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City Council - October 13, 1970

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Ava Cripe
Minute Secretary

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Adjourned at 10:00 P.M. to Tuesday, October 20th, at
5:00 P.M.

* * * *

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MINUTES OF A REGULAR MEETING
OF THE TORRANCE CITY COUNCIL

OPENING CEREMONIES:

1. CALL TO ORDER:

The Torrance City Council convened in a regular meeting on Tuesday, October 13, 1970, at 6:30 P.M. in the Council Chambers at Torrance City Hall.

2. ROLL CALL:

Responding to roll call by City Clerk Coil were: Councilmen Brewster, Johnson, Sciarrotta, Surber, Uerkwitz, and Mayor Miller. Councilman Wilson arrived at 6:55 P.M.

Also present: City Manager Ferraro, Assistant City Manager Scharfman, Sr. Deputy City Attorney McNary, Deputy City Attorney Allen, City Clerk Coil, and City Treasurer Rupert.

* * * *

2A. CIVIL SERVICE COMMISSION INTERVIEWS:

Mayor Miller noted that the early meeting hour was for the purpose of interviewing Civil Service Commission applicants who have not been previously interviewed by the Council.

Presentations were made by Messrs. Edwin Gage, Randolph Mills, and Richard J. O'Brien.

At 6:45 P.M. the Council recessed for a Personnel Session relative to appointments to the Civil Service Commission and the Citizens Advisory Committee.

The Council returned at 7:00 P.M., and announced that the Council will convene at 5:00 P.M. on October 20th to further consider these appointments.

The regular agenda order was then undertaken:

3. FLAG SALUTE:

At the request of Mayor Miller, Mr. Steve Edwards, Radio Station KKOP, led in the salute to the flag.

4. INVOCATION:

In the absence of Reverend Charles Treffry, South Bay Church of God, City Clerk Coil provided the invocation for the meeting.

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STANDARD MOTIONS:5. APPROVAL OF MINUTES:

Councilman Sciarrotta moved that the minutes of the regular meeting of September 29, 1970 be approved as recorded. His motion was seconded by Councilman Brewster, and roll call vote was unanimously favorable.

6. APPROVAL OF DEMANDS:

Councilman Johnson moved that all properly audited demands be paid. His motion was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable.

7. MOTION TO WAIVE FURTHER READING:

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

8. COUNCIL COMMITTEE MEETINGS:

None scheduled.

PRESENTATION:

9. Permaplaque for Mr. Homer Morgan - held for later in the meeting.

HEARINGS - PLANNING AND ZONING:10. ZC 70-5, TORRANCE PLANNING COMMISSION.

Change of zone from C-1 zone to R-1 zone, R-2 zone, R-3, R-P and C-R zones on the northeast corner of Carson Street and Maple Avenue.

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

Mayor Miller announced that this is the time and place for the public hearing on ZC 70-5.

Representing Mrs. Margaret Archibald, property owner in the subject area, was Attorney Gene Voorhees, 22330 Hawthorne Boulevard, who also noted the intent of his law firm to build a small office building on the subject property.

Mr. Voorhees thereupon outlined the history of this corner, the present status of the area, the presentation made to the Planning Commission and the resultant action taken by them -- a rendering of the proposed office development was displayed by Mr. Voorhees.

It was further noted by Mr. Voorhees that what is proposed in this case is that one property owner be stripped of most of the value of the property, possibly to the benefit of the other property owners -- Mr. Voorhees cannot see any manner in which the subject property can be developed R-2 in view of the existent noise and traffic on Carson which will only increase when the Bullocks-Montgomery Ward shopping center is completed. In his opinion, the office building would be a good use for the City, a proper use of the property, and of benefit to the neighbors.

Next to speak was Mr. W.L. Jallotti, 1626 Maple, who noted that the Planning Department had recommended R-1 zoning, with the Planning Commission twice recommending R-2 zoning -- in his opinion there is no validity to the argument that because the property has been commercial for so long it should remain that way. The surrounding property has been developed as residential property in the interim, and a professional building on the corner will not add to the area.

It was the further comment of Mr. Jallotti that to zone the subject property anything other than residential, on the basis of a possible loss of value on the property, is almost tantamount to the City insuring an investment at the expense of the community, and this is not right. Mr. Jallotti then read aloud portions of the Planning Commission minutes regarding the proximity to the court house and earlier considerations in this regard.

Mr. Harold Noyes, 3030 Merrill Drive, stated that the subject property has been assessed at such a high price that any residential development, other than high-rise, would not be profitable.

There being no one else who wished to be heard, Councilman Uerkwitz moved that the hearing be closed. His motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable.

It was pointed out by Deputy Attorney Allen regarding the Precise Plan requirement in that should the Council zone the property C-R or R-P, the proponent would not be legally bound to put that kind of development on the property, and may put any kind of use on the land that is permitted under C-R or R-P zoning. Mr. Voorhees at this point indicated that they would be quite willing to stipulate that were the property zoned C-R or R-P that it would be developed only with the proposed office building, and, further, to stipulate to the Precise Plan requirement.

