

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
APRIL 5, 2005**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 5th day of April, 2005, at the hour of 6:33 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Jeffrey Greller, an 11th grade student from Mira Costa High School, led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL ITEMS

05/0405.1 Presentation of Proclamation to Beach Cities Health District Celebrating the Two Year Anniversary of AdventurePlex

Council presented a Proclamation to Susan Burden, Chief Executive Officer and Bob Reposa, Director of Health and Fitness for the Beach Cities Health District proclaiming March 19, 2005 as the AdventurePlex 2nd Anniversary Day.

05/0405.2 Presentation of Commendation to Robert Davis for his Extraordinary Citizenship in Raising Money for Lou Gehrig's Disease (ALS)

Mayor Fahey, on behalf of the Council, presented Robert Davis with a commendation for Extraordinary Citizenship in raising over \$2,000 for Amyotrophic Lateral Sclerosis (ALS).

05/0405.15 Presentation of National Library Week Proclamation to Manhattan Beach Librarian Leticia Tan

Mayor Fahey, on behalf of the Council, presented Manhattan Beach Librarian Leticia Tan with a proclamation declaring the week of April 10-16, 2005, as National Library Week in recognition of the vital role the library plays in providing millions of people with the resources they need to live, learn and work in the 21st Century.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 3 through 9), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Mayor Pro Tem Ward, seconded by Councilmember Tell and passed by a unanimous roll call vote with the exception of Item No. 6, which was 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

05/0405.3 Approve Minutes of the City Council Regular Meeting of March 15, 2005

The Council approved the subject minutes.

05/0405.4 Ratification of New Council Assignments

The Council approved the ratification of the new Council assignments.

05/0315.10-5 Adoption of an Ordinance Approving a Modified Amendment to the Manhattan Beach Local Coastal Program (LCP) Pertaining to Charging Admission for Temporary Events

The Council adopted Ordinance No. 2074 approving the proposed amendment and adopted Resolution No. 5970 transmitting the ordinance to the California Coastal Commission.

ORDINANCE NO. 2074

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING AN AMENDMENT REGARDING PAID ADMISSION TO TEMPORARY SPORTING EVENTS TO THE IMPLEMENTATION PROGRAM OF THE MANHATTAN BEACH LOCAL COASTAL PROGRAM PERTAINING TO FINAL CERTIFICATION OF MANHATTAN BEACH LCP AMENDMENT NO. 2-04

RESOLUTION NO. 5970

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, SUBMITTING ORDINANCE NO. 2074 TO THE CALIFORNIA COASTAL COMMISSION TO AMEND SECTION A.24.030 OF THE CITY OF MANHATTAN BEACH LOCAL COASTAL PROGRAM (LCP) - IMPLEMENTATION PROGRAM, RELATING TO PAID ADMISSION TO TEMPORARY SPORTING EVENTS

05/0405.6 Consideration of a Change Order in the Amount of \$120,000 to Swinerton Builders for a Jail Door Monitoring and Control System for the Police & Fire Facility

Item No. 6 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

05/0405.7 Consideration of Financial Report: Ratification of Demands - March 24, 2005

The Council approved with no exception Warrant Register No. 20B in the amount of \$1,842,875.83 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.

05/0405.8 Disbursement of Progress Payment No. 1 in the Net Amount of \$636,110.97 to S.P. Pazargad Engineering Construction, Inc. for the El Porto Retaining Wall Project

The Council approved the issuance of the subject progress payment.

BOARDS AND COMMISSIONS

Planning Commission

05/0405.9 Consideration of Action Minutes, Planning Commission Meeting of March 23, 2005

The Council received and filed the subject action minutes.

COMMUNITY ANNOUNCEMENTS

05/0405.16 City Engineer Greenwood Re Water Main Replacement Project

City Engineer Dana Greenwood announced that the Water Main Replacement Project will start on April 11, 2005 and will affect Palm Avenue, Poinsettia Avenue and Walnut Avenue between Valley Drive and Rosecrans Avenue for approximately 60 days. He noted that the residents have been notified by the distribution of flyers and suggested that any questions be directed to Project Manager Gil Gamboa at 310-802-5356.

05/0405.17 Jerry Schwartz Re New Council

Jerry Schwarz, 1500 Block of 21st Street, welcomed the new members of the City Council, particularly Jim Aldinger because his re-election confirms his accomplishments during the past 4 years.

05/0405.18 Bill Victor Re Police Watch

Bill Victor, No Address Provided, announced that his group, "Police Watch", has added a sociologist to their staff and that they will be taking calls from 2:00 p.m. – 5:00 p.m. at (310) 318-5000.

05/0405.19 Police Chief Ernest Klevesahl Re Various Police Related Matters

Police Chief Ernest Klevesahl announced that Officer David Caveney and the Manhattan Beach Police Department were recently honored by Mothers Against Drunk Driving (MADD) for the work they accomplished in the past year.

