

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
JUNE 6, 2006**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 6th day of June 2006, at the hour of 6:38 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Sydney Reck, a 5th Grade Student from Meadows Elementary School, led the pledge of allegiance

ROLL CALL

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

CEREMONIAL CALENDAR

06/0606.1 Recognition of the Mira Costa High School Orchestra for their Performance at Carnegie Hall

Mayor Ward, on behalf of the Council, congratulated the Mira Costa High School Orchestra for their performance at Carnegie Hall and presented City pins to the students.

06/0606.2 Recognition of Outgoing Commissioners:
a) David Simon, Planning Commission
b) Muriel Savikas, Planning Commission
c) Jerry Saunders, Parking and Public Improvements Commission
d) James Gill, Library Commission
e) Isabella Marrill, Parks and Recreation Commission

Mayor Ward, on behalf of the Council, presented outgoing Commissioners David Simon (Planning Commission), Jerry Saunders (Parking and Public Improvements Commission) and Isabella Marrill (Parks and Recreation Commission) with a certificate of commendation for their years of service to the City.

Muriel Savikas (Planning Commission) and James Gill (Library Commission), who were unable to attend, were also recognized for their service.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 3 through 13), 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. 3 and 5, 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

06/0606.3 Approve Minutes of the City Council Adjourned Regular and Regular Meeting of May 16, 2006

Item No. 3 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

06/0606.4 Approve Minutes of the City Council Adjourned Regular Budget Study Session Meeting of May 23, 2006

The Council approved the subject minutes.

06/0606.5 Consideration of Financial Reports: Ratification of Demands: May 1 & June 1, 2006

Item No. 5 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

06/0606.6 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.

06/0606.7 Disbursement of Progress Payment No. 13 in the Net Amount of \$262,465.29 to S.P. Pazargad Engineering Construction, Inc. for the Strand Improvement Project

The Council approved the issuance of the subject progress payment.

06/0606.8 Award of Contract to Tyler/Eden Systems for the Purchase of a New Business License System (\$41,672.50)

The Council approved authorizing the City Manager to execute a contract with Tyler/Eden Systems (Eden) to enter into a Software License and Use Agreement for a new business license system for \$41,672.50.

06/0606.9 Ratification of Motor Fuel Purchase from Merrimac Energy Group in the Amount of \$26,986.16

The Council approved the purchase of fuel from Merrimac Energy Group in the amount of \$26,986.16

BOARDS AND COMMISSIONS

Cultural Arts Commission

06/0606.10 Consideration of Draft Minutes, Cultural Arts Commission Meeting of May 2, 2006

The Council received and filed the subject draft minutes.

06/0606.11 Consideration of Draft Minutes, Cultural Arts Commission Meeting of May 9, 2006

The Council received and filed the subject draft minutes.

Library Commission

06/0606.12 Consideration of Draft Minutes, Library Commission Meeting of May 15, 2006

The Council received and filed the subject draft minutes.

Planning Commission

06/0606.13 Consideration of Action Minutes, Planning Commission Meeting of May 24, 2006

The Council received and filed the subject action minutes.

COMMUNITY ANNOUNCEMENTS

06/0606.21 Bob Bohner Re Manhattan Beach Sister City Project

Bob Bohner, 1600 Block of 22nd Street and President of the Manhattan Beach Sister City Committee, introduced a Police Officer from Manhattan Beach's Sister City, Santa Rosalia, Mexico who will be receiving a prosthetic arm courtesy of Professor Scott Hornby from California State University at Dominguez Hills and that funds are being provided by the Manhattan Beach Sister City organization.

06/0606.22 Veronica Zelle Re Noise

Veronica Zelle, 500 Block of 24th Street, expressed concern regarding the large amount of new construction taking place in Manhattan Beach and asked the Council to implement regulations to restrict morning construction hours until 8:30 a.m.

06/0606.23 Roger Cox Re Toastmaster's Club

Roger Cox, No Address Provided, announced that a Toastmasters Club Open House will be held on Monday, June 12, 2006 at 6:30 p.m. at Coco's Restaurant in Manhattan Beach and invited everyone to attend.

06/0606.24 Viet Ngo Re Unlawful Use of Public Funds

Viet Ngo, No Address Provided, submitted the May 18, 2006 edition of the Beach Reporter as evidence of misuse of public funds by members of the City Council and staff for participating in a golf tournament paid for with City funds and asked City Attorney Robert Wadden to prosecute them.

