

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
JUNE 20, 2006**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 20th day of June, 2006, at the hour of 6:33 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Human Resources Director Marcie Scott led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

None.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 1 through 17), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Fahey, seconded by Councilmember Montgomery and passed by unanimous roll call vote with the exception of Item Nos. 6, 14 and 16, which were 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

06/0620.1 Approve Minutes of the City Council Adjourned Regular and Regular Meeting of June 6, 2006

The Council approved the subject minutes.

06/0620.2 Approve Minutes of the Joint City Council/Cultural Arts Commission Meeting of June 13, 2006

The Council approved the subject minutes.

06/0620.3 Consideration of a Resolution Amending Personnel Rules Providing for the Fiscal Year 2006-2007 Adjustment to the Management/Confidential Salary Ranges and Other Benefit Modifications

The Council adopted Resolution No. 6038.

RESOLUTION 6038

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING RESOLUTION 5898 OF SAID COUNCIL (PERSONNEL RULES) BY AMENDING RULE XI (ATTENDANCE AND LEAVES) AND RULE XII, (EXPENSE ALLOWANCES AND OTHER FRINGE BENEFITS) AND ADJUSTING THE SALARY RANGES OF MANAGEMENT/ CONFIDENTIAL EMPLOYEES

- 06/0620.4 Consideration of Financial Reports:
a) Ratification of Demands: June 15, 2006
b) Investment Portfolio for the Month Ending May 31, 2006
c) Financial Reports for Month Ending May 31, 2006

The Council approved with no exception Warrant Register No. 26B in the amount of \$2,965,731.58 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; received and filed the Investment Portfolio for the month ending May 31, 2006; received and filed the Financial Reports for the month ending May 31, 2006.

06/0620.5 Consideration of a Resolution of Intention to Provide for Annual Levy and Collection of Assessments for the North End Business Improvement District and Setting July 18, 2006 for a Public Hearing

The Council adopted Resolution No. 6039.

RESOLUTION NO. 6039

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DECLARING ITS INTENTION TO PROVIDE FOR ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR THE NORTH END BUSINESS IMPROVEMENT DISTRICT, PURSUANT TO SECTION 36500 OF THE STREETS & HIGHWAYS CODE OF THE STATE OF CALIFORNIA AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON

06/0620.6 Approve Revised Contract and Authorize Payment in the Amount of \$1,707,987.41 to Southern California Edison for the Rosecrans/ Gateway Utility Undergrounding Project

Item No. 6 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

06/0620.7 Authorization of the Memorandum of Understanding for Participation in the Los Angeles Region - Imagery Acquisition Consortium (LAR-IAC) in an Amount Not-to-Exceed \$23,000

The Council approved the Memorandum of Understanding with the Los Angeles Region – Imagery Acquisition Consortium (LAR-IAC) in an amount not-to-exceed \$23,000 and approved authorizing the City Manager to execute the agreement after approval as to form by the City Attorney.

06/0620.8 Authorization to Award a Five Year Contract for Heating, Ventilating, and Cooling Maintenance and Repair Services (\$112,450 Annually) and a One Time Contract for the Installation of a Fire Alarm System at City Hall (\$78,307) to Honeywell International

The Council approved authorizing the award of a five year contract for Heating, Ventilating, and Cooling (HVAC) maintenance and repair services to Honeywell International and approved authorizing the award of a one time contract for the installation of a fire alarm system for City Hall to Honeywell International.

06/0620.9 Authorize the City Manager to Execute a Lease Agreement with Golden State Water Company for 440 Acre Feet of Groundwater Pumping Rights for a Price of \$75 Per Acre Foot (\$33,000)

The Council approved authorizing the City Manager to execute a lease agreement with Golden State Water Company for the lease of 440-acre feet of groundwater pumping rights at a cost of \$75 per acre foot (\$33,000 total).

06/0620.10 Consider Authorizing an Amendment to Extend the Memorandum of Agreement for the Santa Monica Bay Beaches Bacteria TMDL Implementation Plan Development Jurisdictional Groups Five and Six

The Council approved authorizing the City Manager to extend the Memorandum of Agreement for the Santa Monica Bay Beaches Bacteria TMDL Implementation Plan Development Jurisdictional Groups Five and Six.

