

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
MARCH 21, 2006**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 21st day of March, 2006, at the hour of 6:32 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Police Chief Rod Uyeda led the pledge of allegiance.

ROLL CALL

Present: Aldinger, Montgomery, Fahey, Tell and Mayor Ward.
Absent: None.
Clerk: Tamura.

CEREMONIAL CALENDAR

06/0321.1 Presentation of Proclamation Declaring National Library Week (April 2 - 8, 2006)

Mayor Ward, on behalf of the Council, presented Los Angeles County's Community Library Manager Leticia Tan with a proclamation declaring the week of April 2 – 8, 2006, as National Library Week. **Ms. Tan** thanked the Council and invited everyone to participate in the upcoming literary programs during National Library Week.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 2 through 13), consisting of items under *General Consent and Boards and Commissions*, was approved by motion of Councilmember Aldinger, seconded by Councilmember Fahey and passed by unanimous roll call vote with the exception of Item Nos. 3, 8, and 13, 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

06/0321.2 Approve Minutes of the City Council Adjourned Regular and Regular Meeting of March 7, 2006

The Council approved the subject minutes.

05/0705.16-3 Adoption of an Ordinance Approving Amendments to the Tree Preservation Regulations, Section 10.52.120 of the Zoning Code

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

06/0307.14-4 Adoption of an Ordinance Clarifying the Business License Tax

The Council adopted Ordinance No. 2083.

ORDINANCE NO. 2083

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING SECTIONS 6.01.010, 6.01.020 OF THE MANHATTAN BEACH MUNICIPAL CODE REGARDING CLARIFICATION OF BUSINESS LICENSE TAX

06/0321.5 Consideration of an Agreement with Rice, Englander and Associates for Legislative Advocacy and Lobbying Services

The Council approved authorizing the City Manager to enter into the subject agreement.

06/0321.6 Consideration of Financial Reports:

- a) Ratification of Demands: March 9, 2006
- b) Investment Portfolio for the Month Ending February 28, 2006
- c) Financial Reports for the Month Ending February 28, 2006

The Council approved with no exception Warrant Register No. 19B in the amount of \$2,382,952.58 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 February 28, 2006; and received and filed the Financial Reports for the month ending February 28, 2006.

06/0321.7 Authorization to Award a Three Year Contract to Turbo Data Systems, Inc. for Parking Citation Payment and Notification Processing (Estimated Annual Value of \$65,000)

The Council approved the Finance Subcommittee recommendation to outsource parking citation processing and approve the staff recommendation to authorize the City Manager to execute a three-year contract with Turbo Data Systems, Inc. for an estimated value of \$65,000 per year.

06/0307.11-8 Consideration of Additional Cost Information for Contract with Vision Internet for Website Design Services Awarded by Council at the March 7, 2006 Meeting

Item No. 8 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

BOARDS AND COMMISSIONS

Cultural Arts Commission

06/0321.9 Consideration of Draft Minutes, Cultural Arts Commission Meeting of February 22, 2006

The Council received and filed the subject draft minutes.

Parks and Recreation Commission

06/0321.10 Consideration of Draft Minutes, Parks and Recreation Commission Meeting of February 27, 2006

The Council received and filed the subject draft minutes.

Parking & Public Improvements Commission

06/0321.11 Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of February 23, 2006

The Council received and filed the subject action minutes.

05/1206.14-12 Uphold the Parking and Public Improvements Commission Recommendation to Implement Modifications to Several Parking Restrictions in the Manhattan Beach Boulevard/Walnut Avenue Area

The Council approved the Parking and Public Improvements Commission recommendation to remove the existing green zone adjacent to 927 Manhattan Beach Boulevard; convert four existing green zone spaces adjacent to 940-946 Manhattan Beach Boulevard to one-hour parking (9:00 a.m. to 6:00 p.m. except Sundays and holidays); remove the existing “Commercial Loading 15 Minutes” restriction on the west side of Pine Avenue just north of Manhattan Beach Boulevard adjacent to 947 Manhattan Beach Boulevard; and remove the southerly 18 feet of red curb on the east side of Poinsettia Avenue just south of Manhattan Beach Boulevard.

06/0321.13 Uphold the Parking and Public Improvements Commission Recommendation to Deny a Request for an Encroachment Appeal at 2220 Alma Avenue & 2221 Vista Drive

Item No. 13 was pulled from the “CONSENT CALENDAR”. Please refer to “ITEMS REMOVED FROM THE CONSENT CALENDAR.”

