

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
APRIL 18, 2006**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 18th day of April, 2006, at the hour of 6:35 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Parks and Recreation Director Richard Gill led the pledge of allegiance.

ROLL CALL

Present: Montgomery, Fahey, Tell and Mayor Ward.
Aldinger (Arrived at 8:10 p.m.)
Absent: None.
Clerk: Aliabadi (Acting).

CEREMONIAL CALENDAR

06/0418.1 Recognition of the Mira Costa High School Choir for their Performance at Carnegie Hall

This item was continued to a future City Council Meeting.

06/0418.2 Introduction of New Employee and Presentation of Service Awards

Public Works Director Neil Miller introduced Public Works Management Analyst Carmen Zarate.

Public Works Director Neil Miller presented an Employee Service Award and Service Pin to Patrick Campbell for 15 years of service to the City. Maintenance Worker IV/Foreman Rick Dozal, who was not in attendance, was also recognized for his 20 years of service to the City.

Community Development Director Richard Thompson presented an Employee Service Award and Service Pin to Building Official Carol Jacobson for 25 years of service to the City.

Police Chief Rod Uyeda presented Service Awards and Service Pins to Executive Secretary Cindy Schaben, Police Officer Michael Rosenberger, Police Officer Hodgen "Hank" Crossett and Police Lieutenant Derrick Abell for their 15 years of service to the City.

Marcie Scott presented an Employee Service Award and Service Pin to Howard Fishman for 25 years of service to the City.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 3 through 14), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Mayor Pro Tem Tell, seconded by Councilmember Montgomery and passed by unanimous roll call vote with the exception of Item No.14 which was pulled by an audience member.

MOTION: Mayor Pro Tem Tell moved to approve a request that Item # 14 be agendized as a Public Hearing on May 16, 2006 in order for Staff to advertise it and in order to receive maximum public input. The motion was seconded by Councilmember Montgomery and approved by the following unanimous roll call vote:

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

MOTION: Councilmember Fahey moved to approve the Consent Calendar (Item Nos. 3 through 14), consisting of items under *General Consent* and *Boards and Commissions*, with the exception of Item No.14. The motion was seconded by Councilmember Montgomery and passed by the following roll call vote:

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

In regard to Item No. 14, City Manager Geoff Dolan briefly explained the City's diligent pursuit to purchase this property, however, relayed why the City does not believe it will be able to.

GENERAL CONSENT

06/0418.3 Approve Minutes of the City Council Adjourned Regular and Regular Meeting of April 4, 2006

The Council approved the subject minutes.

06/0404.12-4 Adoption of an Ordinance Revising Section 5.01.260 of the Manhattan Beach Municipal Code Regarding Animal Control Procedures

The Council adopted Ordinance No. 2084.

ORDINANCE NO. 2084

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA AMENDING SECTION 5.01.260 OF THE MANHATTAN BEACH MUNICIPAL CODE REGARDING ENFORCEMENT OF ANIMAL CONTROL REGULATIONS

06/0418.5 Consideration of a Resolution Ordering Plans, Specifications, Cost Estimates and Engineer's Report for Annual Street Lighting Assessment

The Council adopted Resolution No. 6026.

RESOLUTION NO. 6026

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ORDERING THE PREPARATION OF PLANS, SPECIFICATIONS, COST ESTIMATE, DIAGRAM, ASSESSMENT AND REPORT PURSUANT TO PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA FOR PROCEEDINGS FOR ANNUAL ASSESSMENT LEVY AFTER FORMATION OF MAINTENANCE DISTRICT

06/0418.6 Consideration of Financial Reports:

a) Ratification of Demands: April 6, 2006

b) Investment Portfolio for the Month Ending March 31, 2006

The Council approved with no exception Warrant Register No. 21B in the amount of \$2,333,659.62 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 March 31, 2006.

06/0418.7 Disbursement of Progress Payment No. 1 in the Net Amount of \$131,548.50 to Williams Pipeline Contractors, Inc. for the 2002-2003 Water Main and 2002-2004 Sewer Main Replacement Project

The Council approved the issuance of the subject progress payment.

06/0418.8 Consideration of an Award of Contract to Equip One Previously Purchased Public Works Water Division Vehicle Chassis with Work Body Including Valve Exercising Machine in the Net Amount of \$27,595

The Council approved an award of RFB #684-06 to Public Truck Equipment for the budgeting outfitting of one previously purchased Public Works Vehicle in the amount of \$27, 595.