06/0620.11 Disbursement of Progress Payments:

- a) Progress Payment No. 2 in the Net Amount of \$276,789.78 to Williams Pipeline Contractors, Inc. for the 2002-2003 Water Main and 2002-2004 Sewer Main Replacement Project
- b) Final Payment in the Net Amount of \$146,436.48 to American Asphalt South, Inc.; Change Order No. 1 in the Net Amount of \$28,422.20; Formally Accept the 2005-2006 Slurry Seal Project as Complete; and Authorize the Filing of the Appropriate Notice of Completion

The City Council approved the issuance of the subject progress payment, change order and final payment; formerly accepted the 2005-2006 Slurry Seal Project as complete, and authorized filing of the appropriate Notice of Completion.

BOARDS AND COMMISSIONS

Parks and Recreation Commission

06/0620.12 Consideration of Draft Minutes, Parks & Recreation Commission Meeting of May 22, 2006

The Council received and filed the subject draft minutes.

Parking & Public Improvements Commission

06/0620.13 Consideration of Action Minutes, Parking and Public Improvements Meeting of May 25, 2006

The Council received and filed the subject action minutes.

06/0620.14 Uphold the Parking and Public Improvements Commission Recommendation to Deny a Request to Maintain Basketball Goal Structures in the Public Right of Way Adjacent to 558 31st Street and 568 31st Street

Item No. 14 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

Planning Commission

06/0620.15 Consideration of Planning Commission Approval of an Appeal of a Tree Permit Which Would Allow Removal and Replacement of a Pine Tree, Located at 1213 North Meadows Avenue

The Council received and filed the decision of the Planning Commission.

06/0620.16 Consideration of Planning Commission Approval of an Amendment to the Sign Program for the Metlox Project to Allow 2nd Floor Tenant Signage, Located at 451 Manhattan Beach Boulevard

Item No. 16 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

06/0620.17 Consideration of Planning Commission Approval of a Coastal Development Permit to Allow an Addition and Remodel of a 2-Story Residence and 3-Car Garage, Located at 3500 The Strand

The Council received and filed the subject report.

COMMUNITY ANNOUNCEMENTS

06/0620.23 Steve Meisenholder Re Renaming of Parque Culiacan

Stating that the Historical Society is neutral on the subject, **Steve Meisenholder, President of the Manhattan Beach Historical Society**, voiced the opinion of the granddaughter of the original land owner of Parque Culiacan, George H. Peck, indicating that she is not in favor of renaming it George H. Peck Park. He also relayed that former Mira Costa High School teacher Bob Brigham is in favor of renaming it Bruce's Beach.

06/0620.24 Patrick McBride Re Events at Joslyn Center

Patrick McBride, 5th Street & Peck Avenue, announced, on behalf of the Senior Resource Committee, several upcoming events at the Joslyn Center including a viewing of the movie *Salt of the Earth* on Wednesday, June 21, 2006 and Japanese participatory brush panting on Tuesday, June 27, 2006.

06/0620.25 Viet Ngo Re

Viet Ngo, No Address Provided, stressed that residents did not ask for Undergrounding and that things such as extortion, conspiracy and hate crimes should be stopped. He also spoke of a court case where a County officer misused public funds.

06/0620.26 Roger Cox Re Toastmasters

Roger Cox, No Address Provided, announced that the Narrators Toastmasters group meets Monday nights at 6:30 p.m. at Coco's Restaurant in the Manhattan Village and welcomed the community to attend.

06/0620.27 Bill Victor Re Utility Undergrounding

Bill Victor, No Address Proved, declared that a number of people have not yet received the Undergrounding survey, which is due back by July 5, 2006, and that the actual costs will be different than what is proposed in the Fact Booklet for District 7-14. He announced that anyone interested in obtaining a bulletin he has created can contact him at 310/ 374-0086.

06/0620.28 Librarian Leticia Tan Re Summer Reading Programs

Leticia Tan, Manhattan Beach Librarian, invited the community to visit the library this summer to participate in various summer reading programs.

06/0620.29 Councilmember Fahey Re Graduation

Councilmember Fahey congratulated all of the students graduating this week.

