

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
REGULAR MEETING OF  
SEPTEMBER 6, 2005**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 6<sup>th</sup> day of September, 2005, 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: Tell, Aldinger, Montgomery, Ward and Mayor Fahey.  
Absent: None.  
Clerk: Tamura.

**CEREMONIAL ITEMS**

**THE FOLLOWING ITEM WAS TAKEN OUT OF ORDER.**

*05/0906.1b Presentation of Commendations to Nick and Doris Nickelson for their "Extraordinary Citizenship" in Working with Homeless Veterans and Children*

Mayor Fahey, on behalf of the Council, presented commendations to Nick and Doris Nickelson for their "Extraordinary Citizenship" in providing help to those in need through the Kenny Nickelson Foundation, named after their son.

Doris Nickelson explained that the Kenny Nickelson Foundation provides homeless Veterans, formerly homeless Veterans, needy children and after school programs with basic necessities as well as job training and legal aid. She encouraged those interested in helping to visit their web site at [www.knmf.org](http://www.knmf.org).

**COUNCIL RETURNED TO THE REGULAR ORDER OF THE AGENDA.**

*05/0906.1a Presentation of Commendations to the Reinstein Family for Their "Extraordinary Citizenship" in Helping to Educate the Public on Mesothelioma*

After announcing that, for health reasons, the Reinsteins were not able to attend tonight's Council meeting, Mayor Fahey explained how the family has worked to educate the public on the dangers of exposure to asbestos.

**CONSENT CALENDAR**

The Consent Calendar (Item Nos. 2 through 12), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Mayor Pro Tem Ward, seconded by Councilmember Aldinger and passed by unanimous roll call vote.

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

**GENERAL CONSENT**

05/0906.2 Consideration of the State Budget and Legislative Update from Shaw/Yoder, Inc., the City's Legislative Advocate

The Council received and filed the September Budget and Legislative Update from Shaw / Yoder, Inc.

05/0906.3 Approve Minutes of the City Council Adjourned Regular and Regular Meeting of August 16, 2005

The Council approved the subject minutes.

05/0906.4 Consideration of Financial Reports: Ratification of Demands - August 25, 2005

The Council approved with no exception Warrant Register No. 5B in the amount of \$2,656,869.22 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.

05/0906.5 Consideration of Letter to L.A. County Board of Supervisors Opposing Fees for Services Provided by County Sheriff's Office

The Council approved authorizing the Mayor to sign a letter in opposition to potential fees for services provided by the L.A. County Sheriff's Office (LASO).

05/0906.6 Award a Contract (\$268,941) for the Civic Center/Metlox Street Improvement Project to Alliance Streetworks, Inc.; Approve Supplemental Appropriation (\$81,000); and Update of Public Right-of-Way Projects

The Council approved a contract in the net amount of \$268,941 for the Civic Center/Metlox Street Improvement Project to Alliance Streetworks, Inc. and approved a Supplemental Appropriation of \$81,000 from the Gas Tax Reserves.

05/0906.7 Award a Professional Services Contract to Risk Management Professionals for the 2005 Urban Water Management Plan (UWMP) Update in an Amount Not-to-Exceed \$25,460

The Council approved the award of a professional services contract to Risk Management Professionals for the 2005 Urban Water Management Plan (UWMP) update in an amount not-to-exceed \$25,460.

05/0906.8 Approve Agreement with the County of Los Angeles Assigning Federal Surface Transportation Program Funds (\$154,000) to the County for Use on the Highland Avenue Overlay Project

The Council approved an agreement assigning the City's available Federal Surface Transportation Program funds (\$154,000) to the County of Los Angeles for use on the Highland Avenue Overlay Project and approved authorizing the City Manager to execute the agreement on

behalf of the City.

**BOARDS AND COMMISSIONS**

**Cultural Arts Commission**

05/0906.9 Consideration of Draft Minutes, Cultural Arts Commission Special Meeting of August 1, 2005

The Council received and filed the subject draft minutes.

05/0906.10 Consideration of Draft Minutes, Cultural Arts Commission Meeting of August 9, 2005

The Council received and filed the subject draft minutes.

**Planning Commission**

05/0906.11 Consideration of Action Minutes, Planning Commission Meeting of August 24, 2005

The Council received and filed the subject action minutes.

