

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
APRIL 19, 2005**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 19th day of April, 2005, at the hour of 6:31 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Wayne Powell led the pledge of allegiance.

Mayor Fahey announced that Wayne Powell is a current commissioner. She further indicated that if other commissioners are interested in leading the pledge of allegiance, please contact the City Clerk's office.

ROLL CALL

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

CEREMONIAL ITEMS

05/0419.1 Presentation of "Sensational Senior" Commendation to Ramona Eagles

Mayor Fahey, on behalf of the Council, presented a certificate of commendation to 91 year old Ramona Eagles for being a "Sensational Senior" and a long time Manhattan Beach resident.

Mrs. Eagles then presented Police Captain Dale Reissig with a photograph, taken in 1938, of the Mayor, members of the City Council and Police Department Staff, including her husband Police Captain Harold M. Eagles.

05/0419.2 Presentation of Commendation to Patty Bundy for her "Extraordinary Citizenship" in Running the Blood Drive at Pacific School

Mayor Fahey, on behalf of the Council, presented Patty Bundy with a commendation for her "Extraordinary Citizenship" in running blood drives at Pacific Elementary School.

05/0419.3 Presentation of Commendation to Joshua Gilman on Attaining the Rank of Eagle Scout

The Council presented a certificate of commendation to Joshua Gilman in recognition of attaining the rank of Eagle Scout.

05/0419.4 Introduction of New Employees, Employee Promotions and Service Awards

The Council and Public Works Director Neil Miller introduced Public Works Inspector Lee Morlet and Meter Repair Worker Hugo Munoz.

The Council and Community Development Director Richard Thompson introduced Building Inspector Anthony Ortega and presented Employee Service Awards and Service Pins to Senior Planner Rosie Lackow for 25 years of service and to Associate Planner Daniel Moreno for 20

years of service to the City.

The Council and Fire Chief Dennis Groat recognized Frank Chiella on his recent promotion to the position of Fire Battalion Chief and Derek Edmonds on his promotion to Fire Captain and also presented an Employee Service Award and Service Pin to Fire Battalion Chief Ken Shuck for 25 years of service to the City.

Fire Chief Groat announced that a new employee, Firefighter/Paramedic Jeffrey Mickle, was scheduled to be introduced but was unable to attend the meeting due to an emergency.

The Council and Police Captain Dale Reissig presented an Employee Service Award and Service Pin to Police Lieutenant Andrew Harrod for 30 years of service to the City.

The Council and Parks and Recreation Director Richard Gill introduced Park Services Enforcement Officer Brent Malatesta.

The Council and Finance Director Bruce Moe presented an Employee Service Award and Service Pin to Account Services Representative I Judy Scott for 15 years of service to the City.

Councilmember Aldinger then stated that the following individuals who were unable to attend should also be recognized: Police Community Services Officer Lewis Mosher for 20 years of service; and Police Officers Stephanie Martin and Ryan Small for their 15 years of service to the City.

05/0419.5 *Presentation of Commendation to Parks and Recreation Services Manager Idris Al-Oboudi for Receiving the 2004 California Parks and Recreation Society Presidential Award*

The Council and Parks and Recreation Director Richard Gill presented a commendation to Idris Al-Oboudi for being selected as the recipient of the 2004 California Parks and Recreation Society Presidential Award.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 6 through 21), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Montgomery seconded by Councilmember Aldinger and passed by unanimous roll call vote with the exception of Item Nos. 11, 13 and 20 which were considered later in the meeting under *Items Removed from the Consent Calendar*.

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

GENERAL CONSENT

05/0419.6 *Approve Minutes of the City Council Adjourned Regular and Regular Meeting of April 5, 2005*

The Council approved the subject minutes.

05/0419.7 Consideration of Resolution Ordering Plans, Specifications, Cost Estimates and Engineer's Report for Annual Street Lighting Assessment

The Council adopted Resolution No. 5974.

RESOLUTION NO. 5974

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

05/0419.8 Consideration of a Resolution Appointing a Representative to the Independent Cities Risk Management Authority (ICRMA)

The Council adopted Resolution No. 5972.