Discussion followed, and it was determined that the zoning and the Precise Plan requirement would go to a new buyer should this come about; however, it would apply only to the physical structure of the building and not necessarily the use therein.

At Councilman Brewster's question regarding the value of the property, Mr. Voorhees indicated that, as C-1 property, there had been an offer of \$80,000 for a liquor store/cleaners, etc. development -- it is worth \$55,000 for an office-type development. R-2 zoning would represent a \$50,000 lost for the property owner, according to Mr. Voorhees.

MOTION: Councilman Uerkwitz moved to concur with the recommendation of the Planning Commission on ZC 70-5 - that the subject property be rezoned to R-2 with Carson Street orientation. His motion was seconded by Councilman Wilson.

Prior to roll call vote on the motion, it was the comment of Councilman Surber that he would concur that the property owner has a right to be upset about what has occurred -- the problem will not be solved by putting more units in; the development proposed by Mr. Voorhees appears to be the answer.

Councilman Johnson indicated some concurrence with Mr. Surber's sentiments, along with understanding of the concern of the residents in the near area -- it would seem in this instance, particularly in view of the long time C zoning, this would not be rezoning to a spot zoning concept. The idea of the proposed office building, in Mr. Johnson's opinion, is a fairly good one for this location; he is concerned as well about the loss in value of the property.

Added by Councilman Surber was the comment that he cannot concur with the concern for lawyer's offices in this vicinity -- there are many such offices in the vicinity of Crenshaw and Torrance Boulevard.

His concern, according to Councilman Brewster, is the fact that this is a zoning error of the past; he can see no reason to continue to condone such an error -- the City is not in the business of providing and insuring variable annuities to citizens at the expense of the neighborhood. Of further concern to Councilman Brewster is the fact that City does not really have a good tight control on the use, and that there might someday be an all-night bail bond operation.

Carson Street in the future was indicated by Mayor Miller as his concern -- to permit one office building to go in, with a two-unit next door, and a single family residential unit next to that is unwise. There is a need to again review the entire concept of Carson Street, in the opinion of the Mayor -- previous considerations have maintained the R-2 zoning -- the people with homes along this street are entitled to some security as to their future. To give this isolated piece of property a zoning not related to the other property along Carson would be wrong at this time, according to Mayor Miller.

The motion to concur with the recommendation of the Planning Commission carried, with roll call vote as follows:

AYES: COUNCILMEN: Brewster, Sciarrotta, Uerkwitz, Wilson,
and Mayor Miller.

NOES: COUNCILMEN: Johnson, Surber.

* * * *

The Council returned to:

9. Award of permaplaque expressing appreciation to Homer Morgan for his faithful and diligent service to the City of Torrance as a member of the Airport Commission.

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Mayor Miller, on behalf of the Council, made the permaplaque presentation to Mr. Morgan, which was gratefully accepted by him with an expression of his pleasure at serving the City of Torrance.

* * * *

11. ZONE CHANGE 70-19, TORRANCE PLANNING COMMISSION.

Change of zone from C-2 zone to R-1 zone and C-R zone on the northwest and southwest corners of Western Avenue at 185th Street.

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

Mayor Miller announced that this is the time and place for the public hearing on ZC 70-19, and inquired if anyone wished to be heard; there was no response.

Councilman Sciarrotta moved that the hearing be closed. His motion was seconded by Councilman Surber, and roll call vote was unanimously favorable.

MOTION: Councilman Wilson moved to concur with the recommendation of the Planning Commission on ZC 70-19. His motion was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable.

12. ZONE CHANGE 70-20, TORRANCE PLANNING COMMISSION.

Change of zone from R-3, C-1, C-2 and M-2 to R-1, R-3, C-1, C-2, C-3, C-5, and C-R on the east side of Arlington Avenue, 100 feet north of Sepulveda Boulevard and between Sepulveda Boulevard, Santa Fe Avenue, Orange Avenue and Arlington Avenue and on the west side of Orange Avenue, approximately 225 feet north of Sepulveda Boulevard, 125 feet in depth.

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

Mayor Miller announced that he would abstain in the consideration of this case inasmuch as he sold a home in this area and perhaps triggered some of the zoning. He then turned the chair over to Mayor Pro Tem Johnson and departed from the Council Chambers.

Mayor Pro Tem Johnson announced that this is the time and place for the public hearing on ZC 70-20, and inquired if anyone wished to be heard.

Mr. Wes Lewis, 2123 Santa Cruz Court, reiterated his previously expressed remarks on this matter, along with review of the homeowners petition. Mr. Lewis indicated concurrence with the Planning Commission recommendation for R-2 zoning on Santa Cruz Court.

Next to speak was Mr. Frank Scarfo, 2752 Orange Avenue, who indicated his intention to put a duplex on his property and concurrence with the recommended R-2 zoning.

Mrs. Blackshore, 21130 Santa Fe Avenue, confirmed that this property was still R-3.

There being no one else who wished to be heard, Councilman Sciarrotta moved that the hearing be closed. His motion was seconded by Councilman Uerkwitz, and roll call vote was unanimously favorable.