06/0606.25 Patrick McBride Re Senior Activities

Patrick McBride, No Address Provided, announced several senior citizen activities at the Joslyn Center, including a movie at 1:00 p.m. on June 21, 2006 and interpretive dancing for health at 2:00 p.m. on June 13, 2006.

06/0606.26 Walt Dougher Re Results of Beach Cities Health District Challenge

Walt Dougher, representing the Beach Cities Health District, announced that there is an opening on the Beach Cities Health District Board; thanked the Council for participating in the "stepping out" challenge; and distributed passes to them for AdventurePlex and the Beach Cities Center for Health & Fitness because the City Council won the challenge.

06/0606.27 *Bev Morris Re Citizen Rally Against Undergrounding*

Bev Morris, No Address Provided, thanked the residents of Manhattan Beach for participating in the first of many planned rallies regarding undergrounding and asked Council to hear their voice.

06/0606.28 *Elizabeth Stuart Re Richstone Family Center*

Elizabeth Stuart, Representing the Richstone Family Center, presented the Council with a Plaque of Appreciation for their support of the Annual Pier-to-Pier Walkathon.

06/0606.29 *Lynn Harris Re Guide Dogs for America*

Lynn Harris, Guide Dog Owner, thanked the merchants, restaurants and residents of Manhattan Beach who helped raise her previous guide dog “Bella” and introduced “Wrio,” the new guide dog she will be training to help a visually disabled person.

06/0606.30 *Deputy City Manager Sherilyn Lombos Re Police & Fire Facility Grand Opening*

Deputy City Manager Sherilyn Lombos invited the community to participate in the Grand Opening Ceremony for the Police & Fire Facility on Saturday, July 1, from 10:00 am to 2:00 pm.

06/0606.31 *Jan Dennis Re Rally Against Undergrounding*

Jan Dennis, No Address Provided, announced that the next rally against undergrounding will be held on June 20, 2006 prior to the City Council meeting and invited community members against undergrounding to participate.

06/0606.32 *Mayor Ward Re US Conference of Mayors*

Mayor Ward announced his attendance at the U.S. Conference of Mayors in Las Vegas where they discussed the Avian Flu pandemic and he recorded a public service announcement for the prevention of breast and prostate cancer (which will air locally some time in September). He stressed the importance of being prepared and encouraged everyone to check out the following web sites: www.pandemicflu.gov and www.usmayors.org for more information.

Recognizing the residents present this evening in protest of undergrounding; Mayor Ward explained that a survey has gone out to the already-formed Utility Underground Assessment Districts to ascertain whether they want to pursue the undergrounding given the current cost; and noted that Council will discuss whether or not to go forward following the survey results.

City Manager Geoff Dolan pointed out that this discussion is scheduled for the August 2, 2006 City Council meeting.

06/0606.33 *Mayor Pro Tem Tell Re Election Day*

Mayor Pro Tem Tell pointed out that it is Election Day and encouraged anyone who hasn't already voted to do so.

PUBLIC HEARINGS

06/0606.14 Consideration of a Resolution Accepting Two State Grants Under the "Citizen's Option for Public Safety," State Law Enforcement Supplemental (SLES) Grant Program (\$207,534.42) and Award Contract to L3 Communications/Mobile-Vision Inc. for Expenditures of these Funds and Accrued Interest, for Mobile Digital Video Systems

Police Lieutenant John Dye addressed Council regarding the acceptance of two state grants to purchase mobile digital video systems which will capture video and audio of traffic stops and field contacts by officers from their vehicles. He explained that the new digital system was chosen because of its ease of operation, efficient video storage and retrieval, better quality video and the ability to manage other video sources. He described it as a forward facing system with cameras that can be turned around to capture suspects in the rear; that the red light emergency system turns the cameras on automatically, or it can be turned on by a manual switch; that the data will be stored at the new Police & Fire Facility; and that tapes are retained for two years unless they are needed for evidentiary purposes. Police Lieutenant Dye also noted that this system is widely deployed within the United States; that it is a proprietary system, which precludes having to go out to bid; and due to the bulk buying with the cities of Gardena and Hermosa Beach, the price quoted is \$400 less than that received by other agencies.

In response to questions from Council, Police Lieutenant Dye explained that the system has a one-year warranty with extended maintenance agreements available.