**Parking & Public Improvements Commission**

05/0906.12 Uphold the Parking and Public Improvements Commission Recommendation to Approve a Request for Street Light Addition Near the Property Line Between 609 & 613 35<sup>th</sup> Street

The Council approved the Parking and Public Improvements Commission recommendation to approve a request for a street light addition near the property line between 609 and 613 35<sup>th</sup> Street.

**COMMUNITY ANNOUNCEMENTS**

05/0906.19 Parks and Recreation Director Richard Gill Re Bench Unveiling

Parks and Recreation Director Richard Gill announced that this Sunday, September 11, 2005, at 4:00 p.m. an artistic bench will be unveiled at Culiacan Park in memory of Chad Keller who lost his life in the terrorist attacks on September 11, 2001.

05/0906.20 Parks and Recreation Director Richard Gill Re Arts Festival

Parks and Recreation Director Richard Gill announced that the Manhattan Beach Arts Festival will take place on Sunday, September 18, 2005, from 11:00 a.m. to 4:00 p.m. in the downtown area and welcomed everyone to attend.

05/0906.21 Councilmember Aldinger Re Adoption of the City of Pascagoula, Mississippi

Councilmember Aldinger announced that later in the evening Council will discuss the possibility of adopting the City of Pascagoula, Mississippi to help in recovery efforts in the aftermath of Hurricane Katrina.

05/0906.22 Mayor Pro Tem Ward Re Habitat for Humanity

Mayor Pro Tem Ward declared that, in regard to the recent hurricane, the greatest need will be the rebuilding of homes that were totally devastated. He encouraged those interested in helping the hurricane victims to contact Habitat for Humanity at (800) 422-4828 or to log on to their web site at [www.habitat-nola.org](http://www.habitat-nola.org).

05/0906.23 City Manager Geoff Dolan Re Assistance for Hurricane Victims

City Manager Geoff Dolan announced that as a result of the Federal Emergency Management Agency's (FEMA) request for assistance, the City of Manhattan Beach has sent two firefighter/paramedics to the hurricane disaster area. He also revealed that City employees have asked for the opportunity to cash out a portion of their vacation time to send to hurricane victims.

Stating that some employees may not want to give up vacation time, Mayor Pro Tem Ward inquired whether employees could contribute a cash donation through a payroll deduction.

Acknowledging Finance Director Bruce Moe's approval, City Manager Dolan responded that cash donation payroll deductions would also be permissible.

In response to Mayor Fahey's question as to whether Council could vote on this item, since it was not on the agenda, City Attorney Robert Wadden clarified that Council can direct staff on this issue tonight without the need for a vote.

The Council directed staff to set up the implementation of employee paycheck deductions for hurricane disaster relief as discussed.

05/0906.24 Mayor Fahey Re Donation by Senior

Mayor Fahey announced that she will be at the Manhattan Beach Seniors Villas this Friday, September 9, 2005, at noon, when the seniors present a check for \$1,200 to the American Red Cross for hurricane disaster relief.

05/0906.25 Mayor Fahey Re Golf Tournament

Explaining that the Manhattan Beach Mayor's Golf Tournament was started by former Mayor Linda Wilson last year, and that proceeds go to the Manhattan Beach Education Foundation, Mayor Fahey announced that this year's Tournament will once again take place at the Candlewood Country Club, in Whittier, on October 10, 2005. She related her understanding that there are still a few openings for those wishing to participate in the Tournament; that sponsors are still needed; that brochures are available; and that there is a link on the City's web site ([www.citymb.info](http://www.citymb.info)) for those who desire further information.

05/0906.26 Mayor Pro Tem Ward Re Youth Recognition Awards

Mayor Pro Tem Ward announced that applications are now being accepted for the 2005 Manhattan Beach Regional Youth Recognition Awards; that information is on the City's web at [www.citymb.info](http://www.citymb.info); and that related questions should be e-mailed to him at [mward@citymb.info](mailto:mward@citymb.info).

**PUBLIC HEARINGS**

None.

**GENERAL BUSINESS**

05/0906.13 Consideration of an Occupancy Agreement Between the Oceanographic Teaching Stations, Inc. (OTS) and the City for Use of a Portion of the Roundhouse Facility on the Manhattan Beach Pier

Deputy City Manager Sherilyn Lombos provided background information on the request from the Oceanographic Teaching Stations, Inc. (OTS) to use a portion of the Roundhouse facility on the Manhattan Beach Pier. She provided information on the success of the café operation, on the Pier, the lease for which is due to expire in 2009.