MOTION: Councilman Brewster moved to concur with the recommendation of the Planning Commission on ZC 70-20. His motion was seconded by Councilman Sciarrotta, and carried, with roll call vote as follows:

AYES: COUNCILMEN: Brewster, Johnson, Sciarrotta, Surber,
Uerkwitz, and Wilson.
NOES: COUNCILMEN: None.
ABSTAIN: COUNCILMEN: Mayor Miller.

13. ZONE CHANGE 70-22, TORRANCE CITY COUNCIL.

Change of zone from M-1 zone to M-L zone; between Del Amo Boulevard and Spencer Street on the west side of Madrona Avenue.

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

Mayor Miller announced that this is the time and place for the public hearing on ZC 70-22.

Mr. Chris Sorenson, 21150 Hawthorne Boulevard, representing the owners of the subject property, noted their communications submitted to the Planning Commission, and reaffirmed their desire that the property remain just as it is - M-1.

Next to speak was Mr. F.D. Foley, 3401 Spencer Street, who stated that he is the owner of the five acres on the corner of Madrona and Spencer, and noted that for many years this property has been used as M-1 property. To change the zone to one that is restrictive and limited would legislate him out of business. It was Mr. Foley's request that the Council not change the zone on his property.

Mr. Lawrence Schneider, 3526 White Court, representing the Delthorne Homeowners Association, reiterated their desire that the subject property be developed in a use compatible with the entire adjacent R-1 area -- it is their further feeling that M-1 Precise Plan does not afford sufficient protection; they would prefer M-L zoning, the first choice being, of course, a park on at least part of the property. Mr. Schneider added that his group is presently working for the forthcoming bond issue for parks, with the hope that they will receive a part of this.

Councilman Sciarrotta directed a question to Mr. Foley relative to his offer to sell his land to the City of Torrance for a park site, and his indication that he would cooperate as to the financing thereof. Mr. Foley confirmed that he would be happy to sell, and finance, the land to the City.

The merits of Mr. Foley's proposal were reviewed, it being the consensus of the Council that this was a matter for extensive review by Staff. It was the comment of Councilman Uerkwitz that the zoning consideration best be held until this particular question is resolved. Mayor Miller indicated concurrence with this, but that those who wished to speak be permitted to do so.

With this, the hearing continued, with Mr. Chris Millson, 20335 Madison, reviewed some of the past history regarding the bond issue, as well as Mr. Foley's offer -- the residents in this area would concur that the finest use of the property would be a park, there presently being some 8,000 people in this area minus a square foot of play area. Mr. Millson also pointed out the action taken by the homeowner's earlier this year recommending that the Council purchase this entire zone for development as a park. If this is not feasible, Mr. Millson added, then they would welcome appropriate controls over the area to be compatible with R-1, as well as the R-3 development.

Representing the League of Women Voters, Mrs. James Pearson, 5620 Bartlett Drive, again pointed out their concern for the park land needs in this area -- they would like to see the Council take some action which would expedite such park land, rather than to wait for Federal funding, the bond money, etc. in view of the sore need for a park.

Discussion then returned to Mr. Foley's offer, with City Manager Ferraro recalling earlier review along the lines of filing an open space application which would result in the acquisition of twice as much land for the same amount of money as could be acquired on an individual basis.

At this point Mr. Foley requested that the City Council continue this matter for 30 days.

It was the recommendation of Councilman Brewster that the Planning Department's recommendation -- the placement of Precise Plan control on the existing M-1 -- be followed during the interim period while investigating the park possibilities.

It was the comment of Councilman Sciarrotta that there appears to be a fairly good proposition before the Council, and should it be possible to buy 10 acres instead of the 5 acres, the Staff should so report with guidelines to follow.

There were further comments by Mr. Sorenson to the effect that with the present R-3 zoning on Del Amo, with a 5-acre parcel below this with access off Osage, it would seem to him that this could be worked in for park purposes encompassing some 10 acres -- at that time, Mr. Sorenson continued, he would probably come in for R-3, or perhaps commercial, zoning, in that this ultimately will be a very good corner with the opening of Del Amo and Madrona.

Mayor Miller thereupon stated that he then could look differently at any frontage on Del Amo Boulevard, as compared with the rest of the property, insofar as multi use is concerned; it would not appear unreasonable to him to so zone the property facing Del Amo. Concurrence was expressed by Councilman Sciarrotta, so long as there is the property for park purposes.

The following action resulted:

MOTION: Councilman Uerkwitz moved to postpone ZC 70-22 to November 10, 1970. His motion was seconded by Councilman Sciarrotta, and carried as follows:

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

NOES: COUNCILMEN: Brewster.

Regarding his "no" vote, Councilman Brewster stated that he could see no point in postponement of the zoning case -- the park land is another issue, to be pursued as rapidly as possible, but has nothing to do with the zoning case before the Council at this time.

Mr. Foley reiterated his concurrence with the above postponement.

A tentative MOTION was offered by Councilman Johnson: That Staff commence immediately to open negotiations with Mr. Foley on the purchase of his five acres, on a down payment and incremental payment basis. The motion was seconded by Councilman Surber.