BOARDS AND COMMISSIONS

Cultural Arts Commission

06/0418.9 Consideration of Draft Minutes, Cultural Arts Commission Meeting of March 14, 2006

The Council received and filed the subject draft minutes.

06/0418.10 Consideration of Draft Minutes, Cultural Arts Commission Special Meeting of March 30, 2006

The Council received and filed the subject draft minutes.

Parking & Public Improvements Commission

06/0418.11 Uphold the Parking and Public Improvements Commission Recommendation to Approve a Request to Relocate an Existing Utility Pole at 1114 2nd Street

The Council approved the Parking and Public Improvements Commission recommendation to approve the request to relocate the existing utility pole at 1114 2nd Street.

Planning Commission

06/0418.12 Consideration of Action Minutes, Planning Commission Meeting of March 29, 2006

The Council received and filed the subject action minutes.

06/0418.13 Consideration of Action Minutes, Planning Commission Meeting of April 12, 2006

The Council received and filed the subject action minutes.

06/0418.14 Consideration of Planning Commission Approval of a Use Permit, Coastal Development Permit and Vesting Tentative Tract Map 065187 to Allow Construction of a 34-Unit Commercial Condominium Project for Office and Retail Use, for the Property Located at 1300 Highland Avenue

The Council approved agendizing this item as a Public Hearing on the May 16, 2006 City Council Agenda.

COMMUNITY ANNOUNCEMENTS

06/0418.23 Bill Eisen Re Arrest of Local Business Operator

Bill Eisen, 3514 Crest Drive, spoke of the arrest of a local business owner and of the Coastal Commission's rejection of the Association of Volleyball Players' (AVP) application to increase paid seating beyond the current 25% for the Hermosa Beach Open.

Councilmember Fahey commented that interfering with an investigation is against the law and it is appropriate for the City's Police Officers to respond accordingly.

06/0418.24 Patrick McBride Re Free Movie Series

Patrick McBride, 5th Street & Peck Avenue, announced the beginning of a free movie series and a lecture on the history of the VOICE (Volunteers and Organizations Improving the Communities Environment) organization.

06/0418.25 Viet Ngo Re Alleged Council Misconduct

Viet Ngo, No Address Provided, urged Police Chief Rod Uyeda to see that the City Council's alleged allegations of wrongdoing are prosecuted.

06/0418.26 Barry Reid Re Beach Bluff Restoration

Barry Reid of the Beach Bluffs Restoration Project, announced a meeting this Friday morning regarding the bluff restoration in Redondo Beach and that his group will be at the upcoming Earth Day Event.

06/0418.27 Bill Victor Re Police Watch

Bill Victor, No Address Provided, called upon the Council for more stringent hiring practices for the City's Police Department and encouraged anyone wishing to contact "Police Watch" to call him at (310) 318-5000 weekdays after 2:00 p.m.

06/0418.28 Councilmember Fahey Re Pier to Pier Walk

Councilmember Fahey reminded the community that the Richstone Pier to Pier Walk will take place April 29, 2006 at 8:00 a.m.

06/0418.29 Mayor Ward Re Education on Global Warming

Explaining that two Manhattan Beach residents approached him regarding climate control and global warming, Mayor Ward passed along some information on the subject to the Council.

06/0418.30 Councilmember Fahey Re Beach Cities Health District Pedometer Challenge

Councilmember Fahey reminded the Council that next week the challenge between the City Council and the Board of the Beach City Health District (BCHD) begins and to wear the pedometers provided by BCHD to see who walks the farthest.

06/0418.31 Mayor Ward Re Manhattan Beach Youth Recognition Award Winners

Mayor Ward announced that the winners of the Manhattan Beach Youth Recognition Award are Victoria Shure of Manhattan Beach and Galo Orquera of Gardena.

PUBLIC HEARINGS

06/0418.15 Consideration of a Resolution Increasing the Field Use Fees in Category II for the Parks and Recreation Department

Recreation Services Manager Mark Leyman reviewed the proposed increase in Field Use Fees for Category II users from \$12 to \$18; explained what qualifies an applicant as a Category II user; and noted that, if approved, the fee increase is expected to generate approximately \$12,000 in additional revenue each year.

