

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
REGULAR MEETING OF  
JULY 5, 2006**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 5th day of July, 2006, at the hour of 6:32 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

**PLEDGE TO FLAG**

Deputy City Manager Sherilyn Lombos led the pledge of allegiance.

**ROLL CALL**

Present: Aldinger, Montgomery, Fahey, Tell and Mayor Ward.  
Absent: None.  
Clerk: Aliabadi (Acting).

**CEREMONIAL CALENDAR**

06/0705.1 Presentation of Parks and Recreation Month Proclamation to Parks & Recreation Director Richard Gill

Mayor Ward presented the Parks and Recreation Month Proclamation to Parks and Recreation Director Richard Gill and read aloud the proclamation declaring July, 2006, Parks and Recreation Month in the City of Manhattan Beach.

06/0705.2 Presentation of Commendation to Recreation Services Manager Idris Al-Oboudi for Receiving the California Parks and Recreation Society's 2005 Citation Award and 2005 President's Award

Mayor Ward introduced Parks and Recreation Director Richard Gill who presented Recreation Services Manager Idris Al-Oboudi with a commendation in recognition of the California Parks and Recreation Society's 2005 Citation Award and 2005 President's Award he received.

**CONSENT CALENDAR**

The Consent Calendar (Item Nos. 3 through 12), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Fahey, seconded by Councilmember Aldinger and passed by unanimous roll call vote with the exception of Item No. 7, which was considered later in the meeting under *Items Removed from the Consent Calendar*.

Ayes: Aldinger, Montgomery, Fahey, Tell and Mayor Ward.  
Noes: None.  
Absent: None.  
Abstain: None.

**GENERAL CONSENT**

06/0705.3 Approve Minutes of the City Council Adjourned Regular and Regular Meeting of June 20, 2006

The Council approved the subject minutes.

06/0705.4 Adoption of an Ordinance Granting a Non-Exclusive Franchise to Provide Cable Service to Verizon California, Inc.

The Council adopted Ordinance No. 2085.

**ORDINANCE NO. 2085**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, GRANTING A NON-EXCLUSIVE FRANCHISE TO PROVIDE CABLE SERVICE TO VERIZON CALIFORNIA INC.**

06/0705.5 Consideration of the State Budget and Legislative Update

The Council received and filed the June Budget and Legislative Update from Tony Rice, the City's legislative advocate.

06/0705.6 Consideration of a Request from the Manhattan Beach Little League for the Limited Use of a Public Address System at the Marine Sports Park Complex: July 18-24, 2006 for One Little League Tournament

The Council approved the Little League's request for limited use of a public address (PA) system at the Marine Sports Park for the League's All-Star Tournament.

06/0705.7 Consideration of Recommendation from the Cultural Arts Commission to Approve the Use of Public Art Funds in the Net Amount of \$3,800 for a Joslyn Center Performance Space Design Study by George and Goldberg Design Associates

Item No. 7 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

06/0705.8 Consideration of Financial Reports: Ratification of Demands: June 29, 2006 & July 3, 2006

The Council approved with no exception Warrant Register Nos. 27B & 1B in the amount of \$3,737,392.74 in payment of ratification of demands and claims as prepared by the Director of Finance, together with the original demands and claims as prepared by said Warrant Register.

06/0705.9 Annual Adoption of Investment Policy

The Council approved the 2006-2007 Investment Policy.

06/0705.10 Consideration of Advanced Payment of Employer Pension Costs for Fiscal Year

City Council Meeting Minutes of July 5, 2006

2006-2007 Which Results in Net Savings of Approximately \$56,000

The Council approved the advanced payment of the City's Fiscal Year 2006-2007 employer pension costs to CalPERS.

06/0705.11 Disbursement of Progress Payment No. 14 in the Net Amount of \$204,519.29 to S.P. Pazargad Engineering Construction, Inc. for the Strand Improvement Project

The City Council approved the issuance of the subject progress payment.

**BOARDS AND COMMISSIONS**

**Cultural Arts Commission**

6/0705.12 Consideration of Draft Minutes, Cultural Arts Commission Meeting of June 20, 2006

The Council received and filed the subject draft minutes.

**COMMUNITY ANNOUNCEMENTS**

06/0705.16 Carol Rowe Re Farmers Market

**Carol Rowe, Executive Director of the Downtown Manhattan Beach Business and Professional Association**, announced that the Grand Opening of the Farmers Market will be this Tuesday, July 11, 2006, from noon to 4:00 p.m. and invited everyone to attend.

