

I N D E X

Torrance City Council - April 23, 1985

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Peggy Laverty
Minute Secretary

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Prepared by Office of City Clerk
DONNA M. BABB, CITY CLERK

April 23, 1985

MINUTES OF AN ADJOURNED REGULAR
MEETING OF THE TORRANCE CITY
COUNCIL

The Torrance City Council convened in an Adjourned Regular Meeting on Tuesday, April 23, 1985, at 5:30 p.m., in the Council Chambers at Torrance City Hall.

All Councilmembers were present.

The following statement was read into the record by Mayor Armstrong.

The City Council will recess to closed session to confer with the City Manager and other designated representatives and designated representatives of certain employee groups regarding salaries, salary schedules and compensation.

This closed session is being held pursuant to Section 54957.6 of the Government Code.

At 5:31 p.m. the Council recessed to executive session, returning at 7:00 p.m., at which time Councilmembers met informally with those who will be participating in Youth in Government Day on April 30, 1985. (There was no action taken as a result of the executive session.)

Minutes for the regular City Council meeting which convened at 7:15 p.m., April 23, 1985, are reflected on the following pages.

* * *

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Prepared by Office of City Clerk
DONNA M. BABB, CITY CLERK

April 23, 1985

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, April 23, 1985, at 7:15 p.m., in the Council Chambers at Torrance City Hall.

2. ROLL CALL:

Present: Councilmembers Applegate, Geissert, Mock, Nakano, Walker, Wirth and Mayor Armstrong.

Absent: None.

Also present: City Manager Jackson, City Attorney Remelmeyer, and staff representatives.

3. FLAG SALUTE AND INVOCATION:

Water System Superintendent O'Cain led in the salute to the flag.

The invocation for the meeting was provided by Reverend Jim Pratt, First Baptist Church.

STANDARD MOTIONS:

4. APPROVAL OF MINUTES:

None available.

5. MOTION TO WAIVE FURTHER READING:

Councilman Applegate MOVED that after the City Clerk has assigned a number and read title to any resolution or ordinance

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on tonight's agenda, the further reading thereof be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. His motion, seconded by Councilman Mock, carried unanimously by roll call vote.

6. WITHDRAWN OR DEFERRED ITEMS:

Item 8c - Proclamation re "Hire a Veteran Week" - withdrawn.

7. COUNCIL COMMITTEE MEETINGS:

None scheduled.

8. COMMUNITY MATTERS:

8a. PRESENTATION TO "1985 YWCA WOMEN OF THE YEAR" AWARDS:

Mmes. Lynn Bramhall and Anne Thames were presented with plaques in recognition of their receipt of the "1985 YWCA Women of the Year" awards. Grateful appreciation was expressed by these dedicated citizens.

8b. PROCLAMATION PROCLAIMING THE WEEK BEGINNING APRIL 29, 1985, AS "YOUTH WEEK."

So proclaimed by Mayor Armstrong.

8c. PROCLAMATION RE "HIRE A VETERAN WEEK."

Withdrawn.

8d. AIRPORT COMMISSIONER APPOINTMENT:

Following interviews, Mr. David Winkler was appointed by unanimous ballot to fill the vacancy on the Airport Commission

Mr. Winkler was then duly sworn by City Clerk Babb.

* * *

9. LIBRARY/PARKS AND RECREATION MATTERS:9a. SUPPORT OF AB 1978 (NAYLOR):

At the request of Mayor Armstrong, City Clerk Babb read title to --

RESOLUTION NO. 85-92

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF TORRANCE ENDORSING AND
SUPPORTING AB 1978, AN ACT TO AMEND
SECTION 33050 OF THE EDUCATION CODE,
AND OPPOSING SB 887 AND AB 2198

MOTION: Councilwoman Geissert moved for the adoption of Resolution No. 85-92. Her motion was seconded by Councilman Nakano, and roll call vote was unanimously favorable.

