rulings by the Mayor that the second on a motion need not be made by a previously affirmative side, City Attorney Remelmeyer ruled the second by Mr. Sciarrotta acceptable.)

The motion carried, with roll call vote as follows:

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

In clarification of his vote, Councilman Johnson stated that he does not feel there is any injustice in this matter -- in fact, it would be unjust to do otherwise.

At this point City Attorney Remelmeyer stated that he does believe the previous action illegal, as stated several times; however, for the Council to reverse now, with the building permit issued, would represent a tremendous work burden to the Legal staff.

Appropriate action was contemplated by the Council. Councilman Miller stated that Mr. Thor is somewhat a victim of circumstances, and now, rather than pursuing Mr. Thor, let the Council pursue its conscience and method of operation -- let the effect of Councilman Beasley's motion stand.

Mayor Pro Tem Wilson recommended that department head recommendations be treated with more respect -- that the Council should live up to its responsibilities. Discussion was then directed to possible pressure on department heads in this matter, vigorously denied by Councilman Uerkwitz; reviewed as well were the chain of events in the preparation of the ordinance relative to this matter. Councilman Beasley pointed out the usual procedure of notifying the City Manager of Council needs and desires.

It was noted that the subject ordinance will be before the Council on July 22nd. No further action was taken, and Mayor Pro Tem Wilson requested that the next order of business now be considered.

51. Representing Coldwell Banker Company, Mr. Norman Laco (?), requested extension of time for their building permit on 56 units at 3621 Emerald Street to August 10th. Building and Safety Director McKinnon confirmed that the situation is a unique one in that they are trying to get through State red tape, and recommended approval of the request, with August 10th an absolute deadline, with no further extensions to be granted. Councilman Johnson so MOVED; his motion was seconded by Councilman Beasley, and there were no objections. (Councilman Sciarrotta abstaining; Mayor Isen absent).

52. Mr. James Lynch, 2248 West 237th Street, advised the Council of his desire to return to work for the Water Department (having resigned two months ago for medical reasons), his request was presented at the Civil Service Commission meeting of July 14th, only to learn that the matter had to be held for one month because of a lack of notification to some of the employee groups.

Possible relief for Mr. Lynch was discussed -- as well as what constitutes "proper notification"; Councilman Johnson advised that this is to be considered by the Council Civil Service Committee in the very near future. It was the consensus of the Council that it would be necessary for Mr. Lynch to wait for the August meeting

of the Civil Service Commission for formal consideration of his request.

53. Mr. John D. Kirby, 2403 West Carson Street, followed up on a written report furnished the Council relative to availability of drugs for juveniles and his "Project Prevention" with much success in evidence due to the efforts of a lot of people in the City of Torrance.

The meeting was regularly adjourned at 8:55 P.M.

* * * *

Vernon W. Coil

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

APPROVED:

Albert Davis

Mayor of the City of Torrance