Pointing out that the Roundhouse is a very integral part of the Pier, Mayor Fahey questioned what would happen if OTS was to expand.

Oh behalf of OTS, **Judge Dick Fruin, 2200 Block of 18<sup>th</sup> Street**, explained the staffing and financial support provided to OTS. He indicated that OTS would be interested in acquiring additional space should the current café tenant decide to depart and that, should this occur, a donor has committed \$50,000 toward that effort; and that the outside space is needed for storage and displays. **Judge Fruin** assured Council that, should OTS be allowed to expand, the Roundhouse would remain as it currently is.

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

- **Al Cohen, No Address Provided**
- **Matt Friedman, No Address Provided**
- **Paul Bliden, No Address Provided**
- **Calle Turner, No Address Provided**

Council discussion included the possibility of the OTS occupying additional space on the Pier in the future and the success of the existing café tenant.

**MOTION:** Mayor Pro Tem Ward moved to approve the occupancy agreement with OTS for use of a portion of the Roundhouse facility of the Pier. The motion was seconded by Councilmember Aldinger and passed by the following unanimous roll call vote:

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

05/0906.14 Consideration of a Presentation by the Manhattan Beach Unified School District Task Force on Substance Abuse Prevention and Education

Noting that representatives from Manhattan Beach Unified School District (MBUSD) had not yet arrived, City Manager Geoff Dolan asked that consideration of this item be delayed until later in the meeting. MBUSD representatives arrived at this time and the item was considered in regular agenda order.

Members of the MBUSD Task Force on Substance Abuse Prevention and Education addressed Council with individual presentations as reflected below.

**Dr. Gwen Gross, MBUSD Superintendent, No Address Provided**, presented background input and an overview of MBUSD's Task Force on Substance Abuse Prevention and Education program.

**Dr. Kevin Kaiserman, USC Keck School of Medicine, No Address Provided**, explained why the Task Force was formed. He acknowledged the excellent leadership provided by **Dr. Gross** and urged the Council to adopt the Task Force's recommendations.

**Helen Codron, No Address Provided**, commented on the importance of community involvement in this program. She pointed out that this will be a continuing process; elaborated on the Task Force's recommendations; and asked for the Council's partnership in this effort.

**Dr. Rocky Wilson, No Address Provided**, highlighted MBUSD's efforts to provide a safe environment on high school graduation night. He emphasized the importance of working together as a community to help reduce substance abuse in MBUSD schools. **Dr. Wilson** expanded on the "Pupils Serving Pupils" program, for which he plans to serve as intervention advisor and trainer; the idea of making "Red Ribbon Week" more effective at the Mira Costa High School (MCHS) level; the efforts to develop a "narcotics anonymous" center on the MCHS campus; the "safe space" program provided by parents in supervising parties at their homes; and the parenting programs offered at MCHS.

**Gary Wayland, No Address Provided**, explained the voluntary drug testing process, as well as the efforts to improve it, the type of drugs for which students are tested, and the Athletic Foundation's sponsorship of the program. **Mr. Wayland** also spoke of the recommendation to designate one person as the first contact at the school site for those having substance abuse issues, which would be sponsored over the coming year by the Manhattan Beach Education Foundation. He clarified that the testing will be at random intervals without any notification and that the names of those to be tested are randomly selected by the designated laboratory, which is highly regarded.

Mayor Fahey asked for clarification on the philosophy behind voluntary drug testing.

**Dr. Gross** explained that the United States Supreme Court has not allowed school districts to require mandatory drug testing for students or athletes, and that legal counsel has advised the Substance Abuse Prevention and Education Task Force that drug testing for participation cannot be mandated.

There were no public comments on this item.

The Council discussed the specifics and success of MBUSD's efforts to achieve safe and substance-free festivities on high school graduation night; the proposed procedures for substance testing; the philosophy behind voluntary versus mandatory substance testing for athletes; the idea of a "scared straight" program for students at risk; the idea of an intervention program for parents known to allow substances at student parties in their homes; and the idea of discouraging parents to allow student parties in their homes rather than encouraging them to provide "safe space" at parties in their homes.

Mayor Fahey indicated that she could support mandatory (not voluntary) substance testing for athletes; emphasized the importance of providing safe space for kids; voiced her wish that a community-type environment could be offered; and highlighted the importance of approaching this matter as a community and in a loving way.

Mayor Pro Tem Ward related his support for discouraging parents to allow student parties in their homes, rather than encouraging them to provide safe space.