Discussion was then directed to the possible 10 acres -- Councilman Johnson noted that the possibility of matching Federal funds can be reviewed by Staff, but these things do not come quickly, and should be a later consideration.

City Treasurer Rupert recommended that the matter of financing of the project be left open, noting that as of now the City may not issue any new notes nor may the City enter into a lease purchase arrangement. Councilman Johnson indicated that he would so amend his motion to state: "the form of financing to be determined".

Councilman Sciarrotta then indicated that the entire 10 acres should be included; he otherwise would not be in favor of the motion. This appeared to be the consensus of the Council, and Councilman Johnson indicated that he would further amend his motion to this effect. This was satisfactory with Councilman Surber who had seconded the original motion.

Roll call vote on Councilman Johnson's motion, as amended, was unanimously favorable.

Planning Director Shartle called the attention of the Council to the fact that the above reference to possibly rezoning the frontage along Del Amo to R-3 -- in this event it would be necessary to again go through the mill, with Planning Commission hearings, etc.

* * * *

The hour being 8:20 P.M., a 10-minute recess was ordered by Mayor Miller.

* * * *

14. CUP 70-35, CABLECOM-GENERAL OF SOUTHERN CALIFORNIA.
Appeal to construct a cable television head-in and antenna.

City Manager Ferraro noted the study presently underway by the City Attorney in reference to cable television and recommended postponement of the subject case. The communication from the proponent requesting continuance to October 20th was also noted by the Council. (Agenda item #15).

MOTION: Mayor Miller moved to continue the hearing on CUP 70-35 to October 20th. The motion was seconded by Councilman Uerkwitz, and roll call vote was unanimously favorable.

Several residents were present on this matter and requested clarification of the reasons and propriety of postponing this matter, which information was furnished by both Mayor Miller and City Manager Ferraro and confirmed by Sr. Deputy Attorney McNary.

PLANNING AND ZONING MATTERS:

15. Letter from Charles E. Griner regarding CUP 70-35.

(Considered above).

16. Skyline Mobile Home Park Driveway Modification.

Mr. Dick Meine, 1825 Lomita Boulevard, Lomita, was present; the circumstances of this driveway modification were reviewed, and Mr. Meine indicated that he objected to the more or less "signing of a blank check", and that he has put up a bond for \$6000 guaranteeing their share of the signal. Mayor Miller suggested that the Council could stipulate that the subject cost not exceed \$3500 -- Mr. Meine then referred to the mounting costs in this undertaking, and urged that this be considered as well and curtailed if possible.

MOTION: Councilman Brewster moved that there be a maximum limit of \$3500 in the subject case, with the understanding that there will be some working together with Staff on the cost. The motion was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable.

- 16A. ORDINANCE re: ZC 70-14.

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

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ORDINANCE NO. 2155

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 ON THE SOUTH SIDE OF PACIFIC COAST HIGHWAY (SKYLINE MOBILE HOME PARK) AND DESCRIBED IN ZONE CHANGE 70-14.

(Chandler's Palos Verdes Sand and Gravel Co.)

Councilman Sciarrotta moved for the approval of Ordinance No. 2155 at its first reading. His motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable.

17. VARIANCE 70-5, HELEN VERONICA GEUBTNER.

Minor modification of an approved variance to allow the conversion of a single-family residence to a commercial building in the C-R zone.

MOTION: Councilman Sciarrotta moved to concur with the recommendations of the Planning Commission, approval subject to conditions. His motion was seconded by Councilman Johnson.

Prior to roll call vote on the motion, Councilman Brewster reported his concern over the fact that while a considerable amount of attention is directed to the fronts of the buildings, and perhaps 10 ft. around the sides, the remainder and the back of the buildings are just stucco walls. The subject building is such a case, according to Mr. Brewster, and it was his recommendation that there be a requirement of some kind of additional architectural treatment. It was the consensus of the Council that the point was well taken.

The designer in this case, Mr. Paul Delaplain, 3903 Bluff Street, was present, and indicated that he would give consideration to some additional architectural treatment to the sides that are observable from the street.

Councilman Sciarrotta thereupon AMENDED HIS MOTION to include approval, subject to Planning Commission conditions, and further subject to the working out of some additional treatment on the sides of the buildings to the satisfaction of the Planning Director. This was agreeable to Councilman Johnson who had seconded the motion. Roll call vote on the amended motion was unanimously favorable.

Councilman Brewster also requested that this be brought to the attention of the Planning Commission for their future considerations regarding these problems.

* * * *

The hour being 9:00 P.M. Councilman Sciarrotta moved to recess as the City Council, and reconvene as the Redevelopment Agency. His motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable. The Council returned to its agenda at 9:01 P.M.

* * * *

18. RESOLUTION re: V 70-11, Hunt Enterprises, Inc.

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

RESOLUTION NO. 70-209

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A VARIANCE FROM THE PROVISIONS OF DIVISION 9, CHAPTER 1, ARTICLE 4 OF THE TORRANCE MUNICIPAL CODE AS APPLIED FOR BY HUNT ENTERPRISES, INC., IN PLANNING COMMISSION CASE NO. V 70-11.