In response to Councilmember Fahey's inquiry as to whether there have been incidents of officers turning off the system, Police Lieutenant Dye explained that the policy is to keep the video on until the contact is over and the goal is to make sure the video is on as long as necessary to capture all the data required.

Mayor Ward opened the Public Hearing at 7:25 p.m.

Responding to **Patrick McBride, 5th Street and Peck Avenue**, who commented that the two-year retention period for tapes is too long and his suggestion that they are not needed for more than a month, City Attorney Robert Wadded explained that state law requires keeping the tapes for a minimum of two years.

Viet Ngo, No Address Provided, thanked the members of the Manhattan Beach Police Department for their service and stated that the use of the grant funds will allow law enforcement to carry out their duty to protect the public, as well as protecting the police officers while on duty. He asked the Police Department to review his allegation that the City Council has misused public monies for a golf tournament and stated that there is sufficient case law to support his allegation.

Mayor Ward closed the Public Hearing at 7:29 p.m.

MOTION: Councilmember Aldinger moved to adopt Resolution No. 6032 to accept and appropriate funds from State Law Enforcement Supplemental (SLES) Grant Funds; appropriate \$207,534.42 from the Federal and State Grants Funds; waive formal bidding per Municipal Code Section 2.36.140 (Waivers); and approve a purchase order to L3 Communications/Mobile-Vision Inc. in an amount of \$207,534.52. 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.

06/0606.15 Public Hearing for the Annual Levy and Collection of Street Lighting and Landscaping District Maintenance Assessments for Fiscal Year 2006-2007

Finance Director Bruce Moe addressed Council regarding the Annual Levy and Collection of Street Lighting and Landscaping District Maintenance Assessments for Fiscal Year 2006-2007 noting that the assessment pays for city-wide street lighting and downtown landscaping. He explained that the assessment is subject to renewal annually; and that the rate remains unchanged from Fiscal Year 2005-2006. He also reminded Council that because revenues are fixed but costs are not, the Lighting and Landscaping District will need an additional subsidy from the General Fund to a greater extent - approximately \$100,000 by the end of Fiscal Year 2007-2008.

In response to Mayor Pro Tem Tell's inquiry regarding the formula for the assessment and whether there is any flexibility, Assessment Engineer Joan Cox explained that any increase in the assessment would require a Prop 218 balloting process.

Mayor Ward opened the Public Hearing at 7:31 p.m.

Hearing no requests to speak, Mayor Ward closed the Public Hearing at 7:32 p.m.

MOTION: Councilmember Fahey moved to adopt Resolution No. 6033, providing for the annual levy and collection of Street Lighting and Landscaping District maintenance assessments for the Fiscal Year 2006-2007. 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.

06/0606.16 Renewal of the Downtown Business Improvement District (BID) for Fiscal Year 2006-2007:

- a) Consideration of a Resolution Providing for the Collection of Assessments for the Downtown BID
- b) Ratification of the 2006-2007 BID Advisory Board Members
- c) Authorization for the BID Advisory Chair to Enter Into an Agreement with the Downtown Business & Professional Association to Provide Services to the District
- d) Authorization to Disburse Fiscal Year 2005-2006 Assessments

Finance Director Bruce Moe addressed Council regarding the renewal of the Downtown Business Improvement District (BID) for Fiscal Year 2006-2007 noting that approval is based on a lack of protests and the requirement of more than 50% of the weighted assessment in objections in order to block the renewal. He explained that the assessment is an 80% surcharge of the business licenses to a maximum of \$600 and that the Metlox development is now part of the Downtown Business Improvement District, bringing the total number of businesses in the BID to 240.

Mayor Ward opened the Public Hearing at 7:34 p.m.

Hearing no requests to speak, Mayor Ward closed the Public Hearing at 7:35 p.m.

MOTION: Councilmember Fahey moved to adopt Resolution No. 6034 authorizing the collection of assessments; ratify the nominees for the Fiscal Year 2006-2007 Business Improvement District (BID) advisory board; approve authorizing the BID Advisory Board Chair to enter into an agreement with the Downtown Business & Professional Association to provide services to the District; and approve authorizing disbursement of all assessments collected for Fiscal Year 2005-2006 (approximately \$81,330). 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.