06/0705.17 Patrick McBride Re Events at the Joslyn Center

**Patrick McBride, Manhattan Beach Senior Citizens Resources Committee**, announced several activities coming to the Joslyn Center including a performance by the Hyperion Outfall Serenaders and the movie "Winged Migration" on July 19, 2006.

06/0705.18 Bev Morse Re Botanical Garden

**Bev Morse, No Address Provided**, encouraged the community to attend the Wellness Community's Annual South Coast Botanical Garden Fundraiser this Sunday, July 9, 2006.

06/0705.19 Councilmember Montgomery Re South Bay Youth Project

Councilmember Montgomery urged everyone to "save the date" of August 22, 2006 for a South Bay Youth Project event and explained that more information will follow soon.

06/0705.20 Mayor Ward Re Mayor's Golf Tournament

Mayor Ward announced that the Annual Manhattan Beach Mayor's Golf Tournament will take place on October 9, 2006 and that those interested in playing should contact either former Councilmember Linda Wilson or himself.

## PUBLIC HEARINGS

### 06/0705.13 Appeal of Planning Commission Denial of a Sign Exception for Installation of Two Electronic Changeable Copy Signs Above the Entrance to the American Martyrs Parking Garage, Located at 624 15<sup>th</sup> Street

Associate Planner Eric Haaland gave a PowerPoint presentation on the appeal of the Planning Commission's denial of a sign exception proposal to install two programmable electronic changeable copy signs, 25 feet each in length, above the entrance to the American Martyr's parking garage. He provided input on the purpose of the signs and the reasons why this request necessitates a sign exception and explained the criteria necessary to approve the signs, including: that they would not be detrimental to the surrounding area; that they are necessary for the reasonable use of the property; and that they would be consistent with the City's Sign Code. He reviewed the proposed location, the existing signs and a similar sign at a nearby public school and advised that the Planning Commission's denial of the request was centered on concerns for lighting intensity, traffic safety and neighborhood obtrusiveness. He related staff's recommendation that the Council accept testimony, consider the request and uphold the Planning Commission's denial or approve the project based on the above-mentioned findings and direct staff to prepare a Resolution with the appropriate findings/conditions. Associate Planner Haaland outlined the following potential conditions of approval that could be placed on the project should the Council determine that an approval would be appropriate: require visual screening at any time; prohibit motion/flashing; limit lighting intensity; allow the signs to be lit only between the hours of 8:00 a.m. and 10:00 p.m. and require that future complaints be addressed.

Council held discussion with Associate Planner Haaland determining that staff typically recommends that the Planning Commission's decisions be upheld; that the Planning Commission's concern regarding traffic safety was centered around possible distractions for drivers traveling along 15th Street; that changeable copy monument signs in residential zones are only permitted for churches and private schools; and that, should the request be approved, staff recommends requirements that the display be still for at least 60 seconds at a time and not be used after 10:00 p.m.

In response to Councilmember Aldinger's question of whether the existing Resolution would need to be changed, Associate Planner Haaland explained that it would not because the proposed signs would be permitted as an exception

**Mark Burn, on behalf of American Martyr's Church**, shared background information on the Planning Commission's decision, reviewed the recommended conditions of approval and suggested that the recommended hours of operation be changed to 7:00 a.m. to 9:00 p.m. He related his understanding that the proposed signs could be seen only from one second-story window at the Cohen residence; that the unique nature of American Martyr's property would justify an approval; and that traffic safety issues were more of a concern with the previous sign.

**Walt Dougher, American Martyr's Executive Committee of the Parish Council**, addressed the need for the proposed signs, particularly to communicate with the exceptionally large Church congregation. He said that the proposed signs would be in an optimal location and that they would not be a detriment to the neighborhood.

Mayor Ward opened the Public Hearing at 7:16 p.m.

Stating that her son and his family live directly across the street for the proposed sign, **Irma Cohen, No Address Provided**, stated that her grandchildren will be disturbed by the sign; that it will be distracting to drivers; that it is a commercial type sign; and that it will be detrimental to the neighborhood.

**Karol Wahlberg, No Address Provided**, concurred that the sign will be detrimental to the neighborhood and is a safety issue; that while the original free standing sign was dangerous; this electronic sign would be even worse; and that putting an electronic sign in a residential neighborhood may set a disturbing precedent. She added that the new sign will send a negative message that the City is becoming more commercialized and that a more effective way of communicating with parishioners would be through e-mail.