Councilman Uerkwitz moved for the adoption of Resolution No. 70-209. His motion, seconded by Councilman Johnson, carried, with roll call vote as follows:

AYES: COUNCILMEN: Brewster, Johnson, Sciarrotta, Surber,
Uerkwitz, and Wilson.
NOES: COUNCILMEN: None.
ABSTAIN: COUNCILMEN: Mayor Miller. (For reasons previously
stated.)

19. RESOLUTION approving a variance from the off-street parking requirements and to allow three years to complete construction program.

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

RESOLUTION NO. 70-210

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A VARIANCE FROM THE PROVISIONS OF DIVISION 9, CHAPTER 3, ARTICLE 2 OF THE TORRANCE MUNICIPAL CODE, AS APPLIED FOR BY ST. ANDREW'S EPISCOPAL CHURCH IN PLANNING COMMISSION CASE V 70-9.

Councilman Wilson moved for the adoption of Resolution No. 70-210. His motion, seconded by Councilman Johnson, was unanimously approved by roll call vote.

APPEALS OTHER THAN PLANNING AND ZONING:

20. Appeal of Ken H. Jones from requirement to provide curb, gutter, street trees, and makeup paving on old Arlington Avenue.

City Manager Ferraro reported late information received indicating the possibility of putting a fire station on the subject corner at some future date, and recommended approval of Alternative #3, instead of #2.

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MOTION: Councilman Johnson moved to concur with Staff Alternative #3: That Council determine that because of the light use by traffic of this roadway the necessity of curb, gutter, street trees, and makeup paving is not necessary and grant the appeal. The motion was seconded by Councilman Surber, and roll call vote was unanimously favorable.

STREETS AND SIDEWALKS:

21. RESOLUTION re: modification of freeway ramps at Artesia Boulevard and Prairie Avenue.

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

RESOLUTION NO. 70-211

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 FREEWAY AGREEMENT BETWEEN THE CITY AND THE STATE OF CALIFORNIA PERTAINING TO THE MODIFICATION OF FREEWAY RAMPS OF THE SAN DIEGO FREEWAY AT ARTESIA BLVD. AND PRAIRIE AVE.

Councilman Uerkwitz moved for the adoption of Resolution No. 70-211. His motion, seconded by Councilman Wilson, was unanimously approved by roll call vote.

BUILDINGS, STRUCTURES AND SIGNS:

22. Preliminary Plans and Specifications for Fire Station No. 3 at 3535 - 182nd Street.

RECOMMENDATION OF BUILDING AND SAFETY DIRECTOR:

That Council approve the subject plans and specifications so that the architect may complete the project under the terms of the architectural agreement.

MOTION: Councilman Uerkwitz moved to concur with the above recommendation of the Building and Safety Director. His motion, seconded by Councilman Johnson, was unanimously approved by roll call vote.

REAL PROPERTY:

23. RESOLUTION accepting a street easement from Union Oil Company, and that \$1,000 be appropriated from gas tax funds for payment of said easement, regarding the improvement of the intersection of Crenshaw Boulevard and Lomita Boulevard.

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

RESOLUTION NO. 70-212

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE ACCEPTING THAT CERTAIN EASEMENT DEED FROM THE UNION OIL COMPANY OF CALIFORNIA FOR THE IMPROVEMENT OF THE INTERSECTION OF CRENSHAW AND LOMITA BOULEVARDS.

Councilman Brewster moved for the adoption of Resolution No. 70-212. His motion was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable.

MOTION: Mayor Miller moved that \$1,000 be appropriated from Gas Tax Funds for payment of said easement. His motion was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable.

TRAFFIC AND LIGHTING:

24. Withdrawn.
25. 1911 Acts on those arterial streets where no Edison poles exist but where wood poles have been ordered under Street Lighting District No. 15.

RECOMMENDATION OF CITY TRAFFIC ENGINEER:

That the City Traffic Engineer be instructed to process 1911 Acts as above described.

MOTION: Councilman Sciarrotta moved to concur with the above recommendation. His motion was seconded by Councilman Wilson.

Prior to roll call vote on the motion, Mayor Miller inquired if anyone wished to speak on this matter.

Miss Connie Russo, 22507 Susana, requested that her area be included in the above action, or that they be directed as to how to proceed to get a more acceptable lighting system. Mayor Miller directed that Miss Russo work with the City Manager and the City Traffic Engineer relative to the formation of an assessment district for her area.

Roll call vote on Councilman Sciarrotta's motion was unanimously favorable.

* * * *

The hour being 9:15 P.M. a 5-minute recess was ordered by Mayor Miller.

* * * *

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FISCAL MATTERS:

26. ORDINANCE providing an exemption from City License Taxes for Intercity Motor Carriers.

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

ORDINANCE NO. 2156

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 33.18.38 OF THE TORRANCE MUNICIPAL CODE TO PROVIDE AN EXEMPTION FROM CITY LICENSE TAXES FOR INTERCITY MOTOR CARRIERS.