10. TRANSPORTATION/PUBLIC WORKS MATTERS:10a. AMERICAN FUEL AND MAINTENANCE LEASES:

City Clerk Babb assigned a number and read title to --

RESOLUTION NO. 85-93

A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF TORRANCE AUTHORIZING THE EXECUTION OF A
RENTAL AGREEMENT BETWEEN THE CITY OF TORRANCE
AND THE AMERICAN FUEL AND MAINTENANCE CORPORATION

MOTION: Councilwoman Geissert moved for the adoption of Resolution No. 85-93. Her motion, seconded by Councilman Wirth, was unanimously approved by roll call vote.

15. HEARINGS:15a. CUP 84-70, PP 84-22, D 84-25, SENIOR INNS OF AMERICA:

Mayor Armstrong announced that this was the time and place for City Council consideration of an administrative appeal of a revised proposal to allow the construction of a 152-room full service senior citizen congregate care facility in the C-3(PP) zone on property located near the northwest corner of Torrance Boulevard and Henrietta Street. CUP 84-70, PP 84-42, D 84-25, SENIOR INNS OF AMERICA (George Hansen).

Proof of publication was presented by City Clerk Babb and it was ordered filed, there being no objection.

Councilman Wirth announced that he would abstain in consideration of this matter for reasons of record. Mr. Wirth then departed from the Chambers.

Staff presentation was provided by Acting Planning Associate Gibson, who advised that the subject revision minimizes the building height and maximizes the setback from the adjacent R-1 uses -- recommendation of the Planning Commission and Planning Department: approval of the project and denial of the appeal.

Mr. George Hansen, Director of Planning Development for Senior Inns of America, was present to respond to questions.

Mr. Werner Engel, 21023 Annrita, requested and received clarification regarding setbacks, and expressed concerns regarding liability for damage to his property as a result of the subject construction. Responding, Building and Safety Director Grippio advised that such an eventuality would be a matter for litigation.

There being no one else in the audience who wished to speak, Councilwoman Geissert moved to close the hearing. Her motion was seconded by Councilman Mock, and roll call vote was unanimously favorable.

MOTION: Councilman Applegate moved to concur with the recommendation of the Planning Commission and Planning Department for denial of the appeal and approval of the project. His motion was seconded by Councilman Nakano, and there being no objection it was so ordered.

At the request of Mayor Armstrong, City Clerk Babb read title to --

RESOLUTION NO. 85-94

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A REVISED PLAN FOR A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION OF A 152-ROOM FULL SERVICE SENIOR CITIZEN CONGREGATE CARE FACILITY IN THE C-3(PP) ZONE ON PROPERTY LOCATED NEAR THE NORTHWEST CORNER OF TORRANCE BOULEVARD AND HENRIETTA STREET
CUP 84-70: SENIOR INNS OF AMERICA

MOTION: Councilwoman Geissert moved for the adoption of Resolution No. 85-94. Her motion, seconded by Councilman Nakano, carried unanimously by roll call vote.

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City Clerk Babb then assigned a number and read title to --

RESOLUTION NO. 85-95

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, APPROVING A REVISED PLAN FOR A PRECISE PLAN OF DEVELOPMENT AS PROVIDED FOR IN DIVISION 9, CHAPTER 6, ARTICLE 2, OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION OF A SENIOR CITIZEN CONGREGATE CARE FACILITY IN THE C-3(PP) ZONE ON PROPERTY LOCATED NEAR THE NORTHWEST CORNER OF TORRANCE BOULEVARD AND HENRIETTA STREET
PP 84-42: SENIOR INNS OF AMERICA

MOTION: Councilman Nakano moved for the adoption of Resolution No. 85-95. His motion, seconded by Councilwoman Geissert, was unanimously approved by roll call vote (Councilman Wirth ABSTAINED).

Councilman Wirth returned to the Council Chambers at this time.

15b. CUP 85-3, MIKE AND STEVE LEE:

Mayor Armstrong announced that this was the time and place for City Council consideration of an administrative appeal of a Conditional Use Permit to allow the operation of a liquor store at 18177 South Western Avenue. CUP 85-3, MIKE AND STEVE LEE.