**Dr. Victor Cohen, No Address Provided**, read a statement including various safety reasons why the Council should not approve the electronic sign including that the area is uniquely dangerous and requires attention to navigate, even without a sign.

**Linda Cohen, No Address Provided**, pointed out that, right now, there is a large tree that will help to block out the sign, but if the tree is pruned, the sign will be much more visible.

**Viet Ngo, No Address Provided**, spoke about Council's differential treatment between private citizens and others like Jonathan Tolkin (developer of the Metlox project). He spoke of Council's recent approval of the 2<sup>nd</sup> Floor Tenant Signage at Metlox and recapped the current discussion on the American Martyrs signs. He asked that Council seek the advice of the Police Department as to whether the location of the proposed sign at American Martyrs is safe.

Conveying that the electronic signs allow the public to find out what is taking place at different establishments, **Mary Saconia, No Address Provided**, pointed out that Meadows Elementary School and Mira Costa High School both have electronic signs and have no traffic concerns.

**Michelle Murphy, No Address Provided**, reminded Council that the Planning Commission didn't approve the proposed signs due to aesthetics and that if Council makes an exception for American Martyrs, how are they going to distinguish it from other requests for electronic signs that come in. She also questioned whether there might be some liability issues associated with making this exception.

Mayor Ward closed the Public Hearing at 7:32 p.m.

Councilmember Fahey discussed the importance of the applicant attempting to design signs that could not be accessed by pranksters, as was the case with their previous sign. It was her opinion that, except for the impact on a bedroom at the Cohen residence, the proposed signs are in a perfect location; that she supported the change in hours; that the proposed signs would not negatively impact the community; that they would be an appropriate means by which the Church could communicate with the public; and that the findings of fact to support an approval could easily be made. Councilmember Fahey also suggested that a condition of approval would be to maintain the landscaping as it currently exists in order to help screen the signs.

Councilmember Aldinger stated that his decision comes down to the aesthetics of the neighborhood, particularly for individuals driving in an easterly direction on 15<sup>th</sup> Street. He stated his dislike of this type of sign in neighborhoods and that traffic safety issues resulting from the proposed signs should be addressed. He further voiced his concern over the potential cumulative impact, should the request be approved.

Councilmember Montgomery related his support of the request, however, noted that, should the request be approved, the applicable Resolution could include wording to ensure that each message shall be displayed a minimum of 60 seconds to avoid scrolling and that the landscaping should be maintained as it currently exists.

Mayor Pro Tem Tell discussed that, even though the applicant's previous sign was not lit and was harder to see, it could have created more issues than the proposed signs. Referring to the uniqueness of the location, he stated that he did not believe there would be an impact on the aesthetics of the neighborhood, noting that they would only face one home. He further indicated that he would defer to the City's Traffic Engineer's opinion that the proposed signs would not result in traffic safety issues.

Mayor Ward related his disagreement with this type of electronic signage, stating that he believed that the proposed signs would be detrimental to and adversely impact the neighborhood and asked that the Police Department examine traffic safety issues on 15<sup>th</sup> Street in the vicinity of American Martyr's Church. Should the request be approved, Mayor Ward recommended that the use of the signs be limited to church and community activities, which include events and programs and expressed his concern over the cumulative impact of an approval on future requests.

Councilmember Fahey pointed out that being able to see the signs, which would be perfectly located, does not mean they would negatively impact the aesthetics of the community and that, because the proposed signs would be uniquely located, an approval would not result in a cumulative impact on future requests.

Mayor Pro Tem Tell concurred adding that the very unique location of the proposed signs on the parking garage would help mitigate their impact; that only 25% of the lights would be used; and that the majority of those looking at the signs as they drive by would be the parishioners.

**MOTION:** Councilmember Fahey moved to approve the applicant and appellant's request for signage installation finding that the proposed sign exception would not be detrimental to, nor adversely impact, the neighborhood or district in which the property is located; that the proposed sign exception is necessary in order that the applicant may not be deprived unreasonably in the use or enjoyment of their property; that the proposed sign exception is consistent with the legislative intent of this title; that the modifications to the Resolution include: that the sign shall be operated only between the hours of 7:00 a.m. and 9:00 p.m.; that the signs shall be limited to information regarding church and community activities, which include events and programs; and that landscaping shall be consistent with what currently exists. The motion was seconded by Mayor Pro Tem Tell and passed by the following roll call vote:

Ayes: Aldinger, Montgomery, Fahey and Tell.  
Noes: Ward.  
Absent: None.  
Abstain: None.