Councilman Sciarrotta moved for the approval of Ordinance No. 2156 at its first reading. His motion was seconded by Councilman Brewster, and roll call vote was unanimously favorable.

27. ORDINANCE repealing Section 216.2.1 of Code entitled "Appropriation of Funds" and substituting a new section therefore relating to appropriation of funds to the Secret Service Account.

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

ORDINANCE NO. 2157

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE REPEALING SECTION 216.2.1 OF THE TORRANCE MUNICIPAL CODE ENTITLED "APPROPRIATION OF FUNDS" AND SUBSTITUTING A NEW SECTION THEREFOR RELATING TO APPROPRIATION OF FUNDS TO THE SECRET SERVICE ACCOUNT.

Councilman Uerkwitz moved for the approval of Ordinance No. 2157 at its first reading. His motion was seconded by Councilman Johnson, and roll call vote was unanimously favorable.

ITEMS NOT OTHERWISE CLASSIFIED:

28. Recommendation to City Council from Underground Utility Committee regarding Underground Utility District #2.

It was pointed out by City Manager Ferraro that the map accompanying this material should be amended to indicate the area designated in the center thereof as "Underground Utility District #1" (instead of #2).

RECOMMENDATIONS OF UNDERGROUND UTILITY COMMITTEE:

1. That the City Council set November 10, 1970 as the date and time for a public hearing on this matter;
2. That the City Council designate the area indicated on the attached map as the proposed district; and
3. ~~That the City Council direct the City Clerk to notify~~ all property owners in the affected area.

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MOTION: Mayor Miller moved to concur with the above recommendations of the Underground Utility Committee. His motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable.

PERSONNEL MATTERS:

29. Report from the Civil Service Committee regarding the Rule of Three.

RECOMMENDATION OF THE CIVIL SERVICE COMMITTEE:

That the Council find that the Committee has no jurisdiction in this matter; that the rule requiring the exhaustion of a promotional eligible list therefore stands until the Civil Service Commission chooses to direct some change in that rule; and that the Civil Service Commission be informed of the fact that it does have the right to order a new promotional examination where less than three names are available for certification. (The Civil Service Commission, however, has the option of either ordering or not ordering such an examination based on the arguments of management and the employees involved.)

Councilman Johnson, as chairman of the Civil Service Committee, elaborated on the above recommendation, with discussion following on the general application of the "rule of three". It was Councilman Johnson's feeling that there should be review relative to the practice of eligibles declining positions and remaining on the list indefinitely.

Mrs. Pauline Greer, representing Local #1117 AFSCME, as well as TPOA since Officer Joseph had to leave the meeting, noted an existing rule which states that an individual who refuses an appointment three times is removed from the list; were this enforced it might discourage people from this practice.

A prepared statement was then made by Mrs. Greer, as follows: "Mr. Jackson states in his letter to you that the problem lies in the fact that in 1968 the City Council adopted an ordinance which altered the rule of three for promotional appointments. I respectfully submit that this is not the problem. By adoption of Ordinance 1885 the City Council sought to end a long history of misuse and abuse of the rule of three in making appointments to the City's service. The case which Mr. Jackson has referred to you is only one in a long list of similar cases.

"Many years ago the City Council, prompted by obvious and continued abuse of the rule of three, amended the Civil Service Ordinance to provide that no person on a promotional list in the Fire Department be passed over more than twice in preference to another.

"A number of years later, and several years before the adoption of Ordinance No. 1885, the Council amended the rules governing appointment of miscellaneous employees to provide that separate lists be maintained when open and promotional exams were given, and that appointment to the higher classes be made first from the promotional list.

"When in 1968 this rule was not adhered to, and the appointing authority claimed that the language of the law was not clear with regards to the rule of three, the Council adopted an ordinance with language so clear even a child can understand it. It clearly states whenever less than three names are certified for appointment from a promotional list, the appointing authority shall make an appointment, if any, from said list. I am told that two department heads have disregarded the ordinance, which is the law of the City, and have made temporary appointments to fill these vacancies while they again inquire and appeal to you for the right to use or misuse the rule of three.

"There is nothing sacred about the rule of three. It was originally intended to give the appointing authority some degree of flexibility where several persons who are eligible for appointment are nearly equal in qualifications and demonstrated abilities through the examining process.

"Hopefully, it was never intended to give the appointing authority the right to arbitrarily appoint, or refuse to appoint, an eligible because of his own personal prejudice or his determination to prove that he is above the law which governs appointments in the public service, and will appoint or promote whomever he darned well pleases.

"If your Honorable Body is seeking a way to improve the present system, I respectfully suggest that you consider appointments to the higher classes by seniority where their ability to perform is demonstrated by written and oral examinations, or otherwise. Appointment by seniority would surely eliminate the controversy which has existed for the 16 years I have been employed by the City, and even longer, with regards to the misuse and abuse of the rule of three."

MOTION: Councilman Sciarrotta moved to concur with the above recommendation of the Civil Service Committee. His motion was seconded by Councilman Johnson, and roll call vote was unanimously favorable.