Mayor Ward opened the Public Hearing at 7:13 p.m.

Hearing no requests to speak, Mayor Ward closed the Public Hearing at 7:14 p.m.

MOTION: Councilmember Fahey moved to adopt Resolution No. 6025 approving the Field Use Fee Increase in Category II for the Parks and Recreation Department. The motion was seconded by Councilmember Montgomery and passed by the following roll call vote:

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

RESOLUTION NO. 6025

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, TO INCREASE FIELD USE FEES IN CATEGORY II FOR THE PARKS AND RECREATION DEPARTMENT

GENERAL BUSINESS

City Manager Geoff Dolan announced that the representatives from GrowingGreat informed him that they would not be able to make it to the City Council meeting until approximately 7:30 p.m.; therefore, he suggested coming back to this item once they have arrived.

THE FOLLOWING ITEM WAS TAKEN OUT OF ORDER

05/0705.16-17 Consideration of the Formation of a Tree Committee and Their Responsibilities

Senior Planner Laurie Jester reported on the results of several meetings with residents interested in forming a Tree Committee to develop their mission statement, roles and responsibilities. She noted that while the Committee is generally supportive of the mission and roles proposed by staff, they have asked for periodic detailed reporting on the status of tree permits, which staff respectfully cannot support due to their increased workload. She added that an extensive effort to educate the public on tree preservation has included notices in water bills, updating of the website, articles in City newsletters, meetings with contractors and architects, presentations to realtors and the purchase of educational materials to be distributed at the Earth Day event.

In response to questions from Council, Senior Planner Jester explained that the Committee would serve to let residents know what resources are available to help them select, care for and understand the value of trees in Manhattan Beach; that Committee members should not have any contact with property owners, but are encouraged to be a resource and educational tool to the community; and that the Committee will not have a decision-making role but will be recognized and supported by Council so they can educate the public and be heard about these matters. She noted that some Committee members have been actively pursuing and reporting potential violations of the Tree Ordinance, resulting in a dozen reported cases in the past couple of weeks, which included photographs and detailed descriptions.

The following individuals spoke on this item:

- **Portia Cohen, No Address Provided**
- **Kaye Sherbak, 1800 Block of Agnes Road**
- **Patrick McBride, No Address Provided**
- **Gerry O'Connor, 500 Block of Harkness Street**

Councilmember Fahey expressed concern about the Committee having disagreements with staff regarding interpretations, noting that if a potential violation is reported to staff and it is their opinion that there is not a violation, it has to end there.

Councilmember Montgomery expressed support of the Committee as another set of volunteer “eyes and ears” with the follow-up provision that they have no enforcement power and that City staff makes the final call.

Mayor Pro Tem Tell supported the formation of the Committee but expressed concern about the strain on City staff caused by disagreements between the staff and Committee. He commented that because this is not an official Committee, the Council has no control if they go beyond their mandates' however, he is willing to go forward for a trial period to see how it works.

Mayor Ward compared the Committee to the Neighborhood Watch program; cautioned the Committee about taking pictures and potentially intruding on someone's privacy; expressed concern regarding the makeup of the Tree Committee, and emphasized the need to focus on education about the value of protecting trees and canopies.

City Manager Geoff Dolan thanked the Council for their input and direction.

COUNCIL RETURNED TO THE REGULAR ORDER OF THE AGENDA

06/0418.16 Consideration of a Request from GrowingGreat to Conduct a Fundraising Health Fair in the Metlox Public Areas on June 4, 2006

Parks and Recreation Director Richard Gill introduced members of "GrowingGreat", explaining that their purpose is to teach school children the value of healthy and nutritious food and good eating habits. He summarized the request outlined in the staff report to place 30-40 food booths, two entertainment stages, arts & crafts and informal booths throughout Metlox on June 4, 2006, from 2:00 to 5:00 p.m. for a fundraising health fair. He explained that "GrowingGreat" estimates that 400-600 people will participate; that the proposal is to charge \$25 per person for an all-inclusive pass for food sampling, participating in craft and information booths and wine tasting for adults; and that staff is concerned about setting a precedent and the wear and tear to the surface and other landscaped areas of the Plaza.