RESOLUTION NO. 5972

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPOINTING A REPRESENTATIVE AND CONFIRMING THE ALTERNATE AND SUBSTITUTE ALTERNATE REPRESENTATIVES TO THE GOVERNING BOARD OF THE INDEPENDENT CITIES RISK MANAGEMENT AUTHORITY (ICRMA)

05/0419.9 Consideration of Financial Reports:
a) Ratification of Demands: April 7, 2005
b) Investment Portfolio for the Month Ending March 31, 2005
c) Financial Reports for the Month Ending March 31, 2005

The Council approved with no exception Warrant Register No. 21B in the amount of \$3,523,645.37 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, 2005; and received and filed the Financial Reports for the month ending March 31, 2005.

05/0419.10 Appropriation of Funds for One Previously Approved Police Parking Control Vehicle (\$24,740)

The Council approved the purchase of one previously approved police parking control vehicle and appropriated \$24,740 from the General Fund.

05/0419.11 Authorize the Expenditure in an Amount Not-to-Exceed \$13,125 to Outfit Police Motorcycles with AR-15 Patrol Rifles and Appropriate \$13,125 from Asset Forfeiture Funds

Item No. 11 was pulled from the “CONSENT CALENDAR”. Please refer to “ITEMS REMOVED FROM THE CONSENT CALENDAR.”

05/0419.12 This Space Intentionally Left Blank

05/0419.13 Award a Contract (\$76,990) for the Downtown Streetscape Slurry Seal Project to Pavement Coatings Co. and Approve Supplemental Appropriation (\$53,000) from Gas Tax Fund Reserves

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

05/0419.14 Reject Bids For City Hall Flat Roof Repairs and Authorize Staff to Negotiate a Change Order with Swinerton Builders to Complete City Hall Roof Repairs

The Council approved rejecting all bids for the City Hall Roof Repairs (flat area) and authorized staff to negotiate a change order with Swinerton Builders to complete all of the City Hall roof repairs.

05/0419.15 Pavement Management Program Data Project Update and Award of Professional Services Contract (\$21,995) to Stantec Consulting Inc.

The Council approved to award a professional services contract to Stantec Consulting Inc. in the net amount of \$21,995.

BOARDS AND COMMISSIONS

Library Commission

05/0419.16 Consideration of Draft Minutes, Library Commission Meeting of March 14, 2005

The Council received and filed the subject draft minutes.

Parking & Public Improvements Commission

05/0419.17 Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of March 24, 2005

The Council received and filed the subject action minutes.

05/0419.18 Uphold the Parking and Public Improvements Commission Recommendation to Approve a Request for Installation of a Centerline Stripe and Parking Stall Markings on Parkview Avenue

The Council approved the Parking and Public Improvements Commission recommendation to install a centerline stripe on Parkview Avenue between Village Drive and Market Place and install parking stall markings on the north side of Parkview Avenue between Village Drive and Market Place.

Planning Commission

05/0419.19 Consideration of Action Minutes, Planning Commission Meeting of April 13, 2005

The Council received and filed the subject action minutes.

05/0419.20 Consideration of a Planning Commission Decision to Approve a Request for a One-Year Time Extension for a Use Permit for Skecher's Proposed Office Development on the Property Located at 330 South Sepulveda Boulevard

Item No. 20 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

05/0419.21 Consideration of Planning Commission Recommendation to Approve a Use Permit Amendment to Allow Modification of an Outdoor Patio to Include Beer and Wine Service for an Existing Restaurant Located at 401 Manhattan Beach Boulevard

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

COMMUNITY ANNOUNCEMENTS

05/0419.27 Judy Scott Re Earth Day Celebration

Judy Scott, No Address Provided, announced that V.O.I.C.E. and the Parks and Recreation Department were sponsoring the 13th Annual Earth Day Celebration at Polliwog Park on Saturday, April 23, 2005 from 11:00 a.m. to 4:00 p.m.