COMMUNITY ANNOUNCEMENTS

06/0321.17 Barry Read Re the Beach Bluffs Restoration Project

Barry Read, Representing the Beach Bluffs Restoration Project, introduced to Council a project to restore the habitat along the beach front by planting native California plants along the strand in the City of Manhattan Beach. **Mr. Read** related his previous work in Redondo Beach and Torrance and encouraged anyone that was interested in volunteering for this project to contact Ann Dalkey at (310) 372-2641.

06/0321.18 Viet Ngo Re Violation of Federal Racketeering Laws

Viet Ngo, No Address Provided, accused the Council and staff of corruption and violation of federal racketeering laws and encouraged them to resign.

06/0321.19 Bev Morse Re Presentation of Song

Bev Morse, No Address Provided, advised Council that she wrote a song regarding undergrounding and distributed the lyrics to each Councilmember.

06/0321.20 Joe Moore Re Street Widening and Current Maps

Joe Moore, No Address Provided, distributed to Council a notice that he received in 1971 with regard to changing the width of the streets in area D. He indicated that the initial assessment was for 1st Street to be 80 feet wide, however he contends that it is now only 40 feet wide; that this is also true for Poinsettia and Duncan Streets; and advised Council that the maps have not been updated since 1971.

06/0321.21 Patrick McBride Re Pulling Item from Consent Calendar

Patrick McBride, No Address Provided, stated that he arrived late to the City Council meeting and asked if Council would consider pulling item No. 10 from the Consent Calendar.

Mayor Ward advised **Mr. McBride** that the subject item was already voted on and approved. Mayor Ward also clarified for **Mr. McBride** that Item No. 10 was for the approval of the minutes from the Parks and Recreation Commission Meeting of February 27, 2006 as opposed to an issue that necessitated further action.

06/0321.22 Councilmember Fahey Re Mira Costa High School Choir and Orchestra

Councilmember Fahey reminded everyone that the Mira Costa High School Choir and Orchestra will be giving a send-off concert on Friday, March 24, at 7:00 p.m., in celebration of their upcoming trip to Carnegie Hall.

06/0321.23 Councilmember Montgomery Re the Manhattan Beach Chamber of Commerce Sand Dollar Charity Golf Tournament

Councilmember Montgomery invited everyone to attend the Sand Dollar Charity Golf Tournament hosted by the Manhattan Beach Chamber of Commerce which will take place on Monday, May 15, 2006, at 10:00 a.m., at the Trump National Golf Course in Rancho Palos Verdes. He stated that anyone interested in participating can contact the Manhattan Beach Chamber of Commerce at (310) 545-5313 or visit their website at www.manhattanbeachchamber.net.

06/0321.24 Mayor Ward Re Various Announcements

Mayor Ward extended thanks to the Meadows Park Boy Scout Troop No. 275 for an award that they presented to him and also thanked Councilmember Montgomery for receiving the award in his absence.

Mayor Ward announced that there will be a Hazardous Waste Round-Up on Saturday, March 25, 2006, in the Northrop Grumman parking lot located on Marine Avenue in Manhattan Beach.

As a member of the Los Angeles County Sanitation District, Mayor Ward announced that the Sanitation District is promoting a program that will allow for the safe disposal of medications; that they encouraged people not to dispose of drugs down the drain or toilet; and to visit the website www.nodrugsdownthedrain.org for further information.

06/0321.25 Councilmember Montgomery Re Women in Business Conference

Councilmember Montgomery announced that the Manhattan Beach Chamber of Commerce Annual Women in Business Conference will take place on Thursday, March 30, 2006, at the LAX Hilton and asked that anyone interested in attending the event to contact the Manhattan Beach Chamber of Commerce at (310) 545-5313.

PUBLIC HEARINGS

None.

GENERAL BUSINESS

06/0321.14 Consideration of Utility Underground Assessment District Issues

City Manager Geoff Dolan asked Council to allow the presenters to present Item No. 14 in the following sequence beginning with Mayor Pro Tem Tell, followed by Finance Director Bruce Moe, Senior Civil Engineer Stephanie Katsouleas, and concluding with Public Comments.