City Attorney Robert Wadden advised that a Resolution reflecting the approval of the signs will be included on the Consent Calendar of the next City Council meeting agenda.

### **RECESS AND RECONVENE**

At 7:49 p.m. the Council recessed and reconvened at 7:56 p.m. with all Councilmembers present.

### **GENERAL BUSINESS**

06/0705.14 Consideration of a Recommendation from the Parks and Recreation Commission to Rename Parque Culiacan to Bruce's Beach

Recreation Services Manager Idris Al-Oboudi addressed Council outlining the Parks and Recreation Commission's discussion to rename Parque Culiacan "Bruce's Beach" including the financial impact of replacing the monument sign and attached plaque at a cost of approximately \$9,000 to \$10,000. Acknowledging that the name "Bruce's Beach" is not representative of the physical description of the area, he relayed staff's recommendation that either "Bruce's Park" or "Bruce's Beach Park" be used, should the Council be interested in changing the name. Recreation Services Manager Al-Oboudi added that, contrary to information in the staff report, Leadership Manhattan Beach wishes to remain neutral on this topic.

The Council discussed that it would be helpful to know more about the Bruce family and historical aspects of the land when considering whether the Park should be named after them; that the existing plaque could be replaced to include more historical information; and that the Council's discussion this evening should be centered around whether or not the Park should be renamed "Bruce's Beach."

**The following individuals spoke on this item:**

- **Francey Seckinger, No Address Provided**
- **Alyson Jefferson, No Address Provided**
- **Bob Bohner, 1600 Block of 2<sup>nd</sup> Street**
- **Oliver Coker, on Behalf of Wife, Lillian Light, No Address Provided**
- **Donna Warren, No Address Provided**
- **Bob Willett, Valley Drive**
- **Dr. Gerry Morton, No Address Provided**
- **Bev Morse, 900 Block of 1<sup>st</sup> Street**
- **Carmen Daugherty, 600 Block 30<sup>th</sup> Street**
- **Grace Walters, No Address Provided**
- **Wendell Harter, No Address Provided**
- **Viet Ngo, No Address Provided**
- **Patrick McBride, 5<sup>th</sup> Street & Peck Avenue**
- **Stacey Morse, No Address Provided**
- **Kathleen Paralusz, 1400 Block of Manhattan Beach Boulevard**
- **Marge Crutchfield, No Address Provided**
- **John Bushman, No Address Provided**
- **Gail Runk, 100 Block of 5<sup>th</sup> Street**
- **Myron Pullen, 9<sup>th</sup> Street**
- **Michelle Murphy, 4400 Block of the Strand**
- **Bob Perkins, 4400 Block of the Strand**
- **Larry Grik, 2700 Block of Manhattan Avenue**
- **Norm Tearson, 100 Block of 27<sup>th</sup> Street**

Mayor Ward clarified that Leadership Manhattan Beach volunteered to install the plaque and signage at Parque Culiacan, and that the Council only provided input on the wording.

Councilmember Aldinger recalled the Council's previous decision, approximately 2 -3 years ago, that the name of the Park should remain "Parque Culiacan" due to its historical

significance. He commented on the many positive aspects of the Sister City Program, the open mindedness of the Manhattan Beach City Council and citizens and the potential cumulative impact of naming a Park after an individual. He further indicated that he will not support renaming "Parque Culiacan" to Bruce's Beach, which is consistent with what his standpoint was when the renaming of the Park was considered three years ago.

It was Councilmember Fahey's opinion that the name of the Park is fairly immaterial and that it symbolizes the City's outreach to integrate other cultures into the community. She stated that personal tributes are appropriate and necessary, but they should be made through such means as the Cultural Arts Center, school projects, etc. and that it would be appropriate to find another way to recognize the history of Bruce's Beach.

Councilmember Montgomery contended that the history of the Park land has not been overlooked; that he is not insensitive to the injustices that occurred many years ago; and that he is not in support of renaming the Park, especially due to his concern over eliminating the recognition of the good will the Sister City Program has created. He commented that an apology about what happened at the Park is long overdue; that it could be presented in the form of a Resolution; and that education about the history of the Park could be provided through such means as the City's website.