Councilmember Tell stated his agreement with a community-based approach to substance abuse prevention and pointed out that, in hopes of broadening awareness, the City could consider expanding on the various substance abuse prevention issues that MBUSD does not deal with. He entertained the idea of utilizing some City community centers on weekends as a safe space, however, cautioned that an effort should be made to determine if such a place would be utilized.

In response to Councilmember Montgomery, **Dr. Gross** indicated that while this program is not currently posted on the MBUSD website, it will be posted shortly, and then it can also be linked to the City's website as well.

Councilmember Aldinger noted that the Manhattan Beach Police Department could provide some substance abuse prevention services to parents of MBUSD students.

**Dr. Gross** thanked the Council and recognized **Manhattan Beach Middle School Principal Carolyn Seaton** and **Mira Costa High School student Colin Holtzinger** for their efforts on this program.

Mayor Fahey related the Council's clear acceptance of the invitation to partner with MBUSD's Task Force on Substance Abuse Prevention and Education and identified that, with Council consensus, she and Councilmember Tell will represent the Council in discussions with the Task Force in the near future.

#### **RECESS AND RECONVENE**

At 7:50 p.m. the Council recessed until 8:05 p.m., when the meeting continued with all Councilmembers present.

05/0906.15 Consideration of a Status Report of the Transfer of the Cable Franchise from Adelpia Communications to Time Warner Cable, Inc. and Resolution Accepting for Purposes of Review the FCC Form 394 Submitted by Time Warner and Authorizing the City Manager to Deny the Transfer Application Without Prejudice

The staff report was given by Deputy City Manager Sherilyn Lombos, who noted that this item is not an opportunity to re-negotiate the franchise, but to bring various items into compliance.

**John Risk, Communications Support Group Inc.**, provided background information on the transfer of the City's cable franchise from Adelpia Communications to Time Warner Cable, Inc, including the timeline associated therewith. He advised that simple operational questions asked of Time Warner have not yet been answered, leading to the City's conclusion that Time Warner's application is incomplete as of this time and that the 120-day approval period regarding Form 394 has not yet begun; however, it is Time Warner's contention that the 120-day approval period began on June 14, 2005, and will expire on October 14, 2005. He explained that, should the City not act to deny or approve the transfer, it will automatically be approved; that Resolution No. 5996, before the Council tonight, would give the City Manager the authority to deny the transfer application without prejudice; and that the City must assure that Time Warner has the legal qualifications to operate the system. He continued explaining that additional information is needed with regard to the exchange agreement process between Comcast and Time Warner; that Time Warner has not demonstrated a full understanding of the City's cable franchise; that most of Time Warner's channels are comparable to Adelpia's; that residents will not lose any cable

services in that the franchise agreement is not being renegotiated; and that Communications Support Group will submit a report to the City on their observations and investigations when it comes time to grant an approval of the transaction.

Council discussed the type of service that will be offered by Time Warner, including anticipated rates and if HBO will be included.

In regard to Mayor Fahey's question regarding whether Time Warner would reinstate HBO as part of a residential package at no cost, **Mr. Risk** related that he will obtain information regarding Time Warner's plans concerning HBO.

In response to Mayor Pro Tem Ward's questions regarding competition, internet speeds and tiered billing, **Mr. Risk** clarified that Time Warner does not plan to offer fiber optic directly to the home, but Adelphia is further enhancing its fiber optic platform and anticipating competition from Verizon; that Adelphia currently offers two speeds for two different prices, and Time Warner has similar pricing and marketing; that Time Warner will most likely offer competitive pricing for internet speed; and that an answer from Time Warner regarding some type of migration plan is pending.

Councilmember Aldinger pondered whether cable rates will be reduced as a result of the merger.

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

- **Bill Victor, No Address Provided**
- **Patrick McBride, No Address Provided**

**Mr. Risk** advised that a document submitted by Time Warner contains language stating that, because of their sheer size, it will be possible to more favorably negotiate program contracts and that rates will not be increased initially.

City Attorney Robert Wadden advised that bankruptcy termination provisions have been declared unenforceable by the courts and, therefore, the contract with Adelphia Communications cannot be terminated and that, unless it can be shown that Time Warner does not have the operational sophistication or financial responsibility to operate the system, they must be accepted by the City as the transferee.

Councilmember Tell noted the importance of obtaining answers to the many unanswered questions in order to make certain that Time Warner will be able to provide the services and adhere to the contract provisions.