Proof of publication was presented by the City Clerk and it was ordered filed, there being no objection.

Staff presentation was provided by Acting Planning Associate Gibson, who noted Planning Commission/Department recommendation for denial of the appeal and approval of the project.

Concerns regarding the concentration of liquor store outlets in the subject area were related by Councilman Mock who had filed the appeal on this item.

Mr. Eric Kaminski, attorney, 17592 Irvine Boulevard, Tustin, was present to represent the proponents, and expressed his opinion that the proposed liquor/convenience store operation will not negatively impact traffic, consumption of liquor in the City, etc.

In response to concerns expressed by Councilwoman Geissert, Mr. George Bovetas, owner of the subject property, advised that the anticipated occupancy of the center is three offices and two retail stores.

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Residents of the area who were present to speak in **opposition** to the establishment of a liquor store at this location were: Mr. Frank Fanciullo, 18114 Manhattan Place; Mr. Robert Searles (no address given); Mr. Frank Sesto, 2058 West 181st Street; Mr. Everett Meyers, 18110 Manhattan Place; Mr. Chris Sesto, 1821 West 182nd Street; and Mrs. Virginia Shivera, 18116 Manhattan Place. Concerns expressed encompassed the proliferation of liquor dispensing establishments in the area; loitering and consumption of alcohol on the premises; attraction of an undesirable element; increased traffic congestion in the alley; and general negative social impact for the neighborhood.

Attorney Kaminski returned to respond to neighborhood concerns, pointing out that the hours of operation for the liquor convenience store will be later than the nearby meat market which also sells liquor, and earlier than the Lucky Market, thus not creating a conflict insofar as parking is concerned. It was Mr. Kaminski's opinion that any "unsavory characters" would pose a problem for adjacent store owners as well as the community, and would likely not be tolerated by the other tenants in the center.

Mr. Robert Searles returned to point out that the fact that offices and other uses in the area will likely close around 5:00 or 6:00 p.m., the parking lot will then be open to liquor store patrons until its later closing hour without benefit of observation by other tenants of the center.

There being no one else in the audience who wished to speak, Councilman Applegate moved to close the hearing. His motion was seconded by Councilman Mock, and roll call vote was unanimously favorable.

Noting the close proximity to single-family residential uses; comments by the proponent's representative relative to the presence of an undesirable element; and the history of problems connected with an existing liquor establishment just south of 182nd Street, Councilman Applegate offered the following --

MOTION: Councilman Applegate moved to grant the appeal and to DENY CUP 85-3, Mike and Steve Lee. His motion was seconded by Councilman Mock.

Prior to roll call vote, the Council generally reviewed the concerns of the neighborhood, and acknowledged that the applicants who entered into this project in good faith, have become victims of the growth of liquor stores in the area, as have the residents.

It was the suggestion of Councilwoman Geissert, and so directed by Mayor Armstrong, that a study of the placement of liquor establishments be initiated, with recommended policies to be returned to the Council for consideration.

Roll call on Councilman Applegate's motion for denial of the project was unanimously favorable.

15c. 1985 WEED ABATEMENT PROGRAM (B85-26):

Mayor Armstrong announced that this was the time and place for the City Council hearing on the Resolution of Intention declaring parcels described in said Resolution to be public nuisances, and providing for abatement thereof. The Mayor then inquired if there were any exceptions and received a negative response from City Engineer Bourbonnais.

An Affidavit of Mailing was presented by City Clerk Babb. Councilman Applegate MOVED that the Affidavit of Mailing be received and filed. His motion was seconded by Councilman Wirth, and there being no objection it was so ordered.

Audience comments were then invited by Mayor Armstrong.

Ms. Bonny Hollingsworth, 4001 Cathann, expressed concerns regarding potential use, responsibility and liability related to the 27.16 feet of property adjacent to her home (called out in material, of record on Page 10, last item on page). M. Hollingsworth advised that she has owned this property for two years and was heretofore unaware of the City's procedure of weed abatement.