Mayor Pro Tem Tell introduced members of the Financial Assistance Subcommittee (Residents Leigh Bryant, Jan Dennis, Peter McNeil, Richard Whilden and Patricia Wooley; Staff Members City Attorney Robert V. Wadden, Jr., Senior Civil Engineer Stephanie Katsouleas and Finance Director Bruce Moe; and Committee Councilmembers Fahey and Chairperson/Mayor Pro Tem Tell) and provided some background information regarding the subcommittee's inception and rationale.

Mayor Pro Tem Tell thanked everyone that has been working on the utility underground/assessment issue. He also acknowledged that although the matter poses many challenges, the City is determined to focus on the “big picture”; that the City is working hard to answer questions on both ends of the issue; and that the Financial Assistance Subcommittee is exploring several different approaches on how the City can contribute. He acknowledged the disparity among residents that can afford utility undergrounding and therefore wish to move forward with it, while others do not want utility undergrounding in their district because they either cannot afford it or simply don’t want it. Mayor Pro Tem Tell advised that the City is working hard to reach a compromise on utility undergrounding, and that the Financial Assistance Subcommittee has provided an analysis of some of the issues.

Mayor Pro Tem Tell reported that the Finance Assistance Subcommittee has met weekly for the past 6 weeks to discuss ways to address the following:

- Consideration of a Financial Assistance Program for those unable to afford the cost of undergrounding in resident-approved assessment districts;
- Address questions raised by residents on undergrounding and develop a fact booklet that answers these and other questions in a user-friendly format;
- Review the survey that will be distributed to residents to determine whether support for undergrounding has changed within each district based on new estimated costs.

Mayor Pro Tem Tell stated that the Finance Assistance Subcommittee looked at what other communities did and more specifically, what loan types were available. He also discussed the key components of the Financial Assistance Program that included discussion on the limitations on a city-sponsored program, programs adopted by other communities, alternative sources of funding, and input from residents.

Mayor Pro Tem Tell commented that the Finance Assistance Subcommittee also addressed several questions on undergrounding including hook-up costs, maintenance costs, cost factors affecting undergrounding and “economics of scale” for larger assessment districts.

Senior Civil Engineer Katsouleas presented to Council the new fact booklet and survey that was designed to provide more information to residents including cost updates for future districts, information about the Financial Assistance Program, and recently formed districts assessment ranges. Senior Civil Engineer Katsouleas stated that the booklet was revised to read in a user-friendly format with tiered tabs grouped by topic, and includes more detailed information such as an overview of district formation, the methodology for assessment of the districts, information on hook-up expenses, past and future estimated assessments, and clarification for assessment payment options.

Senior Civil Engineer Katsouleas also discussed the purpose of the draft survey and explained that it was created in order to determine the current level of support or opposition to the undergrounding in proposed Districts 7-14 given the new estimated cost of undergrounding. She indicated that the survey addresses two issues, specifically the resident’s position regarding undergrounding, as well as the likelihood of using the City’s financial assistance program, and that it includes guidelines for submitting the survey to the City, how to respond and who to contact. She reported that both the survey and the fact booklet are scheduled to be sent out by June 20, 2006, with the results scheduled to be tallied sometime in July; that the results of the survey are scheduled to be presented to the City Council at the August 15, 2006, City Council

meeting; and that the Financial Assistance Subcommittee is hoping to receive a high response rate, and is planning on sending out a second survey if necessary.

Finance Director Moe discussed the parameters of the Underground Assessment Deferral Program and addressed some policy issues that Council may wish to consider. He explained that the use of City funds for loans to individuals precludes the use for community-wide purposes. That is, money diverted to individuals may limit the amount of money available that would otherwise be used for community services. In addition, Finance Director Moe explained that as with any home-loan program, there is some risk involved to the owner if the property values drop, and indicated that since lending is not the “core business” of the City, additional staff may be required to handle the loan process and thus pose additional cost to the City. He further continued to explain that there is also a long list of unfunded Capital Improvement Plan (CIP) projects that would have to compete with other funding sources if monies are diverted for undergrounding; that residents have the option of taking out a reverse mortgage, something the City of Manhattan Beach could facilitate as well; and pointed out that the City has adequate financial resources to implement this program per Council’s direction.