Mayor Pro Tem Tell commented on the importance of educating residents about the rich history of the Park and agreed with Councilmember Montgomery that an apology about what happened is long overdue; however, changing the name to "Bruce's Beach" will not right any wrongs of the past.

Mayor Ward advised that, as a person of color, people of color have no reason to fear entering or living in Manhattan Beach. He voiced his support of changing the name of the Park to "Bruce's Beach" in order to honor the founder of Manhattan Beach, George Peck and cited his concern over retaining the name "Parque Culiacan" when the City of Culiacan terminated their relationship with Manhattan Beach. He stated that he could not support a Resolution containing an official apology for the wrongs of the past and that he would support ways, other than naming a Park, to recognize the Sister City Program.

Disagreeing with Mayor Ward, Councilmember Aldinger reiterated Councilmember Montgomery's suggestion that some type of an apology be brought forth. He suggested putting into writing the history and efforts of those who were closely associated with the Park and noted the importance of remembering the Sister City organization's motto currently on the sign at the Park.

Councilmember Fahey explained that she is more interested in educating the public, particularly school children, about the past history of the land where the Park is located and asserted that the Cultural Arts Commission should be asked to examine ways to recognize and honor the heroes involved.

Mayor Pro Tem Tell indicated that he would support changing the name of the Park to "Bruce's Beach," which would be a good start in recognizing the Peck family. Should that not be approved, he agreed that ways to educate the public and recognize and honor the heroes should be explored.



**MOTION:** Mayor Ward moved to approve changing the name of Parque Culiacan to Bruce's Beach. The motion was seconded by Mayor Pro Tem Tell and passed by the following roll call vote:

Ayes: Fahey, Tell and Mayor Ward.  
Noes: Aldinger and Montgomery.  
Absent: None.  
Abstain: None.

Councilmember Fahey reiterated the need to find a way to recognize the Sister City organization; suggested that the topic be discussed at a future Council meeting; and that existing signage at the Park should be incorporated into any new signage.

City Manager Geoff Dolan verified that staff will provide the Council with recommendations on how existing signage at the Park could be incorporated into any new signage. He also suggested that the Council choose 2 representatives to meet with the Sister City Committee.

Mayor Ward and Councilmember Aldinger agreed to meet with the Sister Cities Committee.

**RECESS AND RECONVENE**

At 9:39 p.m. the Council recessed and reconvened at 9:53 p.m. with all Councilmembers present.

06/0705.15 Consideration of Utility Underground Assessment Districts 05-2 & 05-6 and Utility Undergrounding Assessment Deferment Program:

- a) Consideration of Resolutions Approving Financing Documents and Authorizing the Execution and Delivery of Limited Obligation Improvement Bonds for Districts 05-2 & 05-6, for an Amount Not-to-Exceed \$12,966,987
- b) Status Report and Approval of the City's Utility Undergrounding Assessment Deferment Program

Finance Director Bruce Moe outlined the following items regarding Utility Underground Assessment Districts 05-2 and 05-6 and the Assessment Deferment Program: the total district financing, which will require the sale of bonds to complete construction funding; the procedures relating to the sale of bonds; the security for the bonds; the procedures for the repayment of utility assessments by property owners; the documents before the Council this evening, including the "Fiscal Agent Agreement," the "Official Statement," the "Continuing Disclosure Agreement", "the "Bond Purchase Agreement" and the lack of flexibility regarding the bond structure, which is regulated by State Law.

**Jeff Bower, Managing Director, UBS Investment Bank**, provided information about how the bonds will be marketed, as well as the current market conditions. He explained his anticipation that the bond rating, which reflects the property values and the name of the community, will be strong. He provided detailed information on the prepayment of assessment loans and, in answer to a question from the Council, commented on the possibility of reducing the prepayment cost for property owners. He shared information on the underwriter's negotiable discount of 1.25% and the difficulty/expense of obtaining bond insurance.

Finance Director Moe presented specific information on the assessment loan program, including the income requirements related thereto, as well as the State of California's income criteria compared to the City's. He discussed the costs to the City associated with the loan program and the idea of the City fully or partially recovering those costs and highlighted staff's recommendation that loan participants' assessments be bonded, and not prepaid by the City. He further clarified that City staff will assist property owners in applying for the State's Property Tax Deferment Program. Further, he added that by including City loan participants in the bond issue, future buyers will have the opportunity to assume the assessment loans for the

remaining term on properties they purchase. Finance Director Moe related staff's recommendation that the Council discuss and provide direction on the Assessment Deferment Program, adopt Resolution Nos. 6040-6043 approving the financing of Underground Assessment Districts 2 and 6 and adopt Resolution No. 6044 approving the Assessment Loan Program.