He reported that the Area Traffic Officer Program has created note pads with the Traffic Officer's names, phone numbers and web addresses, which will be handed out to residents and various community members, so that they will know who to contact for specific traffic division questions and problems.

Police Chief Klevesahl also announced that applications are currently being accepted for the September Community Police Academy Class.

05/0405.20 Councilmember Aldinger Re 310 Area Code

Councilmember Aldinger announced that the Public Utilities Commission (PUC) will hold public hearings on April 26th at 2 p.m. in El Segundo and 6:30 p.m. in Redondo Beach regarding the 310 area code overlay and encouraged residents to attend and inform the PUC about the negative impact of the proposed overlay.

05/0405.21 Mayor Fahey Re Women in Business Conference

Mayor Fahey announced the Chamber of Commerce “Women in Business Conference” scheduled for Friday, April 8, at the Airport Marriott.

05/0405.22 Mayor Fahey Re Boards and Commissions

Mayor Fahey announced that Board and Commission applications are due to the City Clerk by Thursday, April 21, 2005 and that interviews will take place on Tuesday, April 26, 2005. She further announced the following vacancies: Board of Building Appeals (4 vacancies); Parks & Recreation Commission (2 vacancies); PPIC (1 vacancy); Cultural Arts Commission (2 vacancies); and Planning Commission (2 vacancies and 1 reappointment).

05/0405.23 Mayor Fahey Re Youth Services Award

Mayor Fahey announced that nominations are due April 15, 2005 for the Parks and Recreation Commission for the Annual Manhattan Beach Recreation Youth Service Award, an award presented to people who have made significant contributions to the youth in our community, and she encouraged everyone to turn in their nominees.

PUBLIC HEARINGS

05/0405.10 Consideration of Planning Commission Recommendation to Approve Municipal Code Amendment and Local Coastal Program Amendment Pertaining to Regulation of Telecommunication Facilities on Public Right-of-Way, Public Property, and Private Property Citywide

City Manager Geoff Dolan introduced Community Development Director Richard Thompson, who briefly summarized the highlights of the proposed ordinance, noting that all communications regulations will be consolidated in Chapter 13 of the Municipal Code. He further indicated that the City has limited authority to regulate cell sites and the ordinance meets that test; that the ordinance discourages cell sites where they are not wanted, such as residential areas, the Strand, and walk streets; that it encourages cell sites be located on existing telephone poles, similar to any other small utility throughout the City; and that the ordinance provides noticing and appeal rights to the City Council for cell sites that potentially can have a negative impact to adjacent properties.

Senior Planner Rosemary Lackow addressed Council with a PowerPoint presentation, reviewing who would have jurisdiction over the various locations for cell sites in the City, as identified in the staff report dated April 5, 2005, using photographs of existing cell sites in the City that provide a good example of cell sites that have been approved by staff because they are not visible, as well as some cell sites that would require public noticing because they are visible. She noted that the Planning Commission reviewed the ordinance at four public hearings and, on February 9, 2005 recommended that Council adopt an ordinance that would establish telecommunication regulations, presenting unanimous support with the exception of a 2-2 split vote with regard to whether or not to require public notice for cell sites to be located in the public right-of-way.

In response to Mayor Pro Tem Ward’s inquiry regarding what happens to cell sites if the utilities
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are undergrounded in the future, Senior Planner Lackow explained that there is a provision in the ordinance that requires they remove the cell sites in that case.

City Attorney Robert Wadden reported on two recent court cases: *The City of Rancho Palos Verdes vs. Abrams*, which dealt with the issue of the telecommunications provider damages if a municipality denies a permit, and *Metro PCS Inc. vs. City of San Francisco*, which involved a large antenna on a city parking garage. He noted the significance to the first case being that the City's exposure is lessened—with the only potential liability being compensatory damages, limiting the ability of the telecommunications provider to collect attorneys' fees. The key issue of the second case is the Court ruling that the request was subject to zoning codes because it was simply an upgrade in service, as the coverage was already adequate. He emphasized the primary value is that in cases where there are no coverage problems, and you can make solid arguments against the antenna on private property; you can make provisions to deny. He concluded by pointing out that the Court also placed the burden of proof on the applicant that this was the least obtrusive manner in providing the coverage.

Councilmember Tell pointed out the benefit to the City in that they will have the ability to set more burdensome standards.

In response to Councilmember Aldinger's recommendation that the City specify in the ordinance that the applicant provide maps and coverage data, thus requiring them to prove to the City that they already have coverage gaps, City Attorney Wadden conveyed that, while not that specific, the ordinance does address coverage issues by specifically requiring telecommunication providers to show that there are not alternative sites available. He added that the real issue would be whether or not the facility in question were aesthetically offensive and, if it were in some way offensive or not compatible with the neighborhood, the City would analyze whether or not it was necessary for coverage and, if not, could feel fairly comfortable denying the request.

In response to Mayor Pro Tem Ward's inquiry regarding the compensatory damages the City would be exposed to in an instance of denying a private property installation, City Attorney Wadden stated that by wrongfully denying a permit, the City could be liable for loss of business, loss of service, and the inability to provide service to their customers.