05/0419.28 Councilmember Aldinger Re Boards and Commission Interviews

Councilmember Aldinger reminded the public that upcoming Boards and Commission Interviews will take place on Tuesday, April 26, 2005, and encouraged all those interested to apply.

05/0419.29 Councilmember Aldinger Re Public Utilities Commission Public Hearings

Councilmember Aldinger encouraged community business members and the public to attend the Public Utilities Commission Public Hearings on the 10 digit overlay dialing which are scheduled for April 26, 2005. He explained that the first hearing for public officials is at 10:00 a.m. in El Segundo and that the general public hearings are scheduled for 2:00 p.m. in El Segundo and 6:30 p.m. in Redondo Beach.

GENERAL BUSINESS

05/0419.22 Consideration of Fee Waiver Requests Associated with Non-Profit Special Events

Parks & Recreation Director Richard Gill presented the staff report explaining that the City developed and initiated a yearly application process for non-profit organizations conducting special events due to the requests for waivers of City fees and services. He explained that in January a Special Event Application was sent to each organization that conducted an event last year or expressed an interest in conducting an event for the upcoming year; that traditionally, the City has supported 10 non-profit events; and that several of the events have been conducted in the City for over 30 years. In conclusion Parks and Recreation Director Gill added that staff recommends that the fee waivers be continued for the coming year.

In response to Councilmember Ward's concerns about fee waivers being denied for the Lion's Club and Kiwanis Club requests, Parks and Recreation Director Gill stated that these requests were for items such as equipment rentals and facilities rentals rather than for "special events."

Councilmembers Aldinger and Tell concurred that whether the request is for facilities or labor, it's all dollars out of the City's budget and the question is whether it should be continued.

Mayor Fahey and Councilmember Montgomery both commented that these are yearly events celebrated by the City and the entire community benefits. Mayor Fahey went on to comment that she does see a difference between labor and facilities; that labor is Public Works, Fire and Police that help put on city-wide events that have become a tradition. Mayor Fahey further expressed concern that once facilities are made available without cost, it would set a precedent and be difficult and discriminatory to say "no" to organizations if the facility was vacant at the time of the intended use.

There was no public comment on this item.

City Manager Geoff Dolan agreed with Mayor Fahey that his recollection was that Council wanted to review these events on an annual basis; that Councils in the past made the decision to fund these events because they were community events and that this is the distinction that Council used in determining their policy.

Councilmember Aldinger stated that having been involved with many non-profit organizations, he finds it hard to differentiate between an organization that needs a facility versus an event.

Discussion continued on how the distinctions were made and if all events were non-profit. Councilmembers also questioned whether the City was given credit for the donations some organizations make after their events because a lot of the fee waiver costs are paying for organizations to give money to other groups.

Parks & Recreation Director Gill clarified that the reason this is before Council is that it is part of the budget process for next year.

City Manager Dolan interjected that, in previous years there was a non-profit rate in the schedule of fees, but Council decided to make fees fully funded. He further indicated that the schedule of fees is reviewed every year and a non-profit rate could become policy again.

In conclusion Mayor Fahey summarized that the consensus is that there is some desire to rethink this, but for now, to continue with the tradition these organizations have come to rely on for many years.

Council concurred to review this as a Work Plan item to make sure they are fair to all non-profit organizations.

MOTION: Councilmember Ward moved to approve the fee waivers for ten non-profit special events in 2005 and 2006 totaling \$162,659. 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.

05/0419.23 Consideration of a Recommendation from the Library Commission for Operating Improvements for the Manhattan Beach Library

Recreation Services Manager Mark Leyman, the Library Commission Staff Liaison, reported on the recommendations for operating improvements for the Manhattan Beach Library. He summarized that at the December 21, 2004 Council meeting, the City Council decided unanimously to purchase the library with the excess funds available to the City of Manhattan Beach; that the County's financial records indicate that Manhattan Beach residents paid approximately \$600,000 more in property taxes than it received in services; that these are the excess funds being used for the library purchase; and that negotiations are ongoing with the county in regard to this purchase.