In response to a question from the Council, Finance Director Moe indicated that he is unaware of any program that rewards individuals for making timely payments over a period of time.

**The following individuals spoke on this item:**

- **Jon Chaykowski, No Address Provided**
- **Frank Matranga, 2<sup>nd</sup> Street & Ardmore Avenue**
- **Roseleen Gaffney Jones, 29<sup>th</sup> Street**
- **Peggy Nisen, 300 Block of Ardmore Avenue**
- **Toni Crichton, 500 Block of Pacific Avenue**
- **Patrick McBride, 5<sup>th</sup> Street & Peck Avenue**
- **Paul Schwab, 200 Block of John Street**
- **Viet Ngo, No Address Provided**
- **Lee Berouty, 1200 Block of 11<sup>th</sup> Street**
- **Mary Saconia, 1300 Block of 11<sup>th</sup> Street**
- **Bev Morse, No Address Provided**
- **Phyllis Holmes, No Address Provided**
- **Steve Morse, No Address Provided**
- **Sharon Bush, No Address Provided**
- **Robert Bush, No Address Provided**
- **Benjamin Morse, No Address Provided**

Councilmember Aldinger mentioned that property owners who believe they will qualify for assistance in paying their assessments, but do not qualify for financial reasons, can present their case to the Finance Subcommittee under the City's hardship program.

Senior Engineer Stephanie Katsouleas noted that there are no Assessment Districts east of Sepulveda Boulevard and clarified that staff provided property owners in the 1300 block of 11<sup>th</sup> Street with information about organizing an Assessment District (which never happened), but did not give them permission to opt out. She further shared information as to why Mr. Chaykowski's petition to opt out could not be honored.

City Attorney Robert Wadden explained some of the legal processes associated with forming Assessment Districts and provided further clarification about why Mr. Chaykowski's petition to opt out could not be honored.

City Manager Geoff Dolan pointed out that the Council has not made any decisions regarding District 4, which will be discussed at a future meeting.

Senior Engineer Katsouleas clarified that commercial property owners are not exempt from utility undergrounding fees and that the votes are based on the allocation of the total cost of assessments over a formula that is developed, not the amount of property taxes paid.

At the Council's request, Finance Director Moe came forward to offer information about title insurance and the idea of charging loan processing fees.

Councilmember Fahey related her discomfort with using public funds to cover the hard costs of getting a loan.

Council held further discussion regarding the previous decision to approve utility undergrounding based on the vote of property owners; the importance of achieving a balance of fairness for both the proponents and opponents of utility undergrounding; and the legal processes associated with opting out.

**MOTION:** Councilmember Aldinger moved to adopt Resolutions Nos. 6040, 6041, 6042 and 6043. The motion was seconded by Councilmember Fahey and passed by the following unanimous roll call vote:

Ayes: Aldinger, Montgomery, Fahey, Tell and Mayor Ward.  
Noes: None.  
Absent: None.  
Abstain: None.

**RESOLUTION NO. 6040**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DETERMINING UNPAID ASSESSMENTS FOR UNDERGROUND UTILITY ASSESSMENT DISTRICT NO. 05-2**

**RESOLUTION NO. 6041**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DETERMINING UNPAID ASSESSMENTS FOR UNDERGROUND UTILITY ASSESSMENT DISTRICT NO. 05-6**

**RESOLUTION NO. 6042**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AUTHORIZING THE ISSUANCE OF CITY OF MANHATTAN BEACH UNDERGROUND UTILITY ASSESSMENT DISTRICT NO. 05-2, LIMITED OBLIGATION IMPROVEMENT BONDS, SERIES 2006 AND THE EXECUTION AND DELIVERY OF A FISCAL AGENT AGREEMENT, CONTINUING DISCLOSURE AGREEMENT, BOND PURCHASE AGREEMENT, AND AN OFFICIAL STATEMENT AND APPROVING A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION THEREWITH**