Concerns of a like nature were expressed by Mr. Leonard Volland(?), 3913 Cathann, owner of the adjacent parcel, who pointed out that children are gaining access to the sump via this parcel.

MOTION: Councilman Applegate moved to withdraw the property identified in Book 7366, Page 10, Parcels 9 & 10, from consideration at this time. His motion was seconded by Councilwoman Geissert, and roll call vote was unanimously favorable.

There being no one else in the audience who wished to speak, Councilman Applegate moved to close the hearing. His motion, seconded by Councilman Wirth, carried unanimously by roll call vote.

City Clerk Babb read title to --

RESOLUTION NO. 85-96

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF TORRANCE AUTHORIZING
THE ABATEMENT OF THE NUISANCE LOCATED
ON OR IN FRONT OF PROPERTIES IN THE
CITY OF TORRANCE AS DESCRIBED IN
RESOLUTION NO. 85-75

MOTION: Councilman Mock moved for the adoption of Resolution No. 85-96, amended as requested by staff on the first page of this agenda item, and also amended as above indicated. His motion was seconded by Councilman Wirth, and roll call vote was unanimously favorable.

It was directed by Mayor Armstrong that the possibilities regarding weed abatement responsibilities be reviewed for the two parcels discussed at this meeting, as well as review of available uses of the property. The Mayor suggested that the parties involved meet with the City Engineer to discuss the matter.

* * *

At 8:35 p.m., the Council recessed and reconvened as the Redevelopment Agency of the City of Torrance, reconvening at 8:36 p.m., in **JOINT REDEVELOPMENT AGENCY/CITY COUNCIL SESSION** for purposes of an executive session to be held at the conclusion of the regular Council business.

At 8:36 p.m., a recess was called. The Council/Agency returned at 8:50 p.m., to consider the following City Council Agenda Item.

* * *

16. APPEALS:

16a. APPEAL FROM AIRPORT NOISE ADMINISTRATIVE HEARING BOARD AGAINST AIRCRAFT N6081V:

Mayor Armstrong announced that this was the time, date and place to hear the appeal from a decision of the Airport Noise Administrative Hearing Board pursuant to Article 5 of Chapter 1, Division 1, of the Torrance Municipal Code.

The following statement was read into the record by the Mayor.

The Appellant is represented by Mr. Gil T. Siegel, Attorney at Law, who also appeared at the Administrative Hearing. The City is represented by its Attorney, Mr. Stanley E. Remelmeyer.

The appeal has been timely filed.

Each of the members of the Council has been furnished a copy of the Findings of Fact and Conclusions of Law of the Airport Noise Administrative Hearing Board. The February 7, 1985, decision of the Board exonerated the pilot but

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found that aircraft N6081V violated Torrance Municipal Code Section 46.8.1 with excessive noise upon take-off at 7:22 p.m., November 11, 1984.

Pursuant to Section 11.5.2(a)(4) of the aforesaid Article 5 of Chapter 1, Division 1, of the Code, the Appellant has apprised the Council of the sole grounds of this appeal. These grounds are that the applicable airport noise control provisions of the Torrance Municipal Code are unconstitutional and are preempted by Federal statutes and existing case law. No issue is taken with the factual findings and these are not in dispute.

After receiving evidence, by stipulation or otherwise, and after hearing argument of the respective attorneys, the Council, only in open and public session, may, by majority of the quorum present, either uphold the decision of the Airport Noise Administrative Hearing Board and thus affirm its belief in the legality of the challenged ordinance or it may reverse the decision of the Airport Noise Administrative Hearing Board on the grounds that these ordinances are unconstitutional or preempted by Federal statutes and existing case law. A reversal of the Airport Noise Administrative Hearing Board will be a decision that because of the unconstitutionality or preemption of the governing Torrance ordinances, aircraft N6081V did not violate the law on November 11, 1984.

The specific sections of the Code, about which the Appellant raises questions of constitutionality and preemption, are merely summarized upon the first page of the Findings of Fact and Conclusions of Law. Each of the members of the Council, however, has been furnished with a copy of these sections set out in their entirety.