In response to Mayor Pro Tem Tell's concern that a significant number of requests could be received if this event is successful and his suggestion that guidelines be developed regarding the number of events that will be allowed in this space each year, Parks and Recreation Director Gill explained that the Downtown Business and Professional Association has indicated that they would not support more than one such event per month and that all such requests will be reviewed and regulated by the Association.

Marika Bergsund, Executive Director and Chris Weller, Director of Development of "GrowingGreat" explained the nature of the proposed family event and answered questions of Council.

Councilmember Aldinger arrived at 8:10 p.m.

The following individuals spoke on this item:

- **Patrick McBride, No Address Provided**
- **Viet Ngo, No Address Provided**
- **Carol Rowe, Downtown Business and Professional Association**
- **Kaye Sherbak, 1800 Block of Agnes Road**

In response to concerns by Council that charging \$25 per person may unnecessarily alienate people who happen to be in the area and want to purchase a small amount of food or drink, **Ms. Bergsund** agreed to also make individual tickets available so people would have the option of purchasing only a few items.

City Manager Geoff Dolan pointed out that in addition to the requested trash control, port-a-potties and barricades at key locations, there would also be an increase in walk-through traffic by Police Department staff.

Ms. Bergsund concluded by announcing that she and **Ms. Weller** were recently named “South Bay Women of the Year” for their work on “GrowingGreat” and will be honored this Friday, April 21, 2006 through the Switzer Learning Center.

MOTION: Councilmember Fahey moved to approve the request from “GrowingGreat” to conduct a fundraising health fair in Metlox public areas on Sunday, June 4, 2006. 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.

RECESS AND RECONVENE

At 8:37 p.m. the Council recessed and reconvened at 8:50 p.m. with all Councilmembers present.

06/0418.18 Presentation of Concepts for Improving Public Right-of-Way in the North End Business Improvement District and Approval of Design Concepts

Public Works Director Neil Miller addressed Council with a PowerPoint presentation explaining the proposed improvements to the public right-of-way in the North End Business Improvement District, including the implementation of metallic banners on existing light poles; adoption of “North Manhattan” as a specific name for the area; installation of hot-pressed, stamped asphalt cobblestone brick crosswalks with a yellow or white border; and inclusion of gateway or area signs at a later date. He emphasized the need for the improvements to be as maintenance-free as possible and pointed out that the opportunity for planters and landscaping is difficult because of the narrow right-of-way.

In response to questions from Council, Public Works Director Miller explained that the proposal includes installation of the metallic banners on every light pole on Highland in the District; that the crosswalk will be embedded in the surface material of the street and has a 10-year life; that the design of the surfer can be altered; and that while input from residents has not been received, an attempt has been made to inform them and they are welcome to participate in the decision-making process.

With the exception of Councilmember Aldinger, Council expressed concern regarding the number of banners and possible overwhelming effects.

Councilmember Fahey referred to an e-mail from a resident who doesn’t like the idea of a separate identity; believes that promotional banners will create sign pollution; prefers elimination of the name “El Porto”; and requested that the residents be notified prior to changing the name from “El Porto” to “North Manhattan” or anything else.

Muriel Savikas, Representing the North End Business Improvement District, reviewed the history of the North End explaining that many of the business owners participated in discussions determining that a surfer represented the North End and decided on the distinguished crosswalks to improve safety. She conveyed that, at this time, they are asking for approval of the concept, noting that more specific approval will be sought at a later date once final designs have been determined.

In response to **Ms. Savikas'** request for authorization to move ahead with the crosswalks, noting that they are tied in with the Public Works resurfacing project, Council expressed concern with going forward with crosswalks and entryway signs before the banners are designed, especially if the discussion is leaning toward traffic calming rather than beautification.

Mayor Ward stated that the most valuable identifier for the City is the Pier and suggested that it should be somewhere on the banner, perhaps under the words Manhattan Beach, California.

The following individual spoke on this item:

- **Wayne Powell, 100 block of 36th Street**

City Manager Geoff Dolan summarized that staff will mail an orange card to residents in the area inviting them to a community meeting where they can see the specific proposals and provide input before returning to Council for further action.