Recreation Services Manager Mark Leyman further indicated that Council also said they would consider using a portion of the money for current library needs which the Library Commission has prioritized as follows: children's furniture (additional/replacement furniture for the children's area) \$7,000; programs (special events and educational programs for children and adults) \$8,000; general circulation materials for children (books, magazines, DVD's) \$15,000; and general circulation materials for adults (books, magazines, DVD's) \$20,000; for total operating improvement costs of \$50,000.

Council held a brief discussion about other priorities such as computers, wireless internet and whether or not the items purchased would belong to Manhattan Beach.

Recreation Services Manager Leyman responded that the above items are the immediate needs and that they will re-evaluate the long term needs.

Parks and Recreation Director Gill stated that the purchased items could be marked as property belonging to Manhattan Beach.

There was no public comment on this item.

Councilmember Aldinger commented that he is in favor of the Commission's recommendations because that's the purpose of having the commissions.

In response to earlier comments by Mayor Pro Tem Ward about wireless internet, City Manager Geoff Dolan said if it only cost \$90 the City would provide the wireless connection. He gave an update on the status of the purchase process of the library and the initial meeting with the County last week reporting that both parties have agreed to seek independent appraisals; that the County is trying to work through some legal issues; that this type of purchase (the land and the library) will be new for the County; and that it's going to take time to overcome some hurdles, but there is still complete commitment by the County Supervisor.

MOTION: Councilmember Ward moved to approve the Library Commission's recommendations for \$50,000 for operating improvement costs as identified above. 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.

04/0615.20-24 Review Language Alternatives for the Signage on the Strand

City Manager Geoff Dolan introduced Senior Civil Engineer Mike Guerrero who reviewed alternative signage proposals for the Strand. He explained that as directed by Council, staff worked with the sign vendor to have the background of the signage match the trash receptacles and to make the language more user friendly.

In response to Councils' questions about the circles on the signage, City Attorney Robert Wadden explained that the circles could be black instead of red; that it is rare to see signs without international symbols because it makes prosecution much easier; and that it makes enforcement more effective for the many people who do not read English.

Councilmember Ward acknowledged that he thought the signage was "warmed up" by adding "Welcome to Manhattan Beach," but there are still a lot of "don'ts" and that more positive reinforcements would be appropriate.

The following individuals spoke on this item:

- **Unidentified Speaker, No Address Provided**
- **Patrick McBride, No Address Provided**
- **Martha Andreani, No Address Provided**

In response to Councils suggestions to soften the language, City Attorney Wadden stated that if the language is too soft, it would not sound like a prohibition.

Mayor Fahey summarized the items Council agreed on: to eliminate "Please observe the following", to have black circles in place of red; to add "thank you for your co-operation"; and to have a background color to match the trash receptacles.

Hearing no objections, it was so ordered.

Council concurred to direct Senior Engineer Guerrero to bring the item back to a Council meeting for approval of the final language as there was not a consensus.

RECESS AND RECONVENE

At 7:58 p.m. the Council recessed and reconvened at 8:05 p.m. with all Councilmembers present.

05/0419.25 Authorize the Mayor to Sign a Letter in Response to Solicitation for Comments from the Water Replenishment District of Southern California Regarding Proposed Rules for Groundwater Storage Projects

Public Works Director Neil Miller presented a PowerPoint presentation on the conjunctive use of water in the West Coast Basin. He started with background information about Manhattan Beach's water situation explaining that about 85% of Manhattan Beach's water is imported; that it is surface water that comes from the Colorado River or from the California State Water Project; that ground water is also available to Manhattan Beach as well as in the Southeast Los Angeles County. He then explained about the water supply hierarchy of agencies for surface water; that the public agency created to develop water sources and projects and to bring them to southern California is the Metropolitan Water District (MWD); that Manhattan Beach does not buy their water from MWD, but from another agency called the West Basin Municipal Water District (WB); that the City of Manhattan Beach has the right to pump ground water; and that

these rights were granted through a judgment enacted many decades ago limiting the amount of pumping that can take place so the ground water supply is not over taxed. He conveyed that the City has 1,100 acre feet of pumping rights which means about 17% of the water is ground water, depending on how much water is imported; that many other cities depend much more on ground water; that the ground water is managed by a state wide agency named the California Department of Water Resources; that a sub-agency is the Water Replenishment District of Southern California (WRD); and that the third entity is the Water Master. He clarified that it is the Water Master's responsibility to keep track of the water rights; that this is an accounting function on behalf of the state.