Mayor Fahey opened the Public Hearing at 7:20 p.m.

Don McPherson, 1000 Block of First Street, read into the record his concerns related to the proposed ordinance, including the lack of public hearing on antennas except at the discretion of the Director of Community Development; his belief that it drastically reduces zoning rights, sets no standards for antennas on city property, does not require FCC or state certification of applicants, the 9th Circuit Court decision preserves the local zoning authority everywhere and not just private property as the City Attorney stated; and requested that the matter be reviewed again by the Planning Commission because the 9th Circuit interpretation of the Telecommunications Act came after their four public hearings. He stated that the City can process current applications under the existing ordinance, which applies everywhere, and requested that the Council impose a permit moratorium up to 180 days or do nothing and wait for the new ordinance.

Patrick McBride, No Address Provided, stated that while he doesn't know much about the ordinance in question, he would ask the Council to come down in favor of the citizens as much as possible. He said the 1996 Federal Communications Act resulted in the media being obliterated and he doesn't think we should "roll over" for the federal government. He referred to several other federal laws, including NAFTA and Chapter 11, and stated that the country is not able to fight corporations and citizens should stand up for their rights and have a voice regarding what happens in their City.

Bill Victor, No Address Provided, stated that it would be great to take advantage of the "wiggle

room” that the federal court gave the City and have the best polished code, possible by having a second look. He pointed out that while the citizens are very fond of the current Community Development Director, the next one might not look at the matters in the same manner as Community Development Director Thompson. He said, in view of the two recent court decisions, he believes the time involved in allowing the Planning Commission to revisit the ordinance is a simple thing and a small factor in view of the overall beauty to the City. Noting that the City has taken a lot of time to eliminate overhead utilities, he said it seems strange to reduce all of the overhead wires and then allow a free right to put cell devices up in the air as long as, in the opinion of one particular official, it’s not a bad thing for the surrounding area. He said the determination should be less objective and consistent with the overall view of the people in the City who desire to have overhead wires removed.

Mayor Fahey closed the Public Hearing at 7:28 p.m.

In response to a comment by **Mr. McPherson** that the proposed ordinance ignores zoning, City Attorney Robert Wadden stated that the zoning and development standards are referenced in the ordinance and will be used to evaluate private property facilities, but the standards are somewhat different for the public right-of-way.

In response to Mayor Pro Tem Ward’s uncertainty regarding whether to return the matter to the Planning Commission for review in light of the Supreme Court ruling, which actually lessened the City’s exposure, Councilmember Aldinger said one reason to have the Planning Commission review it is because they haven’t been briefed by the City Attorney on the implications of the 9th Circuit Court decision, which has come down since their action. However, City Attorney Wadden pointed out that while he couldn’t speak for staff, having the Planning Commission review the matter again wouldn’t change his recommendation in the language of the ordinance.

Councilmember Tell pointed out that if you put more specific standards in the ordinance and define your values, then it’s the burden of the telecommunications companies that it’s least intrusive of your values, something you don’t have if the Director of Community Development makes the decision.

In response to Community Development Director Thompson’s comments, Mayor Fahey stated that she sees the issue being whether or not to notice and have public hearings, as well as whether the standards should be laid out in the ordinance or leaving it in more generic terms.

As a follow-up, Community Development Director Thompson pointed out that the ordinance does include the authority to limit or prohibit, as well as providing discretionary conditions for the right-of-way, and noted that it is not completely subjective in that it provides guidance in evaluating the cell sites and locations.

In response to Councilmember Aldinger’s request for clarification that the ordinance contains a provision that requires proof of need to provide coverage, City Manager Dolan referred to page 4, item D.7 which states “at the discretion of the Director or his designee the City may commission, at the applicant’s expense, a study evaluating the availability and feasibility, of alternate sites.”

City Attorney Wadden pointed out that Item 4 requires an updated wireless master plan detailing the location of all existing and proposed future facilities in the City, if the Director desires, which would give an idea of coverage issues.

In response to Mayor Fahey’s inquiry why the Strand can’t be eliminated as a potential location

for cell sites, City Attorney Wadden stated that the standards for the Strand and Walk Streets are more stringent but they can't legally be eliminated due to the fact that the California Public Utilities Code, which provides a state-wide franchise for telephone corporations, which grants them the statutory right to use the public right-of-way without extensive conditions or compensation, makes it more difficult to control the public right-of-way.

Mayor Fahey stated that she doesn't see anything in the recent cases that would cause this matter to go back to the Planning Commission, noting that the ordinance sufficiently protects our rights, providing leverage for negotiations if we end up in court, and it also protects the citizens.

Councilmember Aldinger said he would like to see some of the same aesthetic issues applied to the public right-of-way and disagrees that it doesn't apply and he is in favor of taking a step back in terms of the 9th Circuit Court decision, which gives the City more rights.