06/0418.19 *Consideration of Conceptual Designs for City Entryways*

Cultural Arts Manager Juanita Purner addressed Council with a PowerPoint presentation on conceptual designs for the City's entryway signs. She reviewed the three locations for proposed signage; explained the direction given by Council on October 18, 2005; pointed out that the Cultural Arts Commission's concurred that the signage should reflect Manhattan Beach's distinctive style, elegance and references to the ocean; and reviewed the three proposed signs which the Commission believes can achieve a coordinated look. She noted that once a design is selected by Council, staff will refine the cost estimates for the design, landscaping and site preparation for each site and return to Council for approval at a later date.

In response to Council questions regarding who created the designs, Parks and Recreation Director Richard Gill replied that the proposed signs were designed by the City's graphic artist and reviewed by the Cultural Arts Commission, who decided on the three final examples before Council this evening.

Mayor Ward emphasized the need for uniformity throughout the City with entryways as opposed to banners which identify a specific area.

The following individual spoke on this item:

- **Karol Wahlberg, No Address Provided**

Councilmember Aldinger stated that, out of the three options, he liked the third choice because the terracotta matches the style of the existing signs on Sepulveda, which will remain. He added that he is willing to remove the sign on Manhattan Beach Boulevard; would not recommend placing an entryway sign on Highland Avenue; and noted that he is open to placing a sign on Valley/Ardmore.

Commenting on the importance of making all of the entryway signs consistent, Councilmember Montgomery concurred that the third option is the best of the three and that a sign on Highland Avenue should not be considered at this time.

Councilmember Fahey agreed with a member of the public that the signs look like tombstones; noted that she is not sure consistency is important; and recommended different types of banners in the different locations.

Mayor Pro Tem Tell expressed concern that perhaps Council's direction wasn't clear, noting that while he appreciates the fact that a lot of work has been put into this effort, he doesn't like any of the signs. He suggested that it may be necessary to engage an artist to talk to staff, Council and the Cultural Arts Commission to get a concept of what is wanted.

Pointing out that while this is not their area of expertise; Mayor Ward commended the efforts of the in-house graphic artist; however, recommended that staff engage a professional artist and possibly incorporate the Pier in the signage as the main identifier.

Councilmember Aldinger stated that he prefers signs that are low-key and small and will be seen by visitors but overlooked by residents.

City Manger Geoff Dolan asked for and received authorization to investigate hiring an artist for a few thousand dollars who knows the community and who would interview the Council and Cultural Arts Commission to develop some concepts.

06/0418.20 Consideration of a Status Report on the Community Facility Strategic Planning Process

Deputy City Manager Sherilyn Lombos gave a brief history on this item and reviewed the Facility Strategic Plan process, noting that in October of 2005, Council formed a subcommittee and put together a long-term plan for how to best serve the facility needs of the community. She explained that a Request for Qualifications (RFQ) was sent to 15 firms; that five Statements of Qualifications were received; and that the subcommittee interviewed four of these firms. She reported that the subcommittee was extremely impressed with the firm MDA Johnson Favaro and that they will develop a specific proposal, including a detailed process for each stage of the project, after which staff will do their due diligence, market checking and follow up negotiation of a proposal and fee. She concluded by conveying that the principals of MDA Johnson Favaro will then make a presentation to Council with specifics about their proposal.

Mayor Pro Tem Tell reported that this was a perfect opportunity for the City to coordinate with the School Board as they embark upon their own to evaluate surplus school property, and another example of the two entities working together on some very important city-wide issues. He explained that the vision is to create something that can be used over the next ten years to determine the most appropriate uses for various facilities city-wide in the short, intermediate and long-term. He further explained that this is an important step through which the consultant will help articulate the vision, bring the City together to implement the vision, and ultimately maximize open space by more efficient utilization of city facilities.

Acknowledging that the consultant chosen stood out above the others, Councilmember Aldinger added that the interview process was very educational because each consultant brought different qualities to the table. He expressed some hesitation regarding reducing the field down to one consultant so quickly, which he believes could cause the fee exceed the budget; however, he is willing to take a chance. He agreed that the process is a great opportunity for everyone to have input on the future use of city-owned facilities; that future Councils can look to it in order to determine future Capital Improvement projects; and that this will not be a document that just sits on the shelf.

In response to Councilmember Montgomery's inquiry regarding timing, Councilmember Aldinger explained that it will take six months to a year before Council approval is needed, with opportunities for Council and public input over the year.