06/0606.17 Public Hearing and Adoption of Fiscal Year 2006-2007 Operating Budget and 2006-2011 Capital Improvement Plan

Finance Director Bruce Moe addressed Council regarding the final planned meeting on the Fiscal Year 2006-2007 Budget and 2006-2011 Capital Improvement Plan, noting that there have been several opportunities for public input on the budget including two Town Hall meetings and a Study Session in addition to tonight's Public Hearing. He explained that the one change that Council directed to the budget (to reallocate \$15,000 from the Council Contingency line item to the Public Service Event line item within the City Council budget) resulted in no net change in projected fund balances or overall expenditures. He explained that the unfunded Capital Improvement Project budget will be presented later this evening for Council consideration and any modifications to the budget will be adjusted to reflect any changes approved at that time.

In response to Councilmember Fahey's comments that while she appreciates the hard work of the finance staff to hold all of the various meetings where the public is invited to review and provide input into the budget process, so few people attend that she believes it is a waste of staff time and resources.

Mayor Ward agreed and added that apparently the public is satisfied with the job that staff and the Council are doing and he also does not feel the need for such meetings.

Mayor Ward opened the Public Hearing at 7:38 p.m.

Patrick McBride, 5th Street & Peck Avenue, stated that as one of the few residents who attended the Town Hall meetings, he believes too much information is provided at one time; that the road improvement budget of \$2.5 million is too large; that artificial turf on the soccer field is wasteful; and that the majority of the field users are from outside of Manhattan Beach. He urged Council to save the money to purchase school property when it's available and avoid "floating" bonds.

John Sloway, 1100 Block of Elm Avenue, asked Council to approve the installation of the artificial turf because grass wears down and forms clumps that cause injury and turns from dirt to mud while with artificial turf, the fields are "playable" year-round. He urged the Council to install the artificial turf at the Manhattan Village field as a "pilot" program and voiced his support of the refurbishment of Begg pool.

Mayor Ward closed the Public Hearing at 7:43 p.m.

Council thanked Finance Director Moe and his staff for their hard work and concurred that the
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City is in strong financial shape.

Councilmember Aldinger commented that the reserves are available for funding of the CIP projects and that Council may consider using some of these reserves for improvements.

MOTION: Councilmember Fahey moved to adopt Resolution No. 6035 establishing the appropriations limit; adopt Resolution No. 6036 approving the Fiscal Year 2006-2007 Operating Budget; and adopt Resolution No. 6037 approving the 2006-2011 Capital Improvement Plan. 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.

GENERAL BUSINESS

05/0719.15-18 Modification of the Mira Costa Override Parking Program to Extend the Permit Term and Reduce Fees

Revenue Services Specialist Steve Charelian addressed Council regarding modifications to the Mira Costa Override Parking Program. He reviewed staff's recommendations to modify the hang tag from 8" x 3.75" to 3.5" x 4.5"; extend the term of the permit from one to two years; and restructure the fee to \$15 for the first tag and \$5 for each additional tag, with a maximum of three per household. He relayed that the neighborhood leaders have responded favorably to the proposed changes and that the number of permits currently in use is 350, with 160 residents participating in the program.

There was no public comment on this item.

Councilmember Aldinger stated that this is exactly what he was hoping would happen; the price reduction; extension of the program to two years; and the smaller size permit.

Concurring, Mayor Ward agreed noted that this is a very successful program and the changes are the right thing to do.

MOTION: Councilmember Aldinger moved to approve staff's recommendations to modify the size of the hang tag; extend the term to two years; and reduce the cost to \$15 for the first permit and \$5 for each additional permit. 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.

Mayor Ward announced that three students from an El Segundo political science class were present to interview him during the break.

RECESS AND RECONVENE

At 7:59 p.m. the Council recessed and reconvened at 8:14 p.m. with all Councilmembers present.

06/0606.19 Consideration of Issues Regarding Regulation of Residential Rentals and Paid Admission Parties

Mayor Ward and Councilmember Fahey requested this item be held over to a future meeting to ensure that the proper people are notified of the meeting, and asked the City Manager to notify them in advance of it being placed on the agenda.

City Manager Geoff Dolan stated the item was agendaized in order to hold discussion prior to a Public Hearing or a proposed ordinance in order to generate some articles in the paper which would, in turn, generate public turnout. He stated that if the item were continued, it would have to wait until one of the two July meetings.

Council concurred to continue this item and to notify Council of which July City Council meeting it will be agendaized.

06/0606.20 Consideration of Proposed Capital Improvement Projects for the 2006/2007 Capital Improvement Fund Budget

City Manager Geoff Dolan reported that the budget has now been approved with the exception of the Capital Improvement Fund portion within the CIP budget and that there are a variety of alternatives and project requests as well as a variety of options on how to proceed.