Public Works Director Miller continued explaining that conjunctive use would mean that, theoretically, the City could buy water at a traditional price or on "sale" when there is seasonal water available; inject it into the ground, store it, pump it at a later time when the price goes up or during times of drought; therefore utilizing it as an asset.

In response to Councilmember Aldinger's comments, Public Works Director Miller remarked that the City does have a well equipped to pump or inject, but because of the adjudicated rights allowing the City to only pump a certain amount of water, even though there is available storage, the City can not buy or store additional water and that this is true of all of the other pumpers in the area. He further explained that Courts only allow the City the right to pump what they own; that there is a fixed amount of rights; and that the City tried recently to buy additional pumping rights and lost the bid.

Public Works Director Miller expanded on earlier comments by stating that until the judgment is amended to allow more rights, conjunctive use will not occur; that the agencies want to apply for State Grant Funds to build projects that take advantage of available space; that the state has said there must be regional cooperation and support; that the State set up a facilitator in 2003; that the City of Manhattan Beach has supported that process; that there has been closure on many issues and a few key issues are still to be resolved including who has right to that space; that the WRD believes as a public agency it has the right to be the rule maker for the available space; and that the pumpers don't believe that the WRD has that right and that it is open for discussion as to how it is allocated.

Public Works Director Miller added that these recent developments are the reason for the letter the WRD has sent; that the WRD has broken out of the process; that the WRD believes they have the authority to go on with their own set of rules; that they have the support of several large pumpers and direct member agencies; and that they hope to get some of the grant projects started.

In conclusion Public Works Director Miller stated that rather than support the WRD's position, staff is suggesting that the "rule making" and the "discussions" are not finished in the facilitated process and are asking the WRD to go back to that process or at least take it to a point of logical conclusion; and that all parties agree to not meet any more, agree what the next step should be, which would be some form of mediation, or take the issues to an administrative law judge.

In response to questions from Council, Public Works Director Miller stated that the impact of the letter is uncertain; that the state asked for comments; and that the letter will be on record with the Water Replenishment District.

City Attorney Robert Wadden responded to Mayor Fahey's question about mediation by stating that any mediation depends on voluntary participation.

There was no public comment on this item.

City Council Meeting Minutes of April 19, 2005

MOTION: Mayor Pro Tem Ward moved to approve authorizing Mayor Fahey to execute a letter in response to a solicitation from the Water Replenishment District of Southern California regarding proposed interim rules for ground water storage projects. The motion was seconded by Councilmember Aldinger and approved by the following unanimous roll call vote:

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

05/0419.26 Consideration of the Police & Fire Facility / Metlox / Public Improvements Project Status Report and Disbursement of Progress Payment #13 in the Net Amount of \$1,147,455 to Swinerton Builders

Deputy City Manager Sherilyn Lombos addressed Council with an update on the Police & Fire Facility / Metlox / Public Improvements Project explaining the options for information about the project, including: the City's website, construction hot line, Construction Issues Committee, construction newsletter and that she is available to anyone for discussion. She reported that the project is 47% complete and paid for; that less than 2% has been added to the construction contract in change orders; that by the end of next week scaffolding will be up around the entire project; that the contractor is still approximately 2 months behind schedule; that there are some weather delay requests in process; and that the project management team will review these requests, and present their analysis to the subcommittee who's recommendation will be presented to the Council. She then gave an update on the Metlox Project commenting that plastering, wall and roof finishes are continuing "full speed ahead"; that permits have been issued for several tenants; that other tenants have submitted plans for review; and that targeted completion still remains for the summer of this year.