06/0620.30 Councilmember Fahey Re Oldest Resident

Explaining that many of the elementary schools require students to do a report on the City, including information about whom the oldest resident is, Councilmember Fahey asked for the community's help in finding the City's oldest resident as the last two "known" oldest residents have recently passed away.

06/0620.31 Councilmember Aldinger Re Green Day Festival

Councilmember Aldinger announced that the City of Westwood will be holding a "Green Day" Festival this Saturday, June 24, 2006, from 2:00 p.m. – 5:30 p.m. and encouraged everyone to attend.

06/0620.32 Councilmember Fahey Re End of School Year

Councilmember Fahey reminded the community that school will be letting out this week and to be extra careful as there will be more children out and about.

06/0620.33 Fire Chief Groat Re Fireworks

As this is the last meeting before the 4th of July holiday, Fire Chief Groat reminded everyone that fireworks are illegal in the City of Manhattan Beach.

06/0620.34 Mayor Pro Tem Tell Re Police & Fire Facility Grand Opening

Mayor Pro Tem Tell invited everyone to attend the Police & Fire Facility Grand Opening on Saturday, July 1, 2006 from 10:00 a.m. to 2:00 p.m.

06/0620.35 May Ward Re Various Undergrounding Items

Mayor Ward emphasized the importance of residents returning the Undergrounding surveys.

Councilmember Fahey clarified that only those residents within Undergrounding Districts will receive a survey.

Councilmember Montgomery added that the surveys are due July 5, 2006.

In response to Mayor Ward's question regarding deadlines for payments; Finance Director Bruce Moe stated that prepayments of assessments are due by June 30, 2006 and loan applications are due this Friday, June 23, 2006.

In response to Mayor Ward's question as to why Districts 2 and 6 cannot opt out, City Attorney Robert Wadden explained that they would have to be completely reengineered, which would change the costs.

Jon Chaykowski, No Address Provided, pointed out that copies of petitions submitted before the vote last November are in the City Clerk's Office and asked that the Council look at them as well as the new surveys. He stated that it would not be fair to allow other Districts to opt out and not allow Districts 2 and 6. He also pointed out that earlier conversations indicated that portions of Districts "on the fringe" could be left out of a District without any problems.

PUBLIC HEARINGS

06/0620.18 Consideration of an Ordinance Granting a Non-Exclusive Franchise to Provide Cable Service to Verizon California, Inc.

City Manager Geoff Dolan provided a brief synopsis of the proposed Ordinance; introduced the staff members that negotiated with Verizon including: Deputy City Manager Sherilyn Lombos; Finance Director Bruce Moe; and City Attorney Robert Wadden; and acknowledged that representatives from Verizon will be giving a presentation.

Deputy City Manager Lombos stated that after extensive meetings with City Attorney Wadden, Finance Director Moe, and members of the Verizon team, they believe that it is in the City's best interest to grant a non-exclusive franchise with Verizon to provide cable services to the City of Manhattan Beach. She stressed that competition and proposed state legislation on franchise fees were definitive factors in their decision to approve the franchise and that by approving this Ordinance, the City will have local control over franchise fees and customer service requirements, which may otherwise be controlled by the state, should pending legislation be enacted. She reported that Verizon has agreed to include a statement in the agreement that they will honor the franchise agreement for 15 years unless the state requires

termination of the agreement. She discussed the major components of the proposed franchise agreement including: that Verizon has agreed to pay 5% of the annual gross revenues as a franchise fee; that Verizon will make a one-time payment of \$100,000 to the City to be used in support of the production of local Public/Education/Government (PEG) programming; and that Verizon will also pay \$0.05 per month, per subscriber, to support the City's institutional data communications network. She stated that the City is required to make certain findings in the granting of this franchise and that there are eight findings listed in the staff report along with analysis. Deputy City Manager Lombos concluded by stating that the team believes that granting this franchise is in the best interest of the City and that the agreement is competitively neutral with the incumbent agreement.

In response to questions from Council, City Attorney Wadden stated that there is a "Level Playing Field" statute under state law that one has to abide by when you have an incumbent franchisee in place; that if Verizon doesn't have the cable in place within 24 months, there are breach of contract provisions that can be pursued, as well as cure opportunities; that the City has the ability to audit the franchise and monitor its activities pursuant to the provisions of the contract; and that, regarding Verizon's right to transfer the franchise, the City would have to consent in approving a transferee.