Public Works Director Neil Miller addressed Council regarding the proposed Capital Improvement Projects for 2006/2007, noting that several projects approved earlier in the year are currently under way. He pointed out that earlier in the meeting, Council approved the entire Capital Improvement Plan budget of \$4.3 million, with \$3.5 million available in various reserves for possible use on CIP projects, for other purposes, or to keep in reserves.

City Manager Dolan explained that the CIP fund has been broken down into short-term, long-term, and unfunded projects, and a number of projects are subject to the upcoming Community Facilities Strategic Planning Process. He briefly explained that a Council subcommittee has been working to select a consultant to move forward into the strategic planning process; look at the unfunded significant community facility needs; and identify projects of a less significant dollar amount that could be done in the shorter term. City Manager Dolan reviewed the building modification projects identified in the staff report and pointed out that there are many other large, unfunded long-term projects that Council can choose to fund or plan for in the long-term.

In response to Councilmember Fahey's inquiry regarding the need to assess for tree trimming, City Manager Dolan explained that under the current code, homeowners are responsible for the sidewalk and trees in front of their homes and further study is needed to determine if the code should be modified to place the responsibility and liability on the City.

In response to Mayor Pro Tem Tell's inquiry regarding staff's capability to replace all of the play equipment during the next year, Public Works Director Miller stated that it is possible to do the projects and recommended doing them as a package.

In response to Councilmember Fahey's comment that the downtown businesses have asked for additional landscaping and that she would like to see some money spent on the downtown, Public Works Director Miller recommended spending money on the planters, installing more color and removing old shrubs.

The following individuals spoke on this item:

- **Kate Baggett, Fayemont Avenue**
- **Patrick McBride, 5th Street and Peck Avenue**
- **John Sloway, 1100 Block of Elm Avenue**
- **Jon Chaykowski, 200 Block of John Street**

After lengthy a discussion regarding the Facilities Strategic Plan, the Unfunded Short Term Projects and New Projects, Council concurred to approve funding the following: \$200,000 for Building Modification Projects (everything except \$250,000 to remodel the Dial-a-ride annex); \$50,000 for an American with Disabilities Act (ADA) study related to the Strand Stairs project; \$450,000 for Marine Avenue Park Play Equipment (2 locations); \$200,000 for Manhattan Heights Park Play Equipment; \$100,000 of Streetscape Improvements (for the downtown area); \$65,000 for Manhattan Heights Park Protective Netting for Manhattan Beach Boulevard; \$40,000 for Creative Art Center Sound Baffling; \$260,000 for upper Polliwog Park Play Equipment; \$280,000 for Live Oak Park and Manhattan Heights Fence Replacement; \$60,000 for Polliwog Exercise Equipment and Mats; \$175,000 for Manhattan Village Play Equipment; and \$75,000 for Live Oak Park Retaining Wall and Landscaping.

MOTION: Councilmember Aldinger moved to approve funding a total amount of \$1,955,000, from the Capital Improvement Fund to include those projects listed above. 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.

ITEMS REMOVED FROM THE CONSENT CALENDAR

06/0606.3 Approve Minutes of the City Council Adjourned Regular and Regular Meeting of May 16, 2006

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**, Mayor Ward explained that the minutes are not verbatim; they are summarized.

City Attorney Robert Wadden added that only a minimal record is required and that these minutes are in complete compliance with the Code.

MOTION: Councilmember Aldinger moved to approve the subject minutes. 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.

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** questions regarding particular charges listed on the Warrant Register, Councilmember Fahey emphasized that anyone having questions regarding payments made by the City should submit their question on writing and they will be answered.

City Manager Geoff Dolan added that there is backup information for every charge.

MOTION: Councilmember Fahey moved to approve with no exception Warrant Register No. 24B & 25B in the amount of \$5,072,716.30 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. 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.

In response to Councilmember Fahey's inquiry regarding whether the City has a policy of sending Commissioners to conferences, City Manager Dolan stated that, while there is no written policy, the City does occasionally send Planning Commissioners to conferences deemed to be of value.

AUDIENCE PARTICIPATION

06/0606.33 John Sloway Re Artificial Turf for Soccer Fields and Begg Pool Improvements

John Sloway, No Address Provided, spoke in favor of the artificial turf on the soccer fields and improvements to Begg Pool; agreed with Councilmember Fahey that the grass clumps on the fields are dangerous; and pledged to work with interested members of Council help to determine where funding can be obtained.