Councilman Johnson again requested review of the declination of positions aspect, as well as the passing over of eligibles by department heads. This was deemed a "meet and consult" matter by Assistant to the City Manager Jackson, and it was so ordered by Mayor Miller.

* * * *

30. ORDINANCE amending Salary Ordinance covering Certain Other Employees (Confidential), adding class of Senior Zoning Enforcement Officer to list of classes with class specifications and transmittal letter.

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

ORDINANCE NO. 2158

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 17.41.2 OF PART IV, CHAPTER 7, DIVISION 1 OF THE TORRANCE MUNICIPAL CODE BY ADDING THE CLASS OF SENIOR ZONING ENFORCEMENT OFFICER TO THE OCCUPATIONAL LIST OF CLASS TITLES FOR CERTAIN OTHER EMPLOYEES.

Councilman Wilson moved for the approval of Ordinance No. 2158 at its first reading. His motion was seconded by Councilman Sciarrotta.

Prior to roll call vote, Councilman Uerkwitz requested clarification regarding the education requirement, with nothing indicated that credit is given for experience. Personnel Director Donovan outlined the requirements of the class which necessitate the education requirements as stated.

It was added by Councilman Johnson that it is unwise to close the door on experience, for the sake of a college education -- he would not be in favor of this without an "or equivalent" clause.

The motion carried, with roll call vote as follows:

AYES: COUNCILMEN: Brewster, Sciarrotta, Surber,
Wilson, and Mayor Miller.

NOES: COUNCILMEN: Johnson, Uerkwitz.

Councilman Johnson and Uerkwitz indicated that their "no" votes were for the reason that there should be an equivalent for experience.

* * * *

SECOND READING ORDINANCES:

31. ORDINANCE NO. 2145 relating to billboards.

City Manager Ferraro requested that this matter be held until November 3rd; there were no objections, and it was so ordered.

32. ORDINANCE NO. 2152.

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

ORDINANCE NO. 2152

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING SECTION 95.3.26 TO THE TORRANCE MUNICIPAL CODE TO REQUIRE A CONDITIONAL USE PERMIT FOR ACCESSORY USES ON COMMERCIAL PARKING LOTS.

Councilman Uerkwitz moved for the adoption of Ordinance No. 2152 at its second and final reading. The motion was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable.

33. ORDINANCE NO. 2153.

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

ORDINANCE NO. 2153

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE ADDING SECTION 45.6.20 TO CHAPTER 5, ARTICLE 6 OF THE TORRANCE MUNICIPAL CODE PROVIDING THAT NO PERSON OTHER THAN A PUBLIC UTILITY SHALL INSTALL ANY DEVICE WHICH WILL AUTOMATICALLY INITIATE AN INTRA-STATE TELEPHONE CALL AND DELIVER A RECORDED MESSAGE TO ANY TELEPHONE NUMBER ASSIGNED TO A SUBSCRIBER BY A PUBLIC UTILITY TELEPHONE COMPANY WITHOUT THE WRITTEN CONSENT OF THE SUBSCRIBER.

Councilman Wilson moved for the adoption of Ordinance No. 2153 at its second and final reading. His motion was seconded by Councilman Sciarrotta, and roll call vote was unanimously favorable.

34. ORDINANCE NO. 2154.

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

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ORDINANCE NO. 2154

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTION 17.41.2 OF PART IV, CHAPTER 7, DIVISION 1 OF THE TORRANCE MUNICIPAL CODE BY ADDING THE CLASS OF LAW CLERK TO THE OCCUPATIONAL LIST OF CLASS TITLES FOR CERTAIN OTHER EMPLOYEES.

Councilman Surber moved for the adoption of Ordinance No. 2154 at its second and final reading. His motion was seconded by Councilman Uerkwitz, and roll call vote was unanimously favorable.

NONCONTROVERSIAL ITEMS:35. EXPENDITURES OVER \$300:A. BUDGETED:

1. \$655.81 to Printec of El Segundo for 30 packages of reproduction paper as requested by the Engineering Department for the City Hall expansion plans copies.
2. \$636.17 to S & H Manufacturing Company for four commercial grade S & H power edgers as requested by the Park Department as replacement units.
3. \$1804.05 to Dictaphone Corporation for six Dictaphone magnetic belt recorders as requested by the Police Department as replacements.
4. \$360.80 to Carroll Sagar and Associates for the purchase of library furnishing consisting of: 7 chairs; a filing cabinet; and 1 conference table on a special close-out sale. This furniture will be used in the new Central Library.
5. \$551.98 to Darlen Sales, Inc. of Torrance for one each desk, chair, file cabinet, and credenza as requested by the City Airport to supplement and match existing Airport office furniture.
6. \$613.17 to Brooks Products, Inc. for 16 water meter vaults as requested by the Water Department.
7. \$1344.07 to Allied Supply Company for 200 each 6" slip-on pipe flanges as requested by the Water Department for stock.
8. \$1307.46 to J. Jones Company for 250 each 3/4" and 1" adapters, 100 each 1" meter couplings and 24 each corporation stops as requested by the Water Department for stock.