Councilmember Tell stated that there is a lot of uncertainty in the Telecommunications Act, but there isn't any certainty in terms of the public right-of-way, and our real challenge is that the ordinance is being formed as the change in law is being made and it may be appropriate to wait for 30-60 days to benefit from decisions of others like the National League of Cities. He said the 9th Circuit Court decision made it very clear that local regulations are now preferred and that the only way that they get pre-empted is under too fairly narrow standards that requires the burden of the telecom company, but that they didn't specifically say right-of-way or private.

Mayor Fahey stated that she believes this ordinance cleans up a lot and pointed out that the 9th Circuit is the most reversed in the country and no one knows what may happen; that the proposed ordinance serves the purpose and is a very good document; that she is in favor of moving forward and then if there is something else that can be added to strengthen the City's position, she recommended returning to Council with a clean up ordinance; that she is not inclined to send it back to the Planning Commission; that she believes there's some concern that we have to be afraid of the proposed ordinance because we are losing something, but she does not believe we're losing anything because we're addressing issues that have not been addressed.

In response to questions from Council regarding the City's exposure under the current policy and the City's options if the ordinance were put on hold, City Attorney Wadden stated that he believes the current public right-of-way applications can be treated as encroachment permits and the private property applications could be handled under the existing current ordinance. City Manager Dolan suggested that another alternative for Council's consideration, which addresses the timeliness as well as expediting the issue, would be to ask staff to work with the City Attorney to reconsider the ordinance, incorporating input received this evening without going back to the Planning Commission.

Mayor Pro Tem Ward stated that he is not in favor of sending it back to the Planning Commission, especially in light of the 9th Circuit Court opinion, noting that there is no certainty that it will become law. He suggested that staff could do some research and return to Council.

Councilmember Aldinger asked that Council be specific with what it is they would like staff to incorporate, including aesthetic issues addressed in the right-of-way.

Councilmember Tell said the City needs to talk to the law firms involved and obtain a better understanding of the decision. He reminded Council that the anti-discriminatory law, which prohibits the City denying a permit for one company if another company has already been granted, permits.

In response to Mayor Fahey's inquiry regarding the discriminatory case, City Attorney Wadden stated that if it were a legislative change it wouldn't apply, only if you apply the same set of standards in a discriminatory manner, but if you change the standards in a way that you are permitted to change the standards and begin to apply them to all new applicants, it's not discrimination.

In response to Councilmember Aldinger's concern regarding the wisdom of passing an ordinance with the knowledge that it may have to be amended because of a big change in direction, Mayor Pro Tem Ward said the proposed ordinance gives us a high level of local control, which we are trying to maintain, and he doesn't see that much more can be gained by waiting.

Mayor Fahey asked if the Council is in favor of having public hearings for the sake of allowing residents to come in and be heard, even regarding issues that are not allowed to impact the Council decision (such as the health issues), to which Councilmember Aldinger stated that he would be in favor of having public hearings for that reason; Councilmember Tell pointed out that the public notice appeal rights have an "element" to them because the telecommunication companies do not want to create a public relations problem; and Councilmember Montgomery stated that he is in favor of public input, and that whether or not it will change the outcome is a separate issue.

Mayor Fahey clarified that she is not opposed to public hearings, but it is up to Council to make it clear at the beginning of the item the limitations the Council is placed under so they don't have undue expectations.

Community Development Director Thompson reviewed some provisions of the ordinance, explaining that everything requires noticing except if it is proposed on commercial property and you can't see it or if it is proposed on an existing utility pole; however, if the applicant wishes to add another pole, it would require public noticing. He suggested that if Council would like the ordinance to be more specific with regard to establishing standards in the public right-of-way, staff would draft the wording. He noted that the Planning Department has been wrestling with this issue for the past ten years and, as the technology builds, cell sites are getting smaller. He said he strongly feels that the proposed ordinance is a model ordinance drafted following review of many ordinances in other California cities and he believes it is much better than those seen so far. He noted that staff is starting to see more stealth technology, as well as installation in the public right-of-way in the smaller unit size.

Mayor Fahey confirmed that Council has reached consensus on the need to notice some installation proposed on public property right-of-way; that public notice is not required if it is on commercial property and you can't see it or if it is on an existing utility pole; that an analysis is needed whether the aesthetic findings could be added to the public right-of-way; and that if there's more input from other organizations.

City Attorney Wadden pointed out that for city-owned property, the City as a landlord, as opposed to being a public agency, has the discretion as to whether or not to allow it and what conditions will be imposed.

Councilmember Aldinger asked whether aesthetic findings could be added to the requirements

for the public right-of-ways, such as height restrictions for the Strand and Walk Streets.

City Attorney Wadden summarized Council's requests for incorporation into the ordinance, and Council concurred with his summary, as follows: 1) incorporate an aesthetic standard for the public right-of-way; 2) establish a threshold for notice and appeal rights based on the size of the facility and whether or not it's on an existing pole or hidden; 3) incorporate a Walk Street and Strand height limit into the standards already in the ordinance; and 4) if the National League of Cities has information regarding a model ordinance or other issues, they will be reviewed and considered.