May it be stipulated by Mr. Siegel on behalf of the Appellant aircraft and by Mr. Remelmeyer on behalf of the respondent City that these sections, they being Sections 46.8.3; 46.8.5; 46.8.6; 46.8.7; 46.8.8; and 46.8.10 of Article 8 of Chapter 6 of Division 1; and Section 51.7 of Article 7 of Chapter 1 of Division 5 of the Torrance Municipal Code, together with those sections prescribing the appellate procedure, Sections 11.4.1 through 11.5.4 of Article 5 of Chapter 1 of Division 1, be entered into the record on appeal as appellant's exhibit and that their alleged unconstitutionality and preemption be the only issues presented by this appeal?

Mr. Siegel so stipulated, as did Mr. Remelmeyer.

At this time, City Attorney Remelmeyer advised that the Council as the Deciding Body had not heretofore received copies of the Findings of Fact and Conclusions of Law and certain sections of the Torrance Municipal Code, copies of which had been furnished to counsel for the appellant. With Mr. Siegel's permission, Mr. Remelmeyer then presented copies of same to the Deciding Body.

Mayor Armstrong stated that the stipulation is accepted and the exhibits received.

The Mayor then continued for the record:

As the sole issue, by stipulation, is the legality of the challenged provisions of the City's airport noise control ordinances and as the appellant, through counsel, Mr. Siegel, bears the burden of persuading the Council of the unconstitutionality and/or preemption of these, it would appear appropriate that he be afforded the first fifteen minutes to do so, with citation of statutory and case authority in support of his arguments as he may deem necessary for a full and complete record.

Thereafter Mr. Remelmeyer may have equal time in which to respond. Finally, should Mr. Siegel desire to respond to Mr. Remelmeyer or to reiterate his initial argument he may have an additional five minutes to do so.

The Council and both representatives indicated their approval of this procedure.

* * *

Mr. Gil Siegel, counsel for the appellant, then presented his case.

Noting that the nature of the subject appeal is not to attack the idea of airport noise regulations, but, rather, to point out problems with the rules and laws as promulgated, Mr. Siegel advised that the narrow point at issue is the operation of a plane under instrument flight rules (IFR) as opposed to visual flight rules (VFR). The flight in question, Mr. Siegel explained, was being conducted under IFR conditions, which means that the pilot was under the direct control of the FAA.

The Hearing Board's decision in exonerating the pilot in this matter was interpreted by Mr. Siegel to mean that the pilot, being under the control of the FAA, had no ability to comply with the Torrance Codes. It would necessarily follow, per Mr. Siegel, that if the pilot has not violated the rules and regulations, then the aircraft, being operated by that pilot, simply could not do so either.

Counsel Siegel then called attention to material, of record, including a document provided by the City of Torrance to pilots headed: NOISE ABATEMENT ARRIVAL, DEPARTURE & PATTERN PROCEDURES - VFR ONLY. This would, Mr. Siegel pointed out, lead him to assume that the rules would not apply to IFR conditions.

Maintaining the unconstitutionality of the rules/laws, Mr. Siegel pointed out that instrument flight rules are conducted by the FAA, citing a case presented to the Federal Courts in the United States District Court of the Southern District of New York: United States of America against the County of Westchester, Case No. 83CIV3499(RJW).

Certain passages were then read aloud by Mr. Siegel from the above referenced case, establishing that the FAA has been delegated exclusive responsibility by Congress for the safe and efficient management of the navigable air spaces of the United States; and the FAA has also been delegated exclusive responsibility for regulating aircraft noise. As to curfews, Mr. Siegel continued, the Court stated that the curfew has an adverse impact on the flow of interstate air commerce. (Appropriate case citations were referenced by Mr. Siegel).