In response to questions from Council regarding the one-time payment of \$100,000 (paid in lieu of capital infrastructure), Deputy City Manager Lombos explained that the money will be deposited in a separate fund and can be used for anything regarding PEG support including cameras, a new studio, programs, etc.

In response to Councilmember Aldinger's inquiry about whether there will be the same programs and channels that are presently in place, **Tommy Curb of Verizon** clarified that the same programs and channels will remain in place as they are now.

Deputy City Manager Lombos introduced **Tim McCallion, President of Verizon California, Inc., Pacific Region** who discussed the proposed agreement to provide cable to the City. He stated that Manhattan Beach will be one of the few communities in the nation to have a competitive fiber base cable/video offering and the most advanced networking speeds available. **Mr. McCallion** stated that, in addition, transportation, economic development and access to City Hall will be enhanced and that Verizon will offer a tiered level of service called Fios TV.

In response to Mayor Pro Tem Tell's question about whether there will be any adverse aesthetic impact during the transition to Verizon, **Mr. McCallion** responded that Verizon will be conducting an upgrade of their current network which is fiber optic cable that will follow the existing network

Verizon Representative, Tommy Curb, thanked the City staff for their diligence in negotiating the franchise agreement. He further elaborated on the benefits of Verizon and the "Fiber to the Premises" ("FTTP") Network with its unlimited capacity to accommodate voice, data, and video services.

Mayor Ward opened the Public Hearing at 7:36 p.m.

Unidentified Speaker, No Address Provided, questioned whether the new franchise will be the same as DSL.

Mike Gold, No Address Provided, commented that the proposal from Verizon will allow for

more choice in Internet and high speed connectivity and stated that the competition arising from this franchise will offer better service and lower prices.

Helen Duncan, Executive Director of the Manhattan Beach Chamber of Commerce, voiced that the Chamber of Commerce, as well as the South Bay Association of Chamber Executives supports the proposed Verizon franchise, and hopes that Council will approve it.

Joe Aro, Executive Director of the South Bay Economic Development Partnership, stated that the proposed Verizon franchise will provide enhanced communication and economic development which will benefit the City and thanked the Mayor and City Council for offering such services to the City of Manhattan Beach.

Bill Victor, No Address Provided, questioned what the City gets paid for the franchise and voiced his concern as to how the community could be protected from Verizon competing vigorously with existing providers. **Mr. Victor** also asked how the new franchise would affect undergrounding.

Mayor Ward responded that the City will be receiving 5% of the annual gross revenue and \$100,000 earmarked for PEG programming. The Verizon franchise will be required to spend \$0.70 per month, per subscriber to support PEG programming and may be adjusted each year by \$0.25 per month, per subscriber up to a maximum payment of \$1.50 per month, per subscriber.

Councilmember Aldinger asked the Verizon representatives if they had any projections for how other cable/satellite businesses would be affected by the competition resulting in the Verizon franchise.

Mr. McCallion responded that the satellite industry captures approximately 24-30% of the market and that the transition rate of customers who switch from cable and satellite to fiber optic is a pretty evenly split.

Sherry Kramer, 1600 Block of Gates Avenue, voiced her support for the Verizon franchise.

Patrick McBride, 5th Street & Peck Avenue, stated that he thinks the implementation of the Verizon franchise is great, but expressed concern about excessive competition in the City, as well as access to customer service.

Bev Morse, No Address Provided, stated that Verizon is one of her worst performing stocks, and advised the Council to take caution when entering into the franchise agreement.

Evelyn Gingrich, No Address Provided, expressed concern about extra fees if the Verizon franchise is implemented and asked if the connectivity will be integrated with the utility undergrounding.

Stacey Morse, No Address Provided, stated that as a resident of Redondo Beach who currently uses Verizon, it has not been received favorably there. She questioned the flexibility in changing phone numbers; the cost involved with forwarding phone calls; and voiced her concern with regard to privacy and costs.