City Manager Dolan noted that staff will incorporate direction received from Council this evening, re-draft the ordinance and re-notice the public hearing for a future City Council meeting.

RECESS AND RECONVENE

At 8:07 p.m. the Council recessed and reconvened at 8:18 p.m. with all Councilmembers present.

GENERAL BUSINESS

04/0615.20-11 Review and Discussion of Strand Walkway and Lighting Improvements Project

a) Review Trash Receptacles and Signage for the Strand

b) Presentation Regarding Construction Schedule for the Project

c) Presentation Regarding Public Outreach and Communication Plans

d) Authorize the Cultural Arts Commission to Develop the Strand Bench and Alcove Donation Program

City Engineer Dana Greenwood addressed Council with a PowerPoint Presentation, reviewing existing trash receptacles on the Strand, pointing out that while they are acceptable in other areas of the City, the problems with the trash receptacles on the Strand include the rough exposed aggregate finish that retains stains; that the covers are plastic and removable; that there's very little in the way of decorative enhancements; and that they sit on the walkway, which obstructs the sweeper. He reviewed the various trash receptacles at other locations in the City, as well as several "standard stock" trash receptacles with a round or tapered design, some of which pose a problem with capacity. He reviewed the benefits of using flat-sided (square) receptacles, pointing out that mounting signage on round receptacles is difficult. He reviewed the features of the recommended receptacle, including that it is made out of concrete; that the cover is integral with the rest of the receptacle; that it has a smooth finish with fluting on the corners to mimic the fluting on the light pole; that it is a stock pattern that is easy to replace; that the square shape accommodates signage; and that the door makes it easy to service.

City Engineer Greenwood reviewed the current signage, which includes multiple signs on poles, painted signs on the walkway surface, and explained that the proposed signage would mount on the side of the trash receptacles, with no signs on lamp poles or walking surface. He noted that the verbiage would include universal symbols and code references for ease of enforcement; that the proposal includes two containers at each of the 45 intersections, with signs on one receptacle at each location replacing 85 signs on existing Strand light poles and 68 painted signs on the walkway; and that the receptacles would be located on a cement pad off to the side of the Strand to assist in street sweeping.

City Engineer Greenwood reviewed the construction schedule as identified in the staff report, which is expected to be completed in five phases over 18 months.

Strand Public Information Coordinator Rimga Viskanta addressed Council with a PowerPoint presentation regarding the public outreach plan, which is particularly important because of the

users affected by the construction. She noted that public communication will take place in the form of the groundbreaking ceremony (held March 3, 2005); that information will be made available through the City's web page, newsletters, hotline, signs at the construction site, and public notices; that the newsletter will be published monthly and mailed to Strand residents either electronically or by U.S. Mail, as well as copies being provided at the construction site for non-residents; and that the recorded message on the hotline number is updated daily with the most recent information and provides an opportunity for residents to ask questions or leave comments.

Mayor Fahey noted that it was the consensus that the Council approves the noticing of public information.

In response to Councilmember Montgomery's inquiry regarding maintenance of the pet waste disposal system ("Mutt Mitts") on the light poles, City Engineer Greenwood stated that, if it is the Council's desire, they would be maintained.

Mayor Pro Tem Ward noted that although he likes the proposed receptacles, he believes the proposed signage seems to take away from the simplicity and cleanliness of the trash receptacles and asked if it might be possible to blend color of the signage with the concrete, noting that the white color doesn't blend well.

Public Works Director Neil Miller explained that the sign on the container will be recessed, and not as shown on the stock container, and agreed that perhaps the lettering could be changed to blend better.

Voicing her opinion that the universal red circled symbols are annoying, Mayor Fahey questioned the need for these universal symbols.

Councilmember Aldinger questioned the possibility of using universal signage only.

City Attorney Robert Wadden clarified that while universal signs are recommended, they are not absolutely necessary; however, there is a need to provide the municipal code section for any penal ordinance in order to enforce it.

City Manager Dolan commented that staff debated the whole signage issue, noting the desire to reduce the amount of signage but acknowledging the need to balance it with the requirement for necessary notice, and it was concluded that this is the minimum amount of signage to provide adequate notice while not imposing.

Mayor Pro Tem Ward suggested that perhaps the background could be closer to the color of the trashcan so the red won't stand out so much, expressed concern that the recycled items are combined with the trash when they are collected, and inquired whether the trash receptacles will be separate from the benches, noting that he has received complaints regarding this problem at Veterans Park.

Public Works Director Miller noted that the various recycled items are co-mingled, but not with the trash and City Manager Dolan assured Council that the receptacles will be located on the opposite side from the benches.

Mayor Fahey noted that it was the consensus that the Council approves the proposed trash receptacles, noting that the door will be painted the same color as the receptacle and located on the west side.