Counsel then referenced the deed of March 5, 1948, which was entered into between the City of Torrance and the United States of America. Paragraph (1), Page 6, of that deed was then read into the record as follows:

Insofar as within its power and reasonably possible, the grantee and all subsequent transferees shall prevent any use of land either within or outside the boundaries of the airport including the construction, erection, alteration, or growth of any structure or object thereon which use would be a hazard to the landing, taking off or maneuvering of aircraft at the airport, or otherwise limit its usefulness as an airport.

The issue of the deed, as a contract entered into between the City of Torrance and the United States Government, again brings into view Federal regulations and requirements, Mr. Siegel stated.

In summation, Mr. Siegel pointed out that the plane in question, being operated under IFR conditions, was under the direct control of the Federal Government -- it was his indicated concern that the rules as they stand now do not take into account those circumstances where a pilot and the plane itself must operate under certain conditions to be effective. These rules, in Mr. Siegel's opinion, need to be modified and should not apply in the situation herein being appealed.

* * *

Attorney for the City, Mr. Stanley Remelmeyer, presented as follows:

On the question of preemption, Mr. Remelmeyer referenced the Santa Monica case in which it was decided that there was no preemption of the air space which would disallow the promulgation by airport proprietors of the type of ordinance adopted by the City of Torrance, thus reaffirming the rights of the City to pass reasonable noise control measures.

The decision of the Court (in the Santa Monica case) that there was no interference with interstate commerce in this type of ordinance was also pointed out by Mr. Remelmeyer, who noted that the Torrance ordinances are akin to the Santa Monica Ordinances on this subject.

It was further decided in that case, per Mr. Remelmeyer, that the pilots were not third party beneficiaries of the deed between the United States and the City of Torrance, thus he would deem the City of Torrance noise ordinances constitutional.

Continuing, Mr. Remelmeyer stated that it was determined by the City of Torrance at the time the ordinances were promulgated that it was reasonable not to exempt IFR flights. Mr. Remelmeyer also noted his understanding that pilots are under the control of the tower during VFR, as well as IFR, flights; however, that does not mean that the aircraft must attain any particular decibel level at any particular point in taking off.

The fact that the pilot was not found guilty, per Mr. Remelmeyer, does not mean that the aircraft could not have been found guilty -- either the pilot or the aircraft or both can be found guilty of violating the ordinance, the rationale in the case of the aircraft being obvious in that certain aircraft cannot be flown within the City's SENEL levels.

Mr. Remelmeyer recommended, therefore, that the Council assume the constitutionality of the ordinances which do not differentiate between the IFR and the VFR methods of navigation in this respect, and that the aircraft has been properly found guilty of an infraction.

* * *

In response, Mr. Siegel noted his opinion that the rules need to be consistent in the fact that if the pilot is not responsible, the plane should not be responsible, and the only way that can come about is if some exceptions are made for IFR conditions.

Mr. Siegel reiterated his contention that an aircraft is not under the control of the FAA when taking off VFR, but it is under IFR. He further pointed out that the City of Santa Monica's case was dealing with the issue of banning jets from that airport, a substantially different issue than that being dealt with here.

While not arguing with the factual findings of the Airport Noise Hearing Board, Mr. Siegel again pointed out that it was an IFR take-off which necessitated this aircraft to go in the direction that it did.

* * *

Mr. Remelmeyer declined to state further at this time.

* * *

Council comments were then forthcoming.

* * *

Referencing the document presented to pilots which states NOISE ABATEMENT ARRIVALS, DEPARTURES & PATTERN PROCEDURES - VFR ONLY, Councilman Applegate conceded to a question being raised regarding the inclusion of IFR conditions. Mr. Applegate also expressed his opinion that an aircraft would only be found guilty in the absence of an acknowledged or stipulated pilot. The subject aircraft, per documentation available, he continued, is capable of operating within the noise limits established by the City; therefore, he would deem the fault to be that of the pilot who is operating the plane in a noisy manner.

Councilwoman Geissert observed that the subject aircraft has had difficulty since some time in 1981 in adhering to the

noise levels established; however, when flown in a particular manner, it was able to stay within the parameters of the ordinance. It is clear from the record, Mrs. Geissert pointed out, that there was a violation -- the issue brought out by the appellant's counsel is that the flight was under IFR rather than VFR conditions.