**Mr. Risk** verified that the reasoning behind a denial of the agreement, without prejudice, is to hold the 120-day approval period with the idea of seeking an extension of a mutual agreement (as was the case in 1999 with Adelphia). He went on to explain that the franchise agreement expires in May of 2008; that the three-year renewal window has begun; and that during this process, the City will be given the opportunity, under Federal Law, to renegotiate the franchise agreement with Time Warner.

**MOTION:** Councilmember Aldinger moved to receive and file the status report on the proceedings associated with the transfer of the cable franchise from Adelphia to Time Warner and adopt Resolution No. 5996, accepting for purposes of review, FCC Form 394 submitted by Time Warner, and approve authorizing the City Manager to deny the transfer application without prejudice. The motion was seconded by Mayor Pro Tem Ward and passed by the following unanimous roll call vote:

Ayes: Tell, Aldinger, Montgomery, Ward and Mayor Fahey.



Noes: None.  
Absent: None.  
Abstain: None.

**RESOLUTION NO. 5996**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ACCEPTING FOR PURPOSES OF REVIEW THE FCC FORM 394 SUBMITTED BY TIME WARNER CABLE, INC., RELATING TO A FRANCHISE TRANSFER AND AUTHORIZING THE CITY MANAGER THE AUTHORITY TO DENY THE TRANSFER APPLICATION WITHOUT PREJUDICE AND AGREE TO EXTEND THE APPLICATION REVIEW PERIOD**

05/0906.16 *Consideration of a City Council Work Plan Item to Review the Existing Traffic Mitigation Toolbox*

City Manager Geoff Dolan recalled that the review of the existing traffic mitigation toolbox was part of the Council's Work Plan discussions earlier this year.

Traffic Engineer Erik Zandvliet addressed Council with a PowerPoint presentation on the seven steps of the Neighborhood Traffic Management Program (NTMP), as well as potential revisions to the NTMP Toolbox (possible traffic calming measures that could be considered when preparing a comprehensive solution for identified traffic impacts within a neighborhood). He affirmed that all of the City's traffic management programs are presented for the Council's review.

With the aid of a video from the Portland Fire Bureau, Fire Chief Dennis Groat explained the Fire Department's concerns relative to some of the potential traffic mitigation measures (especially speed bumps, speed humps and speed tables) that could delay/impede the Department's ability to deliver emergency services. He related the Department's request that, prior to approving any additional NTMP devices, the existing NTMP tools be exhausted and the Fire Department's input be obtained. He verified that speed cushions would not damage Fire Department trucks, but could be a detriment to paramedic vehicles and ambulances.

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

• **Patrick McBride, No Address Provided**

The Council observed that many times traffic mitigation measures are used to reduce cut-through traffic and that measures such as speed bumps/humps could delay/impede emergency responses. Councilmember Tell related his vision during previous discussion that speed bumps/humps would be used around schools, and that they were not meant to be included in the traffic mitigation toolbox.

Mayor Pro Tem Ward stated his objection to including measures such as speed bumps/humps in the traffic mitigation toolbox and questioned why they would be included since they could be used in very few areas; however, he supported placing them around schools. He also disagreed with using brighter pedestrian crossing signs or additional paddle signs.

Mayor Fahey voiced her opinion that it would not make sense to install speed bumps/humps around Pennekamp or Grandview Schools because traffic problems there are only during pick-up and drop-off times and utilizing a crossing guard is being considered. She also stated that she could not agree with any measures that delay emergency responses.

Councilmember Aldinger indicated that he could agree with installing speed bumps/humps only if the area residents do not oppose them.

Council concurred with the NTMP Toolbox Proposed Potential Revisions regarding Pedestrian Crossing Paddle Signs, Warning Signs & Markings on Existing Poles, the Crosswalk Warning Light System and also agreed that the Speed Awareness Signs should remain a Level 1 Measure. Council disagreed with the NTMP Toolbox Proposed Potential Revisions regarding Speed Humps/Speed Cushions and Electronic & Lighted Signs.

Mayor Pro Tem Ward and Councilmember Aldinger disagreed with adding brighter or additional signs under Warning Signs & Markings.

Council thanked Traffic Engineer Erik Zandvleit for all his hard work and dedication and also thanked Fire Chief Dennis Groat for his informative presentation on Speed Humps/Bumps/Cushions.