There was no public comment on this item.

MOTION: Councilmember Tell moved to receive and file the Police & Fire Facility / Metlox / Public Improvements Project Status Report and approve issuance of the subject progress payment. The motion was seconded by Councilmember Montgomery and approved 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

05/0419.11 Authorize the Expenditure in an Amount Not-to-Exceed \$13,125 to Outfit Police Motorcycles with AR-15 Patrol Rifles and Appropriate \$13,125 from Asset Forfeiture Funds

Councilmember Ward stated that he is in support of arming the motorcycles, but he pulled this item as he was concerned for the safety of the public because of the way the rifles are mounted in the pictures.

In response to the question, Police Captain Dale Reissig clarified that the photographs were examples of motorcycles from other cities; that the type of motorcycles chosen for the Police Department may dictate how the rifles are mounted; and that the Police Department would prefer to mount them on the side with the barrel facing down, giving the least profile

There was no public comment on this item.

MOTION: Councilmember Aldinger moved to approve authorizing an amount not-to-exceed \$13,125 to outfit Police Motorcycles with AR-15 Patrol Rifles; appropriate \$13,125 from Asset Forfeiture Funds; and stress the importance of the side mounting on the motorcycles. The motion was seconded by Montgomery and passed by the following unanimous roll call vote:

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

05/0419.13 Award a Contract (\$76,990) for the Downtown Streetscape Slurry Seal Project to Pavement Coatings Co. and Approve Supplemental Appropriation (\$53,000) from Gas Tax Fund Reserves

Councilmember Tell explained that he pulled this item because of his concern that costs are approximately three times what was originally budgeted; that it is being done for aesthetic purposes; and that he thought it was appropriate to consider if it was still something Council wanted to do.

Maintenance Superintendent Juan Price responded that the original request was driven by the Downtown Business and Professional Association to give a fresher appearance to the downtown and also because of the new Police / Fire / Metlox Project. He clarified that he used the best industry sources available at the time of the estimate; that the main reason the project is over budget is because of downtown congestion; that the contractors' are very "scared" of traffic control; that the price of oil is very volatile; and that the small scale of the project is also an issue.

In response to City Manager Geoff Dolan's remarks asking for clarification of the variety of items to be included, Maintenance Superintendent Price stated that the project will encompass light pole restoration; upgrading planters to add color, plus changing them on a quarterly basis; and crosswalk enhancements, such as high-end reflective tape were encompassed in this project.

Maintenance Superintendent Price further added that funding for the project will come from several different sources such as the Council Contingency, gas taxes and surplus from the operation budget. He also added that replacement of the "twinkle lights" to "up-lighting", which was using a lot of the maintenance budget, was included in this project.

Council held a brief discussion with Maintenance Superintendent Price concerning the type of slurry being used and the areas being paved. He explained that the slurry being used is of premium quality, that it lasts for 4 or 5 years; that paving was being done around the entire perimeter because the material is time sensitive; and that traffic control is still the biggest issue because the contractor is completely responsible for making sure the job is finished properly.

The following individuals spoke on this item:

- **Viet Ngo, No Address Provided**
- **Patrick McBride, no address provided**

MOTION: Mayor Pro Tem Ward moved to approve awarding a contract for the Downtown Streetscape Slurry Seal Project to Pavement Coatings Co. in the net amount of \$76,990 and approve a supplemental appropriation (\$53,000) from the Gas Tax Fund Reserves. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote:

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

05/0419.20 Consideration of a Planning Commission Decision to Approve a Request for a One-Year Time Extension for a Use Permit for Skecher's Proposed Office Development on the Property Located at 330 South Sepulveda Boulevard

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

The following individuals spoke on this item:

- **Bill Robinson, 1100 Block of Duncan Drive**
- **Peter Mow, Senior Vice President Real Estate and Construction, Skechers USA**

Council held discussion with Community Development Director Richard Thompson regarding **Mr. Robinson's** comments about Skechers' property maintenance. Community Development Director Thompson stated that this is the last extension; and that the City has limited authority to impose any new conditions.