**RESOLUTION NO. 6043**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AUTHORIZING THE ISSUANCE OF CITY OF MANHATTAN BEACH UNDERGROUND UTILITY ASSESSMENT DISTRICT NO. 05-6, LIMITED OBLIGATION IMPROVEMENT BONDS, SERIES 2006 AND THE EXECUTION AND DELIVERY OF A FISCAL AGENT AGREEMENT, CONTINUING DISCLOSURE AGREEMENT, BOND PURCHASE AGREEMENT, AND AN OFFICIAL STATEMENT AND APPROVING A PRELIMINARY OFFICIAL STATEMENT IN CONNECTION THEREWITH**

The Council held a brief discussion regarding those property owners who apply for but do not qualify for State funding and that they can then apply for the City's Utility Undergrounding Assessment Deferral Program. The Council concurred that the City should recover the hard costs associated with the loans, but not soft costs.

**MOTION:** Councilmember Aldinger moved to adopt Resolution No. 6044 approving the City's Deferral Program, with the exception of reimbursement for soft costs. The motion was seconded by Councilmember Montgomery and passed by the following unanimous roll call vote:

Ayes: Aldinger, Montgomery, Fahey, Tell and Mayor Ward.  
Noes: None.  
Absent: None.  
Abstain: None.

#### **RESOLUTION NO. 6044**

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ADOPTING A DEFERMENT PROGRAM FOR UNDERGROUND ASSESSMENTS**

#### **ITEMS REMOVED FROM THE CONSENT CALENDAR**

06/0705.7 Consideration of Recommendation from the Cultural Arts Commission to Approve the Use of Public Art Funds in the Net Amount of \$3,800 for a Joslyn Center Performance Space Design Study by George and Goldberg Design Associates

**A member of the audience pulled this item from the Consent Calendar for Council discussion.**

**The following individual spoke on this item:**

- **Patrick McBride, 5<sup>th</sup> Street & Peck Avenue**

In response to **Mr. McBride's** comments, Mayor Ward emphasized that nothing has been proposed for the Joslyn Center yet.

City Manager Geoff Dolan added that it won't affect the area for the seniors or any other activities that take place there.

**MOTION:** Councilmember Fahey moved to approve the recommendation from the Cultural Arts Commission for the use of Public Art Funds in the net amount of \$3,800 for a Joslyn Center Performance Space Design Study. The motion was seconded by Mayor Pro Tem Tell and passed by the following unanimous roll call vote:

Ayes: Aldinger, Montgomery, Fahey, Tell and Mayor Ward.  
Noes: None.  
Absent: None.  
Abstain: None.

**AUDIENCE PARTICIPATION**

06/0705.21 Viet Ngo Re Misuse of Public Funds

**Viet Ngo, No Address Provided**, spoke of recent cases in other cities where the misuse of public funds resulted in legal action being taken against some elected officials and compared these instances against the City’s relationship with Jonathan Tolkin, developer of the Metlox property.

**CITY MANAGER REPORT(S)**

06/0705.22 City Manager Geoff Dolan Regarding Upcoming Agenda

City Manager Geoff Dolan reminded Council that the Residential Rental issue will be on the next City Council Agenda.

**OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS**

06/0705.23 Councilmember Montgomery Re Seminar

Councilmember Montgomery commented that he looks forward to seeing his fellow Councilmembers at the Independent Cities Association seminar next week.

**ADJOURNMENT**

At 12:07 a.m. the meeting was duly adjourned with the City Council adjourning to the 5:30 p.m. Adjourned Regular Meeting to be followed by the 6:30 p.m. Regular City Council Meeting on Tuesday, July 18, 2006, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

\_\_\_\_\_  
WENDY WEEKS  
Recording Secretary

\_\_\_\_\_  
MITCH WARD  
Mayor

ATTEST:

\_\_\_\_\_  
TERRI ALIABADI  
City Clerk (Acting)

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
ADJOURNED REGULAR MEETING  
JULY 5, 2006**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 5<sup>th</sup> day of July, 2006, at the hour of 5:32 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

**ROLL CALL**

Present: Aldinger, Montgomery, Fahey, Tell and Mayor Ward  
Absent: None.  
Clerk: Wadden (Acting).

**CLOSED SESSION**

The Council recessed into Closed Session at 5:32 p.m. and moved to open session at 6:27 p.m.

**ADJOURNMENT**

The meeting was duly adjourned at 6:27 p.m.

ROBERT V. WADDEN, JR.  
Recording Secretary

MITCH WARD  
Mayor

ATTEST:

TERRI ALIABADI  
Acting City Clerk