Councilmember Tell suggested that any ideas from the public be presented to staff for consideration.

Councilmember Aldinger suggested this offer could be referred to the Branding Committee.

06/0606.34 Patrick McBride Re Utility Undergrounding

Referring to a City survey regarding utility undergrounding from 1999, **Patrick McBride, No Address Provided**, communicated that the City was basically opposed to undergrounding if the rate were 1/8th of the current cost. He argued that there is a huge bias given to little minorities; that small groups can dictate to a smaller group around them and require them to underground; and that the study showed that once the facts were discussed, support went way

down. He pointed out that the City's website states that the only negative to undergrounding is the cost and argued that this is not the case; that the reason a full discussion didn't come out was because petitioners avoided contact with property owners they believed might be opposed to undergrounding; that false information was given out with regard to undergrounding; and that while the Council believes they are only applying the law, he reminded them that they can change/make the law.

06/0606.35 Robert Bush Re Utility Undergrounding

Referencing D-Day when the allied forces stormed Normandy Beach to save Europe, **Robert Bush, No Address Provided**, stated that today is D-Day in Manhattan Beach and residents have stormed the Manhattan Beach Council Chamber to stop undergrounding. He read into the record his extensive argument against undergrounding; played an audio tape of a comment from Councilmember Aldinger; and asked Council to do more than sit there and stop the undergrounding now.

Mayor Ward reiterated that a series of surveys will be going out this month asking property owners whether they still want to go ahead with the undergrounding, after which time, Council will decide whether to proceed.

In response to comments from **Mr. Bush**, Councilmember Fahey stated that if Council truly only sat here, as he stated, they would not give up their evenings to meet with residents to answer questions, conduct surveys, etc. She assured the public that the Council is taking to heart what has been said, but they are also listening to those with other points of view.

In response to his audible comment played by **Mr. Bush**, Councilmember Aldinger responded that a 60% approval gives him a comfort level that enough people have indicated an interest in undergrounding and are willing to pay for it.

06/0606.36 Jon Chaykowski Re Utility Undergrounding

Jon Chaykowski, 200 Block of John Street, concurred with the process for informing the community of the petition process; stated that Council is doing a great job of distributing information to all of the new Districts; and pointed out that Districts 2 and 6 didn't have these safeguards and mistakes were made. He presented a list of more than 20 names he collected from property owners in District 2 in about 4 hours, noting that many of the signers have attested that they were not aware that the petition was being circulated (and the formal petition has been checked to verify that they were not included in the petition). He asked Council to look at the new information that followed the lawsuit and follow their request to stop progress on Districts 2 and 6 because of the errors in formation of the Districts.

06/0606.37 Viet Ngo Re Personal Attack Incident

In regard to a comment that he made at the City Council meeting of May 16, 2006, **Viet Ngo, No Address Provided**, claimed that he continues to be subjected to intimidation, as a result of Councilmember Fahey's response to his comment. He asked Council to treat him fairly; asked Council to apply the law equally; informed Council of various cases where local politicians were prosecuted or plead guilty for personal use of public funds; and asked the City Attorney to perform his duty and refer the matter to the Attorney General.

06/0606.38 Bill Griffin Re Undergrounding

Bill Griffin, 1200 Block of 8th Street, thanked Council for the brochure on undergrounding and asked for a sincere effort to make sure that every resident is contacted prior to making a final decision.

CITY MANAGER REPORT(S)

06/0606.39 City Manager Dolan Re Joint Meeting

City Manager Geoff Dolan announced that next Tuesday, June 13, 2006, the City Council and Cultural Arts Commission will hold a joint meeting.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

None.

ADJOURNMENT

At 9:54 p.m. the meeting was duly adjourned to the 6:00 p.m. Adjourned Regular Joint City Council/Cultural Arts Commission Meeting on Tuesday, June 13, 2006, in said City.

MERNA MARSHALL
Recording Secretary

MITCH WARD
Mayor

ATTEST:

TERRI ALIABADI
Acting City Clerk

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR MEETING
JUNE 6, 2006**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 6th day of June, 2006, at the hour of 5:38 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 5:38 p.m. and moved to open session at 6:22 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:22 p.m.

ROBERT V. WADDEN, JR.
Recording Secretary

MITCH WARD
Mayor

ATTEST:

TERRI ALIABADI
Acting City Clerk