In response to Councilmember Aldinger's question related to recycling, Public Works Director

Miller stated that staff is committed to not giving up and experimenting with some possible combinations, but they have learned that having side-by-side trash cans, regardless of signage and symbols, there was significant contamination and it became unproductive. He further noted that there has been a lot of advancement in the containers and they will look at them in the future.

In response to Councilmember Aldinger's inquiry whether the receptacles will be bolted down, Public Works Director Miller stated that they are very heavy, but if it were to become a problem staff would find a way to secure them.

The following individuals spoke on this item:

- **Patrick McBride, No Address Provided**
- **Jerry Schwartz, No Address Provided**
- **Unknown Speaker, No Address Provided**
- **Unknown Speaker, No Address Provided**
- **Gerry O'Connor, Manhattan Heights**
- **Unknown Speaker, No Address Provided**

In response to comments by members of the audience regarding the location and texture of the trash cans and the height of the containers, City Manager Dolan responded that the trash cans will be located to the west of the walkway; that they will have a different texture than the existing cans and shouldn't stain as easily; and that they are a standard height receptacle.

In response to a suggestion from a member of the public that Council consider using a statement on the receptacles similar to the Hermosa Beach signs that say "*leave only footprints,*" and a suggestion that the "Mutt Mitts" be hung from the trash receptacles rather than the light poles, Council agreed that the "Mutt Mitts" could be re-located on the trash receptacles and asked staff to think about possible sayings or thoughts, as well as the color combinations, and return with suggestions for Council to sign off on both.

MOTION: Councilmember Tell moved to approve trash receptacles and signage for the Strand. 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.

City Manager Dolan explained that the alcoves were created to the west side of the Strand for a variety of reasons including maintenance, safety and others, and it has been discussed for a number of years that they would also provide opportunities for art objects or benches to be located in the alcoves. He noted that while there are currently three privately-donated artistic benches on the Strand, the program was stopped about five or six years ago until the Strand situation was resolved. With the construction of 40 alcoves, staff is recommending that the Cultural Arts Commission be allowed to develop criteria that address such matters as how does one get recognition on a bench and the type of aesthetic to the bench, and to bring them back to Council for approval in order to then embark on a program to solicit donors.

The following individual spoke on this item:

- **Bill Victor, No Address Provided**

Councilmember Aldinger stressed the need for Council to provide the Cultural Arts Commission and staff with some guidance regarding the memorial benches.

Councilmember Tell said he liked the idea to allow “whimsical” art projects, noting that this is an opportunity for artists to showcase their “wares”.

City Manager Dolan explained that, if Council approves guidelines, staff intends to ask that some of the existing art monies be used to commission the first couple of locations in order to set the standard and set the bar for what the Council and community’s expectation will be in the future.

Mayor Pro Tem Ward emphasized that Council should instruct the Cultural Arts Commission to use strict guidelines when it comes to the benches and art in general on the Strand, reminding the Council that the public has stated that they would like the Strand to be kept as simple and clean as possible. He said while he also likes “whimsical” things, forty of them could be a bit much. He also agreed that strictly memorial benches should be discouraged.

City Manager Dolan explained the intention that the three existing donated benches will be moved to the alcoves, and perhaps recognition could be given to donors in a place other than on the bench. He said he would attend the first meeting of the Cultural Arts Commission and convey the concerns of Council regarding memorial benches and strict guidelines.

Mayor Fahey noted the consensus of Council that they are not in favor of memorial benches and asked for the Cultural Arts Commission to provide a recommendation as to how the people can be recognized other than on the bench.

MOTION: Councilmember Aldinger moved to approve authorizing the Cultural Arts Commission to develop the Strand Bench and Alcove Donation Program. 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.

Mayor Fahey, on behalf of the Council, received and filed the Construction Schedule and Public Outreach & Communication Plans presentations.

Hearing no objection, it was so ordered.

05/0405.12 Report Regarding Status of Underground Utility Assessment Districts 1/3/5 Including Estimated Construction Schedule, Status of Design for Underground Utility Assessment Districts 2/4/6 and Status of Sepulveda Boulevard Underground Utility Project

Public Works Director Miller reviewed the status and schedule of Underground Districts 1, 3 and 5, as outlined in the staff report dated April 5, 2005. He identified that the contractor has been selected and certified by both utility companies; that the time frame committed to by the contractors can be adhered to; and that the City will continue to maintain a website providing updated status reports. He noted that Districts 2, 4 and 6, have been authorized by Council and

are in the design phase, with District 6 awaiting an initial design by Verizon; that once the plans are in final form to the satisfaction of staff, property owner meetings will commence so property owners can see how their property is affected by the project; that after the meetings, the Council will be asked to pass a resolution of intention, which “kicks off” the ballot process; and that following the 45-day return period the ballots are counted at a Council meeting. He concluded by stating that staff has estimated that balloting could take place by the end of the year, if all things go well.