In response to a previous speaker, Mayor Pro Tem Tell clarified that Verizon's payment of \$100,000 represents the value of the production facilities that Adelphia had put in. He further elaborated that there is a non-discrimination provision that prevents the City from imposing any additional requirements on Verizon such as Undergrounding that weren't imposed on Adelphia.

In response to a speaker's question regarding telephone fees, **Mr. McCallion** stated that there

will be no additional fees on subscriber's telephone bills.

Mayor Ward closed the Public Hearing at 8:02 p.m.

After further discussion, Council agreed that the competition established by Verizon will be good for the City and that the City will benefit from the increased revenue generated by new Verizon customers.

Councilmember Aldinger stated that he would like to make sure that state law doesn't supercede the Verizon contract.

Although he expressed concerned about channel shuffling and net neutrality and stressed that customer service should be optimal, Mayor Ward agreed that it will be good for the City.

MOTION: Councilmember Aldinger moved to accept the presentation; waive further reading; and introduce Ordinance No. 2085 granting a non-exclusive franchise to Verizon California, Inc. to provide cable services to the residents of Manhattan Beach. 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.

City Attorney Robert Wadden read aloud Ordinance No. 2085.

GENERAL BUSINESS

06/0620.19 Consideration of a Contract with MDA Johnson Favaro for Development of a Community Facility Strategic Plan

City Manager Geoff Dolan briefly summarized the history of the Community Facility Strategic Plan, strategies for the future, and introduced Deputy City Manager Sherilyn Lombos who presented the staff report.

Deputy City Manager Lombos reported that in October of 2005, Council approved moving forward with a Community Facility Strategic Planning Process with the ultimate goal of having a road map for the next 10 to 15 years for community facilities. She explained that the Council allocated \$250,000 from the Capital Improvement Plan Fund and appointed two Councilmembers to the sub-committee which released a Request for Qualifications to solicit firms with experience in community visioning, design development, and strategic planning for community facilities. In March of 2006, the sub-committee along with two school board members interviewed four of the five responding firms and decided that **MDA Johnson Favaro** possessed all of the components that were required to facilitate the Community Facility Strategic Plan. The sub-committee requested a proposal from **MDA Johnson Favaro** and early in May the two principals, **Jim Favaro** and **Steve Johnson** came to Manhattan Beach and conducted in-depth interviews with key staff. They then presented their detailed work plan and associated fee proposal for the entire process to the sub-committee this past May. Deputy City Manager Lombos concluded that since that time, staff has been working with MDA Johnson Favaro team on the scope reductions.

Jim Favaro of MDA Johnson Favaro presented a comprehensive analysis of their proposal for a

Community Facility Strategic Plan for the City of Manhattan Beach related to the members of the design team, the scope of the project, program outreach, and process and product. Stating that he and **Steve Johnson** have been in business for over 30 years and that in the past 15 years they have worked on over 30 plans for local municipalities, he related that the company is comprised of architects and planners who perform the full spectrum of community buildings. **Mr. Favaro** discussed the full scope of the project reporting that they plan on beginning work at Live Oak Park and Manhattan Heights and that other possible projects include working with the Manhattan Beach School District on the Begg Pool and basketball courts; Peck Avenue maintenance facility; and the Ladera School site. He stated that in order to facilitate such projects, listening to what the community wants by discussing the plan with various community groups and other outreach programs are critical. He added that inclusive in these discussions, **MDA Johnson Favaro** will also be meeting with the Parks and Recreation Department, Community Development Department, Fire and Police Departments and the City's Facilities Operations and Maintenance Departments. **Mr. Favaro** presented a framework for the project schedule and the various phases for the project, as well as a detailed needs assessment and the documentation required. In conclusion, he discussed potential project costs; the development of an inventory of the highest priorities of the City; option development; and long-term planning.

The following individuals spoke on this item:

- **Viet Ngo, No Address Provided**
- **Patrick McBride, 5th Street & Peck Avenue**

After further discussion, all Council expressed their enthusiasm for this project, and agreed that it will be a great investment for the City.

Councilmember Aldinger noted the attributes of MDA Johnson Favaro as being both an architectural as well as planning firm.

Mayor Pro Tem Tell added that the vendor's experience is a huge asset to the City and applauded the proposed integration with the School District.