Finance Director Moe reported that the loan program is designed to assist residents in making annual assessment payments on twenty year bonds issued for improvements; that these payments would be delineated on the annual property tax bill; that interest would be added on an ongoing basis for the duration of the loan; and that repayment is due upon the sale or transfer of the property.

Finance Director Moe explained the specific criteria for the loan program, and noted that although the current recommendation is that the loan be payable upon the sale or transfer of the property, staff recommends a proposed loan term of 20 years, with the balance being due and payable at the end of that term. He stated that this reduces exposure to credit or interest rate risk as well as audit issues whereby the City may not get credit if the loan turns out to be uncollectible.

In response to Mayor Ward’s question about what the total amount would be over the life of the loan, Finance Director Moe directed Mayor Ward to review the two examples that were provided in the Staff Report, and advised that the total amount would be approximately three times the amount of the original assessment if the loan is deferred over 20 years. Finance Director Moe also stated that an extension of the 20 year loan can be considered by the Hardship Committee at the end of the term if necessary and also elaborated on the specifics of income qualifications, program incidental and support costs.

In response to Mayor Ward’s question about whether the interest rate would still apply after 20 years, Finance Director Moe advised that the Finance Assistance Subcommittee didn’t discuss this issue and that Council would have to decide on how to proceed.

Mayor Pro Tem Tell, along with Councilmembers Fahey and Montgomery discussed the feasibility of a maturity date if a Hardship Program is in place. City Manager Dolan and Finance Director Moe explained that it’s significant that reserves be documented on the books so that the loan is not open-ended. Councilmember Fahey asked if it would be feasible to include an automatic extension that could be built into the loan and Finance Director Moe answered that this would in fact put the City in a better financial position from an auditor’s standpoint.

Finance Director Moe respectfully asked Council to provide direction on the specificities of the funding program, including how much to allocate, how to manage competing demands, and what the funding methods would be.

Finance Director Moe concluded his presentation and stated that Staff recommends that Council approve the fact booklet and funds for producing/ mailing; approve the draft survey form and content; approve the timeline/schedule for survey outreach activities and mailing; discuss and provide direction regarding the proposed loan program; and discuss ways to determine demand for the program in Districts 1-3-5 and 2 & 6.

Mayor Pro Tem Tell explained that the Finance Assistance Subcommittee tried to make the program simple and accessible and reiterated that ultimately when you sell your home to someone else, the buyer bears the responsibility of the deferment program. He further indicated that the goal was to make the program available to those who are truly in need and could not afford the annual assessment or hookup costs.

In response to Councilmember Montgomery's question to the City being a guarantor for the proposed underground funding as well as the opportunity for future district funding, Finance Director Moe responded that there are resources available for the City to provide the funding; that Marks-Roos Bond Financing may also be available to allow districts themselves to fund future loans; and that this would also keep costs lower.

Councilmember Aldinger reiterated his understanding of the finance program in that once a resident needs financial assistance for an assessment, the money comes out of the City's General Fund, is then placed in a trust account, the assessment is paid on behalf of the resident, and the City eventually gets reimbursed after 20 years. Finance Director Moe concurred with Councilmember Aldinger and added that the parameters could change depending on whether or not the home was actually transferred or if a Hardship Extension was granted by the City.

Mayor Pro Tem Tell summarized that there are ways to provide the financing so that ultimately the cost isn't as high (i.e. if the City pays the cost up front, thus eliminating compounded interest, the City saves money and can then set some aside so that the City is protected and at the same time the resident is least impacted).

Councilmembers Aldinger and Mayor Pro Tem Tell discussed the implications of implementing a priority-type criterion for financing if the number of people requesting financing is too high.

In response to Councilmember Montgomery's query to City Attorney Wadden about the permissiveness of using public funds for undergrounding assessments, City Attorney Wadden stated that the use of funds is permitted if there's a public purpose and added that if the purpose is to facilitate undergrounding, then it is okay.

Mayor Ward expressed concern with open-ended financing and stated that it is very troubling that the children of current homeowners will possibly be faced with paying the assessment amounts 20 years from now.

Finance Director Moe explained that the Finance Committee discussed this issue, and it was decided that adult children on parents' home title or trust are in fact considered transfers for the purposes of the program presented by the Committee.

In response to Councilmember Montgomery's question with regard to the potential delay of utility undergrounding for District 13, Senior Civil Engineer Katsouleas explained that because the results of the proposed survey will probably not be available until August, construction of the undergrounding would be delayed until that time.