City Manager Geoff Dolan noted that, while it is important to get value for the expenditure, the \$250,000 placed in the budget was a number that didn't have a lot of scientific input and it could ultimately be more. He recommended waiting to see what the consultant has in mind, then checking their hourly rates to determine the true number and assured Council that they will be kept informed on the process.

The following individual spoke on this item:

- **Viet Ngo, No Address Provided**

Mayor Ward received and filed the status report and hearing no objections, it was so ordered.

06/0418.21 Consideration of a Status Report on the Police & Fire Facility Construction Project and Disbursement of Progress Payment #25 in the Net Amount of \$726,285 to Swinerton Builders and Consideration of a Contract and Compensation Extension to Vanir Construction Management

Deputy City Manager Sherilyn Lombos addressed Council with a PowerPoint presentation on the status of the Police & Fire Facility Construction Project; reviewed the various sources for project information and the status of activities to take place following substantial completion; and announced plans for a July 1, 2006, public Grand Opening, as well as plans to move in the week of July 4, 2006. She reviewed the project status noting that as of the end of March, the project is on budget and that there have been a total of \$1.9 million in Change Orders, of which \$1.3 million were due to unforeseen expenses, which is within standard. She explained the request for approval of Progress Payment No. 25 and the proposed contract and compensation extension for Vanir Construction Management through June of 2006 noting that Vanir has not been paid since December of 2005. Deputy City Manager Lombos emphasized the vital role that Vanir has played with the City and that they will also be integral in the final settlement with Swinerton Builders and Hellmuth, Obata + Kassabaum (HOK) providing the City with the final closeout report and that the Council subcommittee unanimously recommends that the extension be approved.

In response to Mayor Pro Tem Tell's inquiry regarding the timing for payment of the extension, assuming it is approved, Deputy City Manager Lombos explained that Vanir will bill the City to date, with the remaining invoices from April, May and June submitted at that time.

Council expressed concern that the "Cause of Delays" section was filled out in the project report; agreed that the management contractor's opinions should not be included in the Project Summary while negotiations are pending; and that Vanir should have been evaluating the delays each step along the way regarding who was at fault, not just reacting to what Swinerton said.

Vanir Project Director Moshir Kellada explained that parts of the Project Summary will not be completed until any claims or lawsuits are filed; that Vanir is preparing documents and the scheduler is analyzing all of the delays since October 31, 2005 until the present to prepare as backup in case of claims; and that they will try to prevent a claim by proactively trying to settle any claims before they become official. He further explained that Vanir is waiting until substantial completion is accomplished and the "clock starts ticking", at which time discussions with management will determine how to proceed - either wait for Swinerton or approach them. **Mr. Kellada** concluded by stating that it depends on the length of the delay and how many days each party believes is owed to them before any recommendation will be made.

In response to Mayor Pro Tell's inquiry regarding what the \$193,000 includes, **Mr. Kellada** responded that it covers fees through the end of June (through final completion) including basic preparation of documents to support claims; however, if claims are submitted after that requiring additional analysis, there may be a request for additional compensation for time spent on detailed scheduling or negotiations.

In response to Councilmember Aldinger's inquiry as to who will prepare the City's defense on the lawsuit, City Manager Dolan explained that he expects that the \$193,000 should get the City a complete organized report, put together in a fashion to give Council an idea of how they want to proceed. He also emphasized that if a reasonable resolution, short of litigation, can be accomplished through the normal course of closeout; it will be included in the price; however, if it becomes controversial, Vanir will require additional compensation.

MOTION: Councilmember Fahey moved to receive and file the status report on the Police & Fire Facility construction project; approve issuance of the subject Progress Payment and approve a contract and compensation extension to Vanir Construction Management. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote:

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

THE FOLLOWING ITEM WAS TAKEN OUT OF ORDER

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

06/0418.22 Consideration of a Request from Councilmember Aldinger to Support Assembly Bill 2329 Requiring Separate Statistical Districts for the South Bay Cities and Harbor Area within Los Angeles County

Councilmember Aldinger asked for Council support of Assembly Bill 2329, which would require and state agency or department that maintains data and statistics to provide a separate breakdown of South Bay cities and Los Angeles County Harbor area. He reported that the South Bay Cities Council of Governments (SBCCOG) Legislative Committee has recommended support; that it will support the South Bay Economic Development Partnership in their effort to get more funding to monitor health hazards at the harbor; and that the opposition in other areas of the state is caused by fear that if this goes through here, it will have to happen in other areas as well.