City Attorney Robert Wadden commented that the City has limited authority but public nuisance issues could be dealt with through code enforcement.

Peter Mow, Senior Vice President Real Estate and Construction, Skechers USA explained that delays were caused by construction costs; that the project was bid three times; that costs are in excess of \$500 a square foot; that the original design was not cost effective; that the old building was not demolished sooner because they had office functions in the building; and that construction is scheduled to start in the summer of 2005.

In response to Mayor Fahey's questions about the neighbors, **Mr. Mow** reiterated that they were not able to tear down the building sooner because of office usage; that he would look for suggestions from the public; and that they were very responsive to cleaning up graffiti.

Mayor Fahey suggested that as "good neighbors", Skechers should hold a neighborhood meeting that is informative and interactive and to review the design of the building with the public.

Mayor Pro Tem Ward stated that the issue is "problematic" to him in view of the facts that the building is located on a prominent street, at a major location in our town; that a number of meetings with the public were held and the public "bought off" on the design; that Skecher's waited four years, now needs an extension; and that the earlier design elements are gone and it looks like two totally different projects.

Council further discussed their concerns including: the changes in the design of the building; the downside to denying the extension; the possibility of granting less than a one year extension; the estimated start of construction; and the need for the developer to be responsive to the neighbors.

City Attorney Robert Wadden responded to the questions about not extending the use permit and allowing less than a one year extension, stating that if the extension is not granted, that the conditional use permit expires, the whole process would have to start over and that Council does have the power to grant less than a one year extension.

MOTION: Councilmember Aldinger moved to approve the Planning Commission decision for a request for a sixth month time extension for a Use Permit for Skecher's proposed office development on the property located at 330 South Sepulveda Boulevard. The motion was seconded by Councilmember Tell and passed by the following roll call vote:

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

Mayor Pro Tem Ward noted for the record that his dissenting vote is due to the fact that he does not think that the original project findings remain.

AUDIENCE PARTICIPATION

05/0419.30 Viet Ngo Re Unlawful Contract

Viet Ngo, No Address Provided, addressed his remarks to Councilmembers Montgomery and Tell regarding the Metlox contract being illegal because it was a no bid contract.

05/0419.31 Patrick Mc Bride Re Clean Money Campaigns

Patrick McBride, No Address Provided, explained that clean money campaigns are publicly financed; that they require voluntary spending limits with no private donations; and that no money comes from ones own pocket. He emphasized that the last campaign bothered some residents because of the amount of money spent per vote (more than in federal campaigns). **Mr. McBride** further stated that he has incorporated some of the issues into his own proposal (which he distributed to Council) and asked for their feedback.

CITY MANAGER REPORT(S)

05/0419.32 City Manager Geoff Dolan Re Skechers' Project

City Manager Geoff Dolan stated that he had no report, just an observation, and stated that after years of working on the Police / Fire / Metlox Project, it's interesting to hear that the Skechers project is 5 years late; is \$500 a square foot; and way over budget. He further stated that the City's project is less than \$500 a square foot and more complex.

Mayor Fahey added "we're doing good."

OTHER COUNCIL BUSINESS & COMMITTEE REPORTS

05/0419.33 Mayor Joyce Fahey Re Celebration for Sensational Seniors

Mayor Joyce Fahey stated that she had a request for June 7, 2005, the night that the City Council is recognizing the City's seniors over the age of 90 and two 100 year olds so far. She remarked that the seniors were very remarkable; that they are excited about the event; that they are looking forward to meeting each other and she would like to adjourn for cake and punch immediately following the recognition.

Council concurred with the recommendation.

ADJOURNMENT

At 9:40 p.m. the meeting was duly adjourned to the 6:00 p.m. Boards and Commissions Interview Meeting on Tuesday, April 26, 2005, to be held in the City Council Chambers in said City.

SANDY SHAW
Recording Secretary

JOYCE FAHEY
Mayor

ATTEST:

LIZA TAMURA
City Clerk