Mayor Ward commented that although the Fact Booklet had good information and is very "pretty", he emphasized that more focus should be placed on facts as opposed to attractiveness. In addition, Mayor Ward stated that he would like the material to read in a "left to right, top down" format. With regard to the Frequently Asked Questions section of the booklet, Mayor Ward stated that he would like answers to questions such as whether residents can opt out and the specific costs of the loans over time.

The following individuals spoke on this item:

- **Patricia Woolley, 700 Block of 8th Street, District 2**
- **Esther Besbris, 2nd Street**
- **Jim Irwin, 800 Block of Duncan Place**
- **Bob White, 700 Block of 10th Street**
- **Warren Rohn, 1000 Block of Pacific Avenue, District 10**
- **Bev Morse, No Address Provided**
- **Bill Eisen, 3500 Block of Crest Drive, District 13**
- **Brian Potter, No Address Provided**
- **Dennis Fitzgerald, 1100 Block of Ocean Drive, Districts 7 & 10**
- **Mickey Fine, 800 Block of 10th Street, District 10**
- **Mike Conrad, 600 Block of 29th Street**
- **Julia Tedesco, 300 Block of 31st Street, District 13**
- **Spud Monahan, 800 Block of Pacific Avenue, District 10**
- **Karen Frisch, 900 Block of John Street, District 10**
- **Bill Griffin, 1200 Block of 8th Street**
- **Bob Rupkey, 600 Block of 19th Street**
- **Cal Cameron, 600 Block of 11th Street, District 10**
- **Viet Ngo, No Address Provided**
- **Robert Bush, No Address Provided, District 9**
- **Dick Whilden, 100 Block of Poinsettia Avenue**
- **Ira Wallace, 300 Block of 18th Street**
- **Martha Andreani, No Address Provided**
- **Patrick McBride, 1400 Block of 5th Street**
- **Peter McNeil, 500 Block of 36th Street**
- **Ron Freshman, 6th Street**
- **Paul Gross, 1700 Block of The Strand, District 6**
- **Carleton Beck, 19th Street**
- **Joe Moore, 200 Block of Ardmore**
- **Marsha Carry, 26th and Rosecrans Avenue, District 13**
- **Steve Morse, 900 Block of 1st Street**
- **Irl Cramer, 900 Block of Dianthus**
- **Jan Dennis, No Address Provided**
- **Jon Chaykowski, 200 Block of John Street**
- **Frank Matranga, 2nd and Ardmore**

RECESS AND RECONVENE

At 9:04 p.m. the Council recessed and reconvened at 9:19 p.m. with all Councilmembers present.

Councilmember Fahey stated that the Fact Booklet was designed as a result of the consensus of the Financial Assistance Subcommittee and that this committee represented all sides of the undergrounding issue, all of which were well-represented.

Mayor Ward stated that he'd like to see an example of the total cost of the assessment over a 20 year period, as well as information on how to opt out of undergrounding if possible.

In response to Councilmember Aldinger's question about whether the Fact Booklet needed to be sent out to all districts since some of them have already begun the undergrounding process, Councilmember Fahey stated that since undergrounding is a city-wide process, it is important to send the Fact Booklet out city-wide.

MOTION: Councilmember Montgomery moved to approve the Fact Booklet with revisions to include a letter from Council explaining the accompanying survey, provide an example of the total cost of an assessment over a 20-year period, and that the costs for distribution of the booklet and survey will come from appropriated funds from Council Contingencies. 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.

Council continued its discussion with regard to the survey, and after further comments by all Councilmembers, the following motion was made.

MOTION: Councilmember Fahey moved to approve the proposed survey. The motion was seconded by Mayor Pro Tem Tell and passed by the following roll call vote:

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

The Council continued its discussion regarding approval of the Financial Assistance Program proposed by the Financial Assistance Subcommittee.

Mayor Pro Tem Tell, along with Councilmembers Fahey, Aldinger and Montgomery questioned the specifics of the proposed hardship exception and the financial implications to the residents and the City.

Mayor Ward agreed with Councilmember Aldinger's suggestion that the City outsource with a third party to oversee the financial process. Mayor Ward also stated that he'd like to see something in the financial analysis that includes provisions for medical expenses.

City Manager Dolan advised Council that staff can develop a preliminary application form with a letter explaining the options of the financial assistance program and provide the form to Council to review at the next Council meeting.