Councilmember Fahey questioned whether there was a possibility of creating a bike path that would run from east to west across the City and was enthusiastic about coordinating with the School District's 7-11 Committee.

Councilmember Montgomery reiterated the enthusiasm of the other Councilmembers and praised the qualifications and experience of the vendors.

Mayor Ward added that although he initially had reservations with the proposed project, he now agrees that this will be a good project for the City.

MOTION: Councilmember Fahey moved to accept the presentation from MDA Johnson Favaro; approve authorizing the City Manager to enter into an agreement with MDA Johnson Favaro for \$385,000 plus an additional not-to-exceed \$85,000 for reimbursable expenses; and appropriate \$230,000 from General Fund Reserves for this project. The motion was seconded by Councilmember Aldinger and passed by the following unanimous roll call vote:

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

05/1101.15-20 Status Report Regarding Implementation of a Fixed Route Weekend and Summer Trolley Service

Management Analyst Rob Osborne reported that in March 2006, staff reported to Council that no proposals were received in response to a Request for Proposals for a trolley service issued by the City. The Council appointed a subcommittee, including Councilmember Montgomery and Mayor Pro Tem Tell, to meet with potential vendors to attempt to define a shuttle system that would be of interest to operators and meet the City's objectives. The subcommittee concluded that the **Beach Cities Transit (BCT)** would be the most likely candidate to provide a shuttle system that would meet the needs of the City at a manageable cost. In June, **Terisa Price** of **BCT** had planned to present a detailed proposal for providing a fixed-route service in Manhattan Beach; however, after reporting to the sub-committee that the Metropolitan Transit Authority (MTA) announced that it will be discontinuing the 125 and 126 bus lines in addition to the 439 line, she requested more time to evaluate the impacts and opportunities of providing replacements for all three MTA lines.

The following individuals spoke on this item:

- **Patrick McBride, 5th Street & Peck Avenue**
- **Viet Ngo, No Address Provided**

Council accepted the presentation of the status report.

06/0620.21 Discussion of the City Council's 2005-2007 Work Plan

City Manager Geoff Dolan reported that on June 24, 2005, the City Council held a special session and developed a list of priorities to be addressed over the next two years. On May 5, 2006 the City Council held a mid-term review of the Work Plan and acknowledged some items as completed, some as in progress, and others that were yet to be initiated. The Council also added several new items to be addressed during the coming year. City Manager Dolan provided a brief summary and background information on the following Work Plan items (not in priority order):

Review the City Logo
Trolley Service
Review & Discuss Council Assignments and Roles
Develop & Adopt a Set of City Council "Norms"
Partnership with Schools
Mansionization
Technology Enhancements
Traffic
Minimize Stormwater Run-Off
Library Purchase
Utility Underground Project
Develop Strand Alcove Guidelines
Police & Fire Facility
City Entryway
Historic Preservation Ordinance
Franchise Issues
Collective Bargaining Agreements
Continue Hometown Security Issues
Downtown Parking Issues
Capital Improvement Plan
Community Facility Strategic Plan

Joslyn Center - Rehabilitation
Limiting Rentals of Single Family Homes
How to Better Utilize Commissions
Lobbying
Water Tower
Reverse 911
Council-Resident Communications
City Contributions to Non-profits
Benches
Rescue Devices on the Pier
Performance Measurement
Trees and Sidewalk Issues
Seniors
Medical Marijuana Dispensaries
Social Host Ordinance
Metlox Programs

In response to Councilmember Montgomery's inquiry about the short term upgrades to Begg pool, City Manager Dolan stated that this should be available in a couple of months.

Councilmember Fahey mentioned a letter she received from Gary Osterhout with regard to some ideas about maximizing voter turnout.

In response to City Manager Dolan stating that he had not received the letter, Councilmember Fahey replied that she would forward it to the City Manager and City Clerks office for review.

The following individuals spoke on this item:

- **Viet Ngo, no address provided.**
- **John Chaykowski, 200 Block of John Street**
- **Patrick McBride, 5th Street & Peck Avenue**

MOTION: Councilmember Aldinger moved to approve the 2005-2007 Work Plan. 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.