Mr. Siegel responded that tests run on this particular aircraft were under VFR conditions, and as part of the "ongoing battle", each time there was dialogue, one of the brochures (stating VFR ONLY) was presented to the owners of the aircraft. They have not been cited, to his knowledge, under visual flight rules, and it is not his client's intent to break any of those rules.

Noting her understanding that there is no differentiation in the City Code as to whether the aircraft is under visual or instrument flight rules, Mrs. Geissert stated that she will stand on the validity of the ordinance as it is constituted, and she then offered the following --

MOTION: Councilwoman Geissert moved to concur with the findings of the Airport Noise Hearing Board. Her motion was seconded by Councilman Wirth.

Prior to roll call vote, Councilman Wirth commented that to him it is quite clear that neither the pilot nor the plane is new to the airport, and he cannot believe that their only knowledge of airport operating procedures is from "that one piece of paper."

Councilman Walker indicated his opposition to the motion, it being his opinion that there is a cloud over the issue -- review of the ordinance may be in order.

Mayor Armstrong stated that to deny the decision of the Board is to submit that the ordinance is illegal and the aircraft did not violate the law. In his opinion, the aircraft did violate the law, and he will therefore support the motion.

The above motion then carried by way of the following roll call vote:

AYES:	COUNCILMEMBERS:	Geissert, Mock, Nakano, Wirth and Mayor Armstrong.
NOES:	COUNCILMEMBERS:	Applegate and Walker.

17. ADMINISTRATIVE MATTERS:17a. EXTENSION OF MOBIL OIL PIPELINE FRANCHISE:

At the request of Mayor Armstrong, City Clerk Babb assigned a number and read title to --

ORDINANCE NO. 3136

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE EXTENDING FOR THREE MONTHS THE TERM OF A PIPELINE FRANCHISE PREVIOUSLY GRANTED TO MOBIL OIL CORPORATION BY ORDINANCE NOS. 351 AND 529; AND DECLARING THE PRESENCE OF AN EMERGENCY

MOTION: Councilwoman Geissert moved for the approval of Ordinance No. 3136 at its first reading. Her motion was seconded by Councilman Mock, and roll call vote was unanimously favorable.

17b. APPROVAL OF MANAGEMENT PROGRAMS ADMINISTRATOR SALARY:

City Clerk Babb read title to --

RESOLUTION NO. 85-97

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE SETTING FORTH CERTAIN CHANGES REGARDING HOURS, WAGES AND WORKING CONDITIONS FOR EMPLOYEES REPRESENTED BY CERTAIN MANAGEMENT AMENDING RESOLUTION NO. 84-206

MOTION: Councilwoman Geissert moved for the adoption of Resolution No. 85-97. Her motion, seconded by Councilman Nakano, carried unanimously by roll call vote.

17c. See Page 18.

18. SECOND READING ORDINANCES:18a. ORDINANCE NO. 3135:

City Clerk Babb read title to --

ORDINANCE NO. 3135

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, AMENDING DIVISION 9 OF THE TORRANCE MUNICIPAL CODE TO RECLASSIFY THAT CERTAIN PROPERTY WHICH IS LOCATED AT 4405 EMERALD STREET ML(MI-PP) TO RTH
ZC 84-8: STORM INDUSTRIES

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MOTION: Councilman Applegate moved for the adoption of Ordinance No. 3135 at its second and final reading. His motion was seconded by Councilman Mock, and roll call vote was unanimously favorable.

22. ORAL COMMUNICATIONS:

22a. Councilman Applegate reminded all present of the Armed Forces Day Parade and the 5 and 10K Runs, May 18, 1985.

22b. Councilwoman Geissert noted the Bunka-Sai Japanese Festival to be held April 27 and 28, at the Torrance Recreation Center. All were invited to attend.

22c. Councilman Wirth reported on the status of SB 290, and his recent attendance at the CAPOTS (California Association of Publicly Owned Transit Systems) Conference. High compliments for the Transit Staff of the City of Torrance were forthcoming at the conference, per Mr. Wirth.