05/0906.17 Approval of Contract Agreement with Southern California Edison and Authorize Payment of \$1,102,147.00 for the Rosecrans Gateway Utility Undergrounding Project

City Engineer Dana Greenwood presented a PowerPoint presentation on the continued process of undergrounding utilities on the south side of Rosecrans Avenue between Sepulveda Boulevard and Aviation Boulevard, the subject portion of which includes the area between the Market Place and Gateway Shopping Centers. He noted that this project is closely tied to the upcoming Aviation/Rosecrans intersection project, in that undergrounding of these utilities would allow for the widening of a portion of the south side of Rosecrans Avenue from just east of the Gateway Shopping Center going west to Redondo Avenue; that this portion of the contract is for the transmission lines only; that the total project contribution of \$1,102,147, as of this time, (less the \$80,000 design credit) is an estimate that could change as a result of ever-increasing construction costs; and that the ordering of the terminal pole for this project, which will take approximately one year to receive, is a critical path item. City Engineer Greenwood outlined the amounts currently pledged toward the project by various funding sources.

Mayor Fahey related her impression that, once they provided it to the City, Southern California Edison would be locked into the project cost.

Council expressed concerns over the financial obligations associated with the project, including the increasing costs related thereto, and commented on the traffic congestion on the Rosecrans corridor.

City Manager Geoff Dolan clarified that the project bid is firm for 120 days; however, due to the year-long lead time to acquire the transmission pole, etc., it is a “best estimate,” and not a firm bid. He explained that, should the final costs be “out-of-line”, Council would have the opportunity to offer input on several alternatives.

City Attorney Robert Wadden advised that, should the City decide not to proceed with this project, it would be necessary for the City to reimburse any funds deposited by the various funding sources.

City Engineer Greenwood related his uncertainty as to what would happen to the grant funds for this project should the City decide not to proceed and, instead, move the existing utility poles. He clarified that the intersection of Douglas Avenue and Rosecrans Avenue is to be modified with part of the grant funds.

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

- **Bill Victor, No Address Provided**
- **Karol Wahlberg, Manhattan Beach Resident**

Council commented on the traffic congestion on the Rosecrans corridor.

City Manager Dolan advised that competitive bids for this project can be obtained. Relating his appreciation of the foresight and planning efforts that have thus far gone into this project, he observed that this is an example of a very long-term project whereby some of the policies and decisions were carried out by previous City Councils.

Mayor Pro Tem Ward expressed his appreciation of the various monetary donations toward this project, as well as the efforts to modify the Rosecrans corridor to better accommodate traffic.

**MOTION:** Councilmember Aldinger moved to approve the contract agreement with Southern California Edison (SCE) for the Rosecrans Gateway Utility Undergrounding Project and authorize a payment in the amount of \$1,102,147 for construction services. The motion was seconded by Councilmember Montgomery and passed by the following unanimous roll call vote:

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

05/0906.18 Approval of Final Language for Previously Approved Addendum to Change Order No. 32 and a Contract Amendment with Swinerton Builders for Construction of the Police & Fire Facility

City Manager Geoff Dolan explained that this item is the ratification of a policy decision made at the last Council meeting; that it reconciles delays that occurred prior to August 1, 2005; that, as of August 1, 2005, establishes the project completion date of October 31, 2005; and that it allows the City to determine when substantial completion occurs. He indicated that a project schedule update and forward-looking budget will be provided as part of the project status report to be presented at the next Council meeting.

Council expressed frustration with the delays in the project schedule.

Councilmember Tell recommended that the agreement with Swinerton be amended to include float days.

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

- **Bill Victor, No Address Provided**
- **Viet Ngo, No Address Provided**

**MOTION:** Mayor Pro Tem Ward moved to approve the final language for the previously-approved addendum to Change Order No. 32 and a contract amendment with Swinerton Builders for construction of the Police and Fire Facility. The motion was seconded by Councilmember Montgomery.

Mayor Pro Tem Ward discussed that, over and above the project schedule, his primary concern is that the project be completed within the project budget, and that Change Order No. 32 in the amount of \$160,025 provides for definitive items.

Councilmember Aldinger voiced his concern that there appears to be no accountability for the project scheduling and that the project costs could go well beyond the budget.

Councilmember Tell highlighted the importance of staying abreast of the project schedule.

Stressing the importance of moving forward, Councilmember Montgomery supported the contract amendment language and the addendum to Change Order No. 32.

Mayor Fahey called for the vote.