In response to Mayor Fahey and Mayor Pro Tem Ward’s inquiry regarding what happens if the property owner does not do the conversion, Public Works Director Miller stated that the property owners are required to take out a “no fee” permit and the process can be monitored as to who has not taken out a permit. He indicated that towards the end of the six-month period, those that do not intend to connect will be notified that the City will be doing the work under the legal framework. He noted that there is a point where it would be too soon to do the work, but he agrees that giving the property owners advance notice could be a good idea.

In response to Councilmember Aldinger’s inquiry regarding what happens between the final vote and groundbreaking, Public Works Director Miller explained that this is when the bonds will be sold.

Public Works Director Miller reviewed another undergrounding project known as Rule 20A, which allows Southern California Edison to set aside funds for cities to be able to do undergrounding on major thoroughfares. He noted that the next scheduled project will be for the full length of Sepulveda Blvd., which was estimated several years ago in excess of \$2 million. He explained that if the cost exceeds this amount, the City is allowed to borrow based on funds expected to be received in the future. He noted that the design has been completed by Edison and will be reviewed by the City prior to construction. He noted that while there’s no particular resident urgency on this project, it will be a very nice improvement on Sepulveda Boulevard.

Public Works Director Miller reminded the Council of their approval to hire a new Senior Civil Engineer to work primarily on these underground projects and reported that interviews will be conducted this week for the position with hopes to have someone on board in the next few weeks.

Scott Goble, Southern California Edison (SCE), reviewed the status of the project, noting that the contractor committed to have the civil work done by the end of January 2006, putting the schedule for the project, weather permitting, on track with regard to the original commitment to the community. He noted that with regard to Districts 2, 4 and 6, once easement issues have been completed, the procurement process will take 10-12 weeks after the bonds, with construction starting within a 3-month period of time within a vote if there are no easement issues.

Scott Goble (SCE) reported that, regarding the Sepulveda Blvd. project, **SCE** is please to work with the City of Manhattan Beach on this very large project, and reported that in addition to the \$2 million, currently **SCE** can “mortgage” out five years in advance, without delay in construction.

In response to Councilmember Aldinger’s inquiry regarding possible street closures during the undergrounding, **Mr. Goble** explained that the Sepulveda Blvd. construction would be under a Caltrans permit, which does not allow for street closure. He emphasized that this is a major undertaking and proper notification will be given to residents regarding any street closures and they will work hard to minimize inconveniences. With regard to Districts 3, 4 and 5, **Mr. Goble** explained that the intent is to take block-by-block north to south in the city streets, noticing the residents regarding the work schedule. He said they will work through the website and post door hangers to inform residents of the schedule, noting that the hours are 7:30 a.m. to 5 p.m., and the crews will work with residents who absolutely require access during this time.

In response to Mayor Fahey's inquiry whether SCE will be working on all six districts at the same time, **Mr. Gobble** pointed out that when two districts adjoin each other as is the case with districts 5 and 6, it is his desire to work on both at the same time.

City Manager Dolan stated that there will be periods of overlap for all of the projects, including Sepulveda. He also reported that the biggest delay was the taxability issue, which still has not been resolved, and that the "private letter ruling: must be reconciled before selling the bonds for District 2, 4 and 6. **Mr. Gobble** reported that the private letter ruling has been filed with the IRS, which sometimes takes up to 18 months to respond, but he hopes to hear something back before the end of this year.

In response to Councilmember Montgomery's inquiry regarding the undergrounding of Rosecrans Avenue, City Manager Dolan and **Mr. Gobble** explained that there is a fourth underground project on Rosecrans Avenue from the Studios to Aviation Blvd., which is a Rule 20B project; noted that the project is currently in the planning stages, with cost estimates provided; and that commercial 20B's are different than residential in that when it is a public benefit for street widening there is not a taxation issue involved. City Manager Dolan pointed out that there are still funding issues for this project that need to be resolved prior to start of construction.

The following individual spoke on this item:

- **Irl Kramer, No Address Provided**
- **Carol Walberg, 200 Block of 15th Street**
- **Patrick McBride, No Address Provided**

In response to **Mr. Kramer's** inquiry regarding the "private letter ruling" and how it applies to Districts 2, 4 and 6, City Manager Dolan stated that the letter was issue specific and will apply only to Districts 1, 3 and 5 but it may give Council sufficient comfort level that they may wish to accept the risk, based on the answer received from the IRS.

In response to questions from Council regarding a definite timeframe for Districts 2, 4 and 6, Mayor Fahey stated that staff is aware that Council would like to see these districts processed as soon as possible and asked staff to bring it back as soon as it is ready.

In response to questions regarding the possibility of the "private letter ruling" against the City, Council explained that the property owners voted to authorize the additional expense, if required, and they are moving ahead because either way it will not affect the projects.

In response to questions regarding Rule 20A funding, City Manager Dolan explained that the City receives a certain amount of money on a yearly basis and is allowed to borrow against that money. **Mr. Gobble** explained how "mortgaging" allows each individual jurisdiction to set aside a dollar amount based on meters in their jurisdiction and it is a targeted dollar figure for undergrounding in the service territory. The term "mortgaging" refers to keeping up with the amount of money being spent and, as money is available, enables SCE to levy out into future years looking at larger projects.