22d. Mayor Armstrong indicated support of the Police Chief's memorandum regarding proposed legislation.

22e. It was requested by Mayor Armstrong that staff follow up with the City of Los Angeles regarding adjustment of the south-easterly boundaries of the City.

22f. Mayor Armstrong read aloud correspondence from a citizen expressing appreciation for recent action by the City's tree trimming crews.

22g. Mr. John Hughes, 2510 Grand Summit Road, noted apparent plans of Rolling Hills Estates for development and creation of a new access road into Torrance -- the strong opposition of residents of the Victoria Knolls Tract to such action was indicated by this speaker. Mayor Armstrong pledged support of the concerns of the citizens of Torrance.

22h. Ms. Elaine McAloon, 4918 Paseo del Pavon, related personal experiences in attempting to secure information regarding current history of the Torrance Airport

22i. Mr. Dennis Fevergin, Pastor of the South Bay Covenant Church, requested that the City Council/Redevelopment Agency reconsider its desire to purchase the Stone-Meyers Mortuary property because of the Church's interest in purchase of same.

22j. Mr. Ed Anderson, 3229 Starline Drive, Rancho Palos Verdes, Chairman of the Board of Elders, South Bay Covenant Church, reinforced statements of the previous speaker relating to the deep concerns of the Church regarding the Mortuary property. Fair consideration of all offers was requested by Mr. Anderson.

22k. Mr. Roy Stone, 3436 West 229th Street, expressed appreciation for the City's efforts on behalf of the Harbor Animal Hospital. He also related his observation of the misspelling of the word "Torrance" on a recent television program.

22l. Councilman Wirth commented on the proposed new roadway into Torrance from Rolling Hills Estates, and also noted this Council's commitment to the entire community in its various decisions.

22m. Councilwoman Geissert referenced the comments by Messrs. Fevergin and Anderson (22i and 22j, see above) and related the concerted efforts by the City in attempting a favorable relocation of the Drs. Smith and the Harbor Animal Hospital, and her absence of knowledge concerning the Church's interest in the Mortuary site.

The Council now returned to --

17c. EXECUTIVE SESSION:

Mayor Armstrong read the following statement into the record:

The City Council acting as the Redevelopment Agency will now recess to closed (executive) session for the purpose of conferring with and receiving advice from the Redevelopment Agency's counsel concerning the following:

1. Possible acquisition of the El Roi Tan Hotel;
2. Possible acquisition of Stone-Meyers Mortuary property;
3. Negotiations with Honda for development rights to 26 acres north of Torrance Boulevard and east of Van Ness and questions of land acquisition within these same 26 acres.

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The City Council will also recess to closed session to confer with the City Attorney regarding the following:

1. Possible acquisition of the Greenwood School property site;
2. Pending litigation concerning the Park Del Amo Project and the deed to Madrona Marsh.

This closed session is being held pursuant to Government Code Sections 54956.9(a) and 54956.8.

Councilman Applegate announced that he would abstain in consideration of the Stone-Meyers Mortuary matter, and would absent himself from the meeting room at that time.

At 10:10 p.m., the City Council/Redevelopment Agency of the City of Torrance (having remained in Joint Session since completion of the Redevelopment Agency Agenda - see Page 9) recessed to executive session, returning at 11:30 p.m., to take the following action:

The Agency's Executive Director recommended that the Redevelopment Agency accept the offer for purchase of the Stone-Meyers Mortuary for a purchase price of \$510,000, subject to the conditions in the escrow.

Mrs. Geissert SO MOVED. Her motion was seconded by Mr. Walker, and roll call vote was unanimously favorable (Mr. Applegate ABSTAINED).

At 11:32 p.m., the joint meeting of the Redevelopment Agency/ City Council was formally adjourned to April 30, 1985, at 5:30 p.m.

#

Peggy Laverty
Minute Secretary

19.

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City Clerk of Torrance


Mayor of the City of Torrance

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