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9. \$2905.47 to Ansul Company for 200 gallons of concentrated foam as requested by the Fire Department for use in firefighting.
10. \$916.53 to Industrial Electronics for 72 only 1000 watt 4500 hour rated floodlamps as requested by the Traffic and Lighting Department for stock "as needed".
- B. REIMBURSABLE:
11. \$400.00 to Best Concrete Products for one only concrete meter vault-installed as requested by the Water Department for use at the C.W.O.D. Service on Maple Avenue. Payment for this expenditure has already been received.
36. CLAIM of Donna Lindmark for personal damages.
- RECOMMENDATION OF CITY CLERK:
That said claim be denied and referred to the City Attorney.
37. CLAIM of William C. George for property damages.
- RECOMMENDATION OF CITY CLERK:
That said claim be denied and referred to the City Attorney.
38. CLAIM of Edward T. Drabin for personal damages.
- RECOMMENDATION OF CITY CLERK:
That said claim be denied and referred to the City Attorney.
39. AWARD OF CONTRACT - Annual Paper Requirements - Fiscal Year 197071 - Reference Bid #B70-52.
- RECOMMENDATION OF FINANCE DIRECTOR/PURCHASING SUPERVISOR:
That Council approve of the awarding of a new annual contract to the Noland Paper Company in the amount of \$9,426.05 including tax.
40. INSTALLATION OF SANITARY SEWERS IN EASEMENT W/O HAWTHORNE BOULEVARD N/O 238TH STREET AND IN SAMUEL STREET AT 227TH PLACE.
- RECOMMENDATION OF CITY ENGINEER:
1. That all bids be rejected; and
 2. That the project be advertised again.

MOTION: Councilman Sciarrotta moved for the approval of agenda items #35, 36, 37, 38, 39, and #40 as recommended. His motion was seconded by Councilman Wilson, and roll call vote was unanimously favorable.

ORAL COMMUNICATIONS:

41. City Clerk Coil noted that the Council will be out of town on October 27th, hence a "dark night" should be declared. The Council concurred, and it was so decreed.

It was further agreed to meet as usual on Election Night, November 3rd, this being a 5:30 P.M. meeting.

42. Councilman Surber noted the letters of commendation for the Torrance Fire Department and their efforts in the recent fires, and joined in the praise for this department.

43. Mayor Miller referred to a communication of October 9th from Mrs. Lee Reed in reference to the September 29th Council meetings and the PROJECT QUEST. It was her request that certain portions of the testimony of George McLaird be incorporated, outlining such portions in her letter.

It was the direction of Mayor Miller that the above be made a part of the official record of this meeting; there were no objections.

44. Mr. Raymond LaMarca, 5107 Scott Street, reported that there are further problems with the Scott Street gutter -- samples of water from this gutter, teeming with mosquito-like insects, were displayed to the Council.

Also present was Mr. Jack Wilson, 5119 Scott Street, with yet another sample, most unpleasant in odor. It was Mr. Wilson's suggestion that the City block off the drain at Victor Street and Torrance Boulevard, which would prevent any water coming through on Scott. The pumping arrangement could be scheduled to take care of any flooding that might result on Torrance Boulevard -- the drain could be opened during the rainy season. City Engineer Weaver indicated that he would recommend against the above suggestion; the storm drain program for the next fiscal year would eliminate the problem.

Discussion ensued, it being conceded that this was a matter best reviewed by the Council Public Works Committee.

Mr. Julian Hart, 5203^{the} Scott Street, pointed out the health consideration necessary, and likely spreading throughout the City of the insects they have discovered.

The allergy of his son, and the problems presented thereby, was described by Mr. Millett, 5111 Scott Street, who requested that action be taken regarding this gutter.

MOTION: Councilman Uerkwitz moved to refer this matter to the Council Public Works Committee, with Staff and interested residents to be in attendance at such meeting. The motion was seconded by Councilman Wilson, and there were no objections.

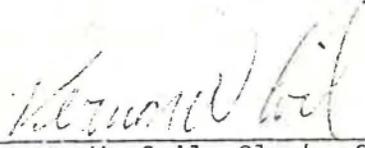
The date selected for the Committee meeting on this matter was Wednesday, October 21st, at 4:00 P.M.

45. Councilman Surber read aloud the letter from Reverend Paul Cox, St. Andrews Presbyterian Church, relative to the possible misunderstanding regarding the appearance of George McLaird at the September 29th Council meeting on the subject of PROJECT QUEST. Reverend Cox clarified that PROJECT QUEST does not have the endorsement of his church.

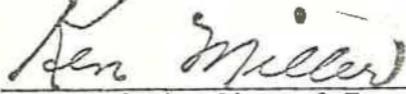
Mayor Miller directed that this communication likewise be made part of the official record of the September 29th Council meeting.

At 10:00 P.M. Councilman Sciarrotta moved to adjourn to Tuesday, October 20th, at 5:00 P.M. His motion was seconded by Councilman Brewster, and there were no objections.

* * * *


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

APPROVED:


Mayor of the City of Torrance