06/0620.22 Consideration of a Status Report on the Police & Fire Facility Construction Project and Disbursement of Progress Payment #27 in the Net Amount of \$462,077 to Swinerton Builders

Deputy City Manager Sherilyn Lombos provided an update on the progress of the Police & Fire Facility and stated that the interior of the building is essentially complete; that the architect and contractor are completing punch list items; and that furniture, fixtures and equipment, not included in the contractor's scope of work, are being delivered and installed. She added that the exterior work is on-going; that the last of the concrete pours is scheduled for this week; and that landscaping is in progress. Deputy City Manager Lombos reported that the Fire Department will officially move-in on July 6th; the Police Department on July 8th and concluded by inviting the public to attend the Grand Opening on Saturday, July 1, 2006 from 10:00 am – 2:00 pm.

MOTION: Councilmember Montgomery moved to receive and file the status report on the Police & Fire Facility Construction Project and approve disbursement of progress payment #27

in the net amount of \$462,077 to Swinerton Builders. The motion was seconded by Councilmember Aldinger and passed by the following unanimous roll call vote:

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

ITEMS REMOVED FROM THE CONSENT CALENDAR

06/0620.6 Approve Revised Contract and Authorize Payment in the Amount of \$1,707,987.41 to Southern California Edison for the Rosecrans/ Gateway Utility Undergrounding Project

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

The following individual spoke on this item:

- **Viet Ngo, No Address Provided**

In response to **Mr. Ngo's** comments, Councilmember Montgomery pointed out that no City funds will be used for this project.

MOTION: Councilmember Fahey moved to approve a contract agreement with Southern California Edison (SCE) for the Rosecrans Gateway Utility Undergrounding Project and authorization of a payment in the amount of \$1,707,987.41 for construction services. 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.

06/0620.14 Uphold the Parking and Public Improvements Commission Recommendation to Deny a Request to Maintain Basketball Goal Structures in the Public Right of Way Adjacent to 558 31st Street and 568 31st Street

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

The following individual spoke on this item:

- **David Hadley, 500 Block of 31st Street**

In response to **Mr. Hadley's** comments about why his permanent basketball hoop should not be removed, Council discussed safety issues; code enforcement; revising the current Code; the numerous other basketball hoops in the City's right of way and liability issues.

Additional speakers on this item include:

- **Dave Wachtfogel, No Address Provided**

- **Patrick McBride, 5th Street & Peck Avenue**
- **Jon Chaykowski, 200 Block of John Street**

After additional conversation regarding the previous concerns, the following motion was made.

MOTION: Councilmember Fahey moved to table the issue until a future date and take no action at this time. The motion was seconded by Mayor Pro Tem Tell and passed by the following roll call vote:

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

06/0620.16 Consideration of Planning Commission Approval of an Amendment to the Sign Program for the Metlox Project to Allow 2nd Floor Tenant Signage, Located at 451 Manhattan Beach Boulevard

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

The following individual spoke on this item:

- **Viet Ngo, No Address Provided**

In response to Councilmember Fahey, City Manager Geoff Dolan explained that additional signage is needed because the nature of the second floor businesses in the Metlox Plaza changed from offices to personal use services.

MOTION: Councilmember Fahey moved to receive and file the decision of the Planning Commission to approve the amendment. 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

06/0620.36 Robert Bush Re Utility Undergrounding

Robert Bush, No Address Provided, reiterated his opinion that the Undergrounding lawsuit was based on flawed assessments; that some residents didn't know anything about Undergrounding until they received a bill for their assessment; and that the only facts that they received were from the Manhattan Beach Residents Association. He continued that not all residents received ballots by mail and that district information was not properly distributed resulting in the fact that many people are not aware of which district that they reside in. **Mr. Bush** also accused the City of not being neutral with regard to the Undergrounding, citing the change in the percentages used for creating a district and accused Council of violating the constitution by augmenting the voting process for the creation of districts after it already occurred.

06/0620.37 Bev Morris Re Utility Undergrounding

Bev Morris, 900 Block of 1st Street, asserted that the resident opposition to Undergrounding will be on going until it is truly affordable. She questioned where she could find, in writing, the 20% that City Attorney Robert Wadden previously said would be contributed by the City to residents of Districts 2 and 6. She spoke of how Districts were divided over the years; how Undergrounding is divided the City now; and that it is the most serious issue in the City's history in years.