**MOTION:** Mayor Pro Tem Ward moved to approve the contract amendment language to the agreement between Swinerton Builders and the City as well as the language of the addendum to Change Order No. 32 which was approved by the City Council on August 2, 2005. The motion was seconded by Councilmember Montgomery and passed by the following unanimous roll call vote:

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

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

None.

**AUDIENCE PARTICIPATION**

05/0906.27 Viet Ngo Re Alleged Misuse of Public Funds

**Viet Ngo, No Address Provided**, alleged that the City Council and City Treasurer, both present and past, as well as the City Manager, have accepted for their own personal use monies earmarked for public use. He urged them to return these funds and send them to the victims of Hurricane Katrina.

05/0906.28 Ken Manire Re Dog License Renewals

**Ken Manire, Voorhees Avenue**, voiced his frustration with the City's dog license renewal procedures, explaining that, because his dog's rabies vaccination did not coincide with the renewal period, he had to make several trips back and forth between the City and his veterinarian.

Mayor Fahey concurred with Mr. Manire that the process may need some modifications.

City Manager Geoff Dolan stated that staff will look into these issues and report back to the City Council.

05/0906.29 Patrick McBride Re Seniors

**Patrick McBride, No Address Provided**, addressed Council with his concern regarding senior services in Manhattan Beach, stating that they are far below those in neighboring cities such as Redondo Beach and Torrance. He pointed out that both Redondo Beach and Torrance have multiple senior centers, listed their many additional senior services and stated that information regarding seniors can be found at the following web site: [www.la4seniors.com/south\\_coast\\_cities.htm](http://www.la4seniors.com/south_coast_cities.htm).

Council held a brief discussion with City Manager Geoff Dolan and concurred to bring the issue back before the City Council.

05/0906.30 Karol Wahlberg Re Various Issues

**Karol Wahlberg, No Address Provided**, stated her pleasure with Manhattan Beach having identified a city to help that was devastated by Hurricane Katrina. She questioned whether the City could also adopt a family in need and get photographs of the specific people that residents will be contributing to. **Ms. Wahlberg** emphasized that an immediate need for the Hurricane victims is school supplies and school uniforms and that they will also need warm clothing soon. She suggested adding additional collection points for supplies and donations.

**Ms. Wahlberg** related her understanding that several homes on the Strand were recently sprayed with graffiti. She observed that there appears to be a "gang" presence in the area late at night and questioned whether the City has enough police.

05/0906.31 Bill Victor Re Various Issues

**Bill Victor, No Address Provided**, concurred with **Ms. Wahlberg** that there has been an increase in gang activity along the Strand.

**Mr. Victor** shared that, in the City where he lives on the east coast, there are two senior centers and he contended that Manhattan Beach should support its seniors better.

In conclusion, **Mr. Victor** stated that the City should have taken more of a proactive stance against Vanir Construction Management (the City's construction management company for the Police & Fire Facility Project), and that, because the City didn't, he and another group will be investigating and possibly bringing an action against them.

05/0906.32 Rena Taylor Re Seniors

**Rena Taylor, No Address Provided**, reiterated many of the same comments made earlier concerning senior citizens. She stressed that seniors need a place of their own where they can feel comfortable and safe.

05/0906.33 Melan McBride Re Seniors

Explaining that the two current senior groups in Manhattan Beach are independent clubs, **Melan McBride, 5<sup>th</sup> Street and Peck Avenue**, stressed that the City needs to make a concerted effort to create programs for seniors.

**CITY MANAGER REPORT(S)**

05/0906.34 City Attorney Re Arias vs. Coastal Commission Lawsuit

City Attorney Robert Wadden announced that the City prevailed in the Court of Appeals' case of *Arias vs. the Coastal Commission*, the last of three challenges related to the Metlox development.

**OTHER COUNCIL BUSINESS & COMMITTEE REPORTS**

05/0906.21 Councilmember Aldinger Re Adoption of the City of Pascagoula, Mississippi  
(Continued from Community Announcements)

Mayor Fahey asked if the proposed proclamation would be facilitating residents' desires to participate in aiding victims of Hurricane Katrina, or if it would involve City staff as more than just facilitators. She stated that, if she had more information, she would be more inclined to further consider adopting a City to aid in the relief efforts from Hurricane Katrina.