After further discussion, Council agreed to defer a vote on this issue until the next meeting.

06/0321.15 Consideration of a Resolution Conditionally Authorizing a Transfer of Control of the Cable Television Franchise from Adelpia Communications Corporation to Comcast Cable Holdings, LLC; an Assignment of the Cable Television Franchise by Comcast Cable Holdings, LLC to CAC Exchange I, LLC; and a Transfer of Control of CAC Exchange I, LLC from Comcast Corporation to Time Warner Cable, Inc

City Manager Geoff Dolan introduced the Staff Report and thanked the staff committee (composed of Deputy City Manager Sherilyn Lombos, City Attorney Robert Wadden and Finance Director Bruce Moe) for the tremendous amount of work they put into facilitating this franchise transfer.

Deputy City Manager Lombos reviewed the City's history with Adelpia explaining that they are in the 13th year of a 15-year Franchise Agreement with the City and that in June of 2002, Adelpia applied for bankruptcy. She reported that the City hired **John Risk of Communications Support Group** to help navigate through the highly regulated and complex process. She explained that in June of 2005, Time Warner submitted an application to transfer the City's cable franchise from Adelpia to Time Warner and that after a series of extensions culminating tomorrow, an agreement has been reached. Emphasizing that this transfer process is not the City's opportunity to renegotiate or add anything to the franchise, she stated that it is the City's opportunity to review the existing franchise and make sure that all requirements are in compliance prior to approving the transfer. She explained that, with the exception of providing web hosting services, Time Warner is required to honor all existing franchise requirements; that **Mr. Risk** and the staff committee find Time Warner to be financially and technically qualified to operate the cable franchise; and that \$32,000 in underpaid franchise fees and \$7,000 in late fees uncovered during audits was paid by Adelpia. She reviewed problems with Adelpia's past performance including their lack of providing the City with an annual subscriber survey and customer service standards, specifically related to telephone answer times. She explained that, after much discussion, a settlement of \$75,000 was agreed upon by all parties and that this settlement will release Adelpia from all outstanding issues of past performance and bring the franchise into compliance.

The following individuals spoke on this item:

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

MOTION: Councilmember Montgomery moved to receive and file the presentation and adopt Resolution No. 6023 authorizing a transfer of control of the cable television franchise from Adelpia to Time Warner Cable, Inc. 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.

RESOLUTION NO. 6023

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, CONDITIONALLY AUTHORIZING (1) A TRANSFER OF CONTROL OF THE CABLE TELEVISION FRANCHISEE FROM ADELPHIA COMMUNICATIONS CORPORATION TO COMCAST CABLE HOLDINGS, LLC; (2) AN ASSIGNMENT OF THE CABLE TELEVISION FRANCHISE BY COMCAST CABLE HOLDINGS, LLC, TO CAC EXCHANGE I, LLC; AND (3) A TRANSFER OF CONTROL OF CAC EXCHANGE I, LLC FROM COMCAST CORPORATION TO TIME WARNER CABLE INC.

ITEMS REMOVED FROM THE CONSENT CALENDAR

05/0705.16-3 Adoption of an Ordinance Approving Amendments to the Tree Preservation Regulations, Section 10.52.120 of the Zoning Code

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

No individual spoke on this item.

MOTION: Councilmember Fahey moved to adopt Ordinance No. 2082. 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.

ORDINANCE NO. 2082

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING AMENDMENTS TO THE CITY ZONING CODE (SECTION 10.52.120) TO REVISE THE TREE PRESERVATION REGULATIONS

06/0321.8 Consideration of Additional Cost Information for Contract with Vision Internet for Website Design Services Awarded by Council at the March 7, 2006 Meeting

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**

The Council received and filed the additional subject cost information.

06/0321.13 Uphold the Parking and Public Improvements Commission Recommendation to Deny a Request for an Encroachment Appeal at 2220 Alma Avenue & 2221 Vista Drive

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

The following individuals spoke on this item:

- **Wil Arvizo, 2200 Block of Vista Drive**
- **Alan Rachmiel, 2200 Block of Alma Avenue**
- **Earl Waggoner, 400 Block of 25th Street**
- **Jeanne Hickey, No Address Provided**
- **Paige Marid Arvizo, 2200 Block of Alma Avenue**

Following public comments, Engineering Assistant Gilbert Gamboa discussed the Staff Report and provided a brief presentation on the basis for upholding the Parking and Public Improvements Commission recommendation to deny a request for an encroachment at 2220 Alma Ave and 2221 Vista Drive.