Council held discussion regarding the associated costs; what kind of costs are associated with the bill; what, if any, specific benefits there will be for Manhattan Beach; how the findings can be incorporated into the city's decision making process; who the opposition is.

City Manager Geoff Dolan stated that the City's lobbyist has indicated that the bill will create the South Bay Harbor as a separate statistical gathering entity which could generate additional funding for the South Bay and that there is no organized opposition to the bill.

The following individual spoke on this item:

- **Patrick McBride, No Address Provided**

MOTION: Councilmember Aldinger moved to support the South Bay Economic Development Program and send a letter in support of AB 2329. The motion was seconded by Councilmember Montgomery and passed by the following roll call vote:

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

Council spoke about discussing the role of the City's lobbyist and creating a process for handling these types of requests at the Work Plan Meeting and possibly appointing a subcommittee to review legislation the City may wish to take an action on.

COUNCIL RETURNED TO THE REGULAR ORDER OF THE AGENDA

AUDIENCE PARTICIPATION

06/0418.32 Jon Chaykowski Re Utility Undergrounding

Jon Chaykowski, emphasized that Utility Undergrounding Districts 2 & 6 were formed in violation and that the Council must address this violation and either start over on District 2 or put a moratorium on Undergrounding.

06/0418.33 Viet Ngo Re Alleged

Viet Ngo, No Address Provided, referred to an indictment made by the United States Attorney's Office; read aloud from Title 18; and reiterated his earlier comments about the Council's alleged wrong doings.

06/0418.34 Patrick McBride Re Utility Undergrounding

Patrick McBride, 5th Street & Peck Avenue, spoke of the lack of and need for Council to set their own criteria for Utility Undergrounding and the need for free parking for things such as the visiting the Library or Farmer's Market.

CITY MANAGER REPORT(S)

06/0418.35 City Manager Dolan Re Boards & Commission Vacancies

City Manager Dolan referred Council to the notebooks on the dais explaining that they contain all of the applications for the upcoming Boards & Commissions appointments on the next agenda. He reported that since the vacancies were advertised only 2 or 3 new applications were received and that Council may get calls from the applicants or Council may choose to contact them.

Councilmember Fahey requested that staff provide a list of which Commissions have vacancies.

06/0418.36 City Manager Dolan Re City Council Meeting Scheduled for 4th of July

In response to City Manager Dolan's inquiry of how Council chooses to handle the City Council meeting scheduled for the 4th of July, 2006, the following motion was made.

MOTION: Councilmember Aldinger moved to approve rescheduling the City Council meeting
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of July 4, 2006, to July 5, 2006. 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: Fahey.
Absent: None.
Abstain: None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

06/0418.37 Mayor Pro Tem Tell Re Lawsuit

At the request of Mayor Pro Tem Tell, City Attorney Robert Wadden reported that the Court ruled in favor of the City and validated every aspect of Underground Utility Districts 2 and 6 that were challenged in court.

06/0418.38 Mayor Ward Re Renaming of Parque Culiacan

In response to Mayor Ward's request, Council directed staff to refer the matter of renaming Parque Culiacan to the Parks and Recreation Commission for consideration of incorporating a name of some historical significance.

06/0418.39 Councilmember Fahey Re Recognition of Construction Issues Committee

In response to Councilmember Fahey's suggestion that the Constructions Issues Committee be recognized for all their hard work, City Manager Geoff Dolan pointed out that they have been invited to the City's Volunteer Recognition Dinner.

ADJOURNMENT

At 11:15 p.m. the meeting was duly adjourned to the 5:30 p.m. Adjourned Regular Meeting, to be followed by the 6:30 p.m. Regular City Council Meeting, on Tuesday, May 2, 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
APRIL 18, 2006**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 18th day of April, 2006, at the hour of 5:45 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

ROLL CALL

Present: Montgomery, Fahey, Tell and Mayor Ward.
Absent Aldinger.
Clerk: Aliabadi (Acting).

CLOSED SESSION

The Council recessed into Closed Session at 5:45 p.m. and moved to open session at 6:28 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:28 p.m.

ROBERT V. WADDEN, JR.
Recording Secretary

MITCH WARD
Mayor

ATTEST:

LIZA TAMURA
City Clerk