Councilmember Aldinger voiced his opinion that this would be like the Sister City Program on a somewhat temporary basis; that it would be an official recognition of a facilitation mechanism for residents to help the citizens of Pascagoula, Mississippi recover from the Hurricane; and that no City funds or staff time would be expended in this effort.

Mayor Pro Tem Ward highlighted the need for additional information prior to adopting a city suffering from the effects of Hurricane Katrina and expressed concern over creating an effort that will involve staff resources. He further indicated that should the Council decide to adopt the proposed proclamation, he recommended that it be modified to include, "The City of Manhattan Beach encourages its residents to do whatever is necessary to help the residents of Pascagoula."

Stating her general agreement with the idea of adopting a city, Mayor Fahey asked if it would be appropriate to adopt the City of Pascagoula without taking input from the public (such as the Sister City Committee) about other potential cities to be adopted. She questioned if the word "adopt" might be too strong and observed that the proclamation could recognize and congratulate the residents of Manhattan Beach for "We Care from the California Coast to the Gulf Coast" and their on-going commitment to the City of Pascagoula, without saying anything about adopting the city.

Councilmember Aldinger supported the idea of adopting more than one city and shared background information on how the proposed proclamation came to light, noting that one purpose was to encourage other coastal south bay cities to adopt a city along the Gulf Coast. He favored the inclusion of the wording "adopt;" related his impression that this would be a

volunteer effort; shared his vision that this would be an on-going effort to help the City of Pascagoula; and emphasized that this effort should be from one City Council to another. Councilmember Tell generally supported the proposed proclamation with modified wording to broaden the scope and reflect the City of Pascagoula as the first of many cities the City of Manhattan Beach hopes to identify in order to help the Gulf Coast recover from Hurricane Katrina. As an alternative, he mentioned that the proclamation could include wording to congratulate residents for this program to adopt the City of Pascagoula.

Providing additional background information on the proposed proclamation, Councilmember Montgomery related his impression that this would clearly be a private effort by residents, not the City, and confirmed that, regardless of the outcome of the proposed proclamation, he intends to travel to Pascagoula on a personal level to deliver goods collected.

While staff would not object to providing assistance toward this type of effort, City Manager Geoff Dolan advised that this type of effort would definitely involve staff resources.

Having had much experience in relief efforts, Fire Chief Dennis Groat pointed out that the Federal Emergency Management Association (FEMA) is now in place and is addressing needs resulting from Hurricane Katrina. He cautioned that independent efforts are good as long as they supplement, and don't confuse the main effort, and noted that, based on a formal FEMA request for specific needs; the City of Manhattan Beach is sending two firemen to the Gulf Coast.

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

- **Karol Wahlberg, No Address Provided**

City Manager Dolan advised that the International City/County Managers Association (ICMA) has set up a system for a Sister City type program through FEMA.

Mayor Fahey expressed her preference for an evaluation from FEMA and feedback from someone who has traveled to the area prior to adopting a city. She stated her concern over using the term "Sister City," as Manhattan Beach already has one.

Councilmember Tell suggested to delete paragraph 4 (WHEREAS, the City of Manhattan Beach and its residents will do whatever they can to help the residents of Pascagoula in the foreseeable future); and modify paragraph 5 to read, "NOW, THEREFORE, BE IT RESOLVED, that I, Joyce Fahey, Mayor of the City of Manhattan Beach, California, on behalf of the City Council congratulate its residents for this program and the residents' decision to adopt The City of Pascagoula, Mississippi".

There was a consensus of the Council to approve the proclamation "We Care: From the California Coast to the Gulf Coast" as modified.

The Council agreed that representatives from the public should be invited to give a presentation at a future City Council meeting on why Manhattan Beach should adopt a city to aid in Hurricane Katrina relief efforts along the Gulf Coast. Parties interested in contributing to the efforts should call (310) 251-4398 and/or access information on the City's website at [www.citymb.info](http://www.citymb.info).

**ADJOURNMENT**

At 11:04 p.m. the City Council asked for a moment of silence for the countless victims of Hurricane Katrina and those who are working tirelessly in the rescue and recovery efforts.

At 11:05 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, September 20, 2005, in said City.

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

\_\_\_\_\_  
JOYCE FAHEY  
Mayor

ATTEST:

\_\_\_\_\_  
LIZA TAMURA  
City Clerk



**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
ADJOURNED REGULAR MEETING  
SEPTEMBER 6, 2005**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, scheduled for the 6<sup>th</sup> day of September, 2005, at the hour of 6:00 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City, was cancelled.