After lengthy Council discussion the following motion was made.

MOTION: Councilmember Fahey moved to approve the encroachment permit for 2220 Alma Avenue and 2221 Vista Drive. 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

06/0321.26 Patrick McBride Re Renaming Parque Culiacan to Rosa Parks Park

Patrick McBride, No Address Provided, asked Council to revisit the issue of renaming Parque Culiacan to Rosa Parks Park.

After further discussion, Council determined that it was not appropriate to change the name of Parque Culiacan to Rosa Parks Park.

06/0321.27 Viet Ngo Re School Board Misuse of Public Funds

Viet Ngo, No Address Provided, accused Council of conspiring with the Manhattan Beach Unified School District in the misuse of public funds.

CITY MANAGER REPORT(S)

06/0321.28 City Manager Re Various Issues

City Manager Geoff Dolan provided an update to Council regarding the upcoming Boards & Commissions vacancies and asked Council if they wanted Staff to promote/advertise for these vacancies and inquired if Council was interested in holding interviews (which is tentatively scheduled this year for April 25, 2006, with Council appointments to be made at the 1st City Council meeting in May). He further stated that there are three vacancies plus one re-appointment.

After further discussion, Council directed Staff to advertise for the vacancies and stated that Council will decide on whether to conduct interviews individually or in a group based on the number of responses received.

With regard to the Library purchase, City Manager Dolan advised that he is still trying to push for the acquisition of the site, and is working with **Deputy Steve Napolitano** from Los Angeles County Supervisor Don Knabe's office. He reports that **Deputy Napolitano** is optimistic, and will continue to pursue this issue.

City Manager Dolan also reported that the Beach Cities Health District (BCHD) was approached by the City of Redondo Beach regarding a possible land swap to acquire an aquatic center in the Marina near the Seaside Lagoon in Redondo Beach. City Manager Dolan stated that he has spoken with BCHD Boardmember Walt Dougher, and that the City maybe interested in pursuing this venture. He also stated that there will be a hearing about this issue at the BCHD on March 29, 2006, and inquired if anyone was interested in attending.

City Manager Dolan also stated that BCHD Boardmember Dougher is challenging himself and the City Council to wear walking pedometers for one week in an effort to promote exercise and good health.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

THIS ITEM TAKEN OUT OF ORDER

06/0321.16 Request by Councilmember Montgomery to Consider Opposing the Wilshire Extension of the Red Line Subway

Councilmember Montgomery summarized the request by Los Angeles City Mayor Antonio Villaraigosa to build a \$5 billion dollar Wilshire extension to the MTA Red Line subway.

After further discussion by all Council and City Manager Geoff Dolan, Council agreed that the City would not take a position on this issue.

06/0321.29 Councilmember Aldinger Re Various Issues

Councilmember Aldinger reported that the Sister City is hosting a send off for the fire engine next Thursday if anyone is interested.

Councilmember Aldinger also stated that Santa Rosalia is constructing a new traffic circle and that they want to pay tribute to the City of Manhattan Beach for being their Sister City. He asked if anyone had ideas on what the tribute should be, to please let him know.

Councilmember Aldinger also announced that he attended the National League of Cities conference last week, and reported that there is a lot of lobbying going on with regard to franchise fees for cable. He advised that the City should revisit our contract for franchise fees since we may be losing them in 2008.

ADJOURNMENT

At 12:05 a.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, April 4, 2006, in said City.

SALLY OLIVER
Recording Secretary

MITCH WARD
Mayor

ATTEST:

LIZA TAMURA
City Clerk

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR MEETING
MARCH 21, 2006**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 21st day of March, 2006, at the hour of 6:00 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: Tell (Acting).

CLOSED SESSION

The Council recessed into Closed Session at 6:00 p.m. and moved to open session at 6:28 p.m.

During the conference to discuss the City Manager's Public Employee Performance Evaluation, City Manager Geoff Dolan was not present for some portions of the discussion.

ADJOURNMENT

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

NICK TELL
Recording Secretary

MITCH WARD
Mayor

ATTEST:

LIZA TAMURA
City Clerk