06/0620.38 Viet Ngo Re Interpretation of Minutes

Viet Ngo, No Address Provided, stated that the transcript of his testimony in the minutes was inaccurate; that this is a violation of the California Penal Code, Section 134; and accused the Council of committing a federal offense.

06/0620.39 Patrick McBride Re Utility Undergrounding

Patrick McBride, 5th Street & Peck Avenue, accused the supporters for Undergrounding of acting as such in order to increase their property values and stated that the rich are bothering the "normal" people by insisting on Undergrounding. He also suggested that citizens be allowed to vote for a district that will not have Undergrounding.

06/0620.40 Jon Chaykowski Re Utility Undergrounding

Jon Chaykowski, 200 Block of John Street stated that in April 1999 City policy stated that, "Interested residents must circulate a petition to 100% of the property owners within the proposed project boundaries". He went on to state that this was approved by Council, however, petitions only went out to 65% of the residents and that is in violation of City policy.

After extensive discussion, the Council clarified that this was incorrect, and that all residents received the petition.

06/0620.41 Bill Victor Re Utility Undergrounding

Bill Victor, No Address Provided, stated that he is an attorney in California and New York and accused the Council of being in error with regard to Districts 2 and 4. He also accused the Undergrounding process of being flawed; stated that petitions did not go out to 100% of the residents; and accused the Council of "cherry picking" their own rules.

06/0620.42 Stacey Morse Re Utility Undergrounding

Stacey Morse, No Address Provided, questioned whether the issue of reducing the petition from two-thirds to 60% was on the agenda on the night it was voted on.

Council responded that this was decided by a previous Council.

06/0620.43 Steve Morse Re Utility Undergrounding

Steve Morse, No Address Provided questioned the democratic process of voting for the Undergrounding and more specifically the validity of creating District 4. He also commented on the cost for Undergrounding over a 20-year period.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

06/0620.44 Councilmember Montgomery Re Tour of School

Councilmember Montgomery announced that he had taken a tour of Grandview Elementary School earlier today and emphasized the urgent need to reevaluate the pickup area at the school as it is very dangerous.

06/0620.45 Mayor Ward Re Utility Undergrounding

Mayor Ward conveyed that he is uncomfortable with the current undergrounding situation and the fact that residents in Districts already approved were not given the opportunities that the most recent Districts have been given.

Mayor Pro Tem Tell voiced his opinion that, if this is where the issue is headed, he would rather help the few that were unfairly disadvantaged because they did not receive notice; but not undo a vote that had a 90% turnout.

Councilmember Fahey reviewed how previous City Councils listened to what the residents wanted and allowed those who were in favor of undergrounding to take on the responsibility themselves. She emphasized that although the perception may be that the entire City is devastated by undergrounding, that is not what the vote suggests. She stressed that the Council does not know what the community wants; that this is why they have put out the surveys; and that, for these reasons, she is not compelled to do anything until the surveys are reviewed.

06/0620.46 Karol Wahlberg Re Utility Undergrounding

Declaring that she was in favor of Undergrounding until she went through this process, **Karol Wahlberg, No Address Provided**, stated that she has now gone to the opposite extreme. She shared that she has had many discussions with “mainstream” residents who are very angry that the City is imposing Undergrounding on them and that she believes that the City’s priorities are wrong.

Discussion continued between the Council and the audience after which City Attorney Robert Wadden clarified that the vote has already been certified and that the Council does not have authority to overturn a vote.

ADJOURNMENT

At 11:57 p.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 Wednesday, July 5, 2006, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

SALLY R. OLIVER
Recording Secretary

MITCH WARD
Mayor

ATTEST:

TERRI ALIABADI
City Clerk (Acting)

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR MEETING
JUNE 20, 2006**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 20th day of June, 2006, at the hour of 5:37 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 5:37 p.m. and moved to open session at 6:24 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:24 p.m.

ROBERT V. WADDEN, JR.
Recording Secretary

MITCH WARD
Mayor

ATTEST:

TERRI ALIABADI
Acting City Clerk