Mayor Fahey, on behalf of the Council, received and filed the presentation.

Hearing no objections, it was so ordered.

ITEMS REMOVED FROM THE CONSENT CALENDAR

05/0405.6 Consideration of a Change Order in the Amount of \$120,000 to Swinerton Builders
for a Jail Door Monitoring and Control System for the Police & Fire Facility

Councilmember Aldinger pulled this item from the Consent Calendar for Council discussion.

Assistant City Manager Sherilyn Lombos explained that on all construction projects, it is recognized that the plans are never perfect and that the 10% contingency allows for items such as this that come up suddenly. She said while change orders would normally go through the subcommittee, the subcommittee was only approved tonight and, according to the Council's change order policy, amounts over \$100,000 require Council approval. She reviewed the proposed expenditure of \$120,000 for a monitoring system for the jail doors, including the pedestrian and vehicular sally port, and the fact that it needs to be separate from the main monitoring system for the police department. She said the omission was not discovered until recently that it needs to be a separate system.

City Manager Dolan reviewed the three types of change orders: 1) unforeseen conditions; 2) building a one-of-a-kind building that will have omissions in the plans that are obligated; and 3) owner's request. He noted that this change should have been in the plans from the beginning but was overlooked by the architects; this expense is absolutely required—it is not a frill or extra—and this is a good reason for the 10% contingency.

MOTION: Councilmember Aldinger moved to approve a change order in the amount of \$120,000 for the purchase and installation of a jail door monitoring and control system for the Police and Fire Facility. 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.

AUDIENCE PARTICIPATION

05/0405.24 Viet Ngo Re

Viet Ngo, No Address Provided, notified Council that the 9th Circuit Court of Appeals confirmed conviction of the elected Sheriff of Lander County for violation of Title 18, U. S. Code Section 666 and Title 18 U.S. Code Section 641, for which the Sheriff was indicted and charged with theft concerning a program which received federal funds and theft of government property. He said he believes the action of Councilmembers Mayor Fahey, Mitch Ward, Jim Aldinger, former Councilmembers Linda Wilson, Tim Lilligren and Steve Napolitano, and City Manager Geoff Dolan, may constitute violation of this section 18 U. S. Code Section 666, theft and bribery concerning programs that receive federal funds. He said he believes **Jonathan Tolkin** is a racketeering enterprise prohibited under federal statute Title 18 U.S. Code Section 1962, prohibited activity, for obtaining public money. He asked the Council to reconsider the 9th Circuit Court of Appeal confirmed conviction and stated the fact that the Council has conspired with City Manager Geoff Dolan.

Mayor Fahey asked **Mr. Ngo** to hear her advice, stating that because of their positions, she and her colleagues have to sit and listen to him accuse them of crimes and, unfortunately, because they are public officials, they can't accuse him of liable and slander; she asked him to think twice before making these accusations against those who are no longer elected representatives, noting that his freedom from a lawsuit may not be so clear. She assured him that the Council understands his position, noting that he has repeated it now for at least six years without getting

him anywhere, and reiterated that it may now get him in a lot of trouble. She said Council does not commit crimes or the things he has accused them of and once they are not public officials they no longer have to take the accusations.

05/0405.25 Greg Anderson Re 100th Anniversary of the Manhattan Beach Community Church

Greg Anderson, Redondo Beach, announced the 100th Anniversary of the Manhattan Beach Community Church and presented the Council with an autographed copy of a book “*The Cross in the Sand*” by John R. Castleman, Senior Minister, to be placed in the City library.

05/0405.26 Esther Besbris Re Public Comment

Esther Besbris, No Address Provided, extended congratulations and best wishes to the newly elected and re-elected Councilmembers and to Mayor Fahey and Mayor Pro Tem Ward. She said while the three minutes are appreciated, the public perception is that because the Council can’t discuss the items following a Council meeting, their comments fall into a “vacuum”. She recommended Council occasionally consider placing such items on the agenda for discussion, such as the recent article in the Manhattan Beach Residents Association newsletter “The Observer” entitled “Held Hostage to Construction.” She said prior to the election, some candidates expressed an interest in this matter but, so far, nothing has been done. She noted that as the summer progresses, inconvenience to residents increases accordingly and that while she knows contractors have rights, there are violations that occur that go unreported.

Mayor Fahey stated that she doesn’t believe it is the perception that people’s comments are ignored because items can’t be discussed unless agendaized and it hasn’t been her experience that people have been ignored. Rather, sometimes Councilmembers follow up individually with the people who have spoken, sometimes it is brought up at a work plan meeting, and sometimes it is recommended that the matter be forwarded to a commission. As far as citizens’ rights with regard to construction, she said it is beneficial to have an update so residents will know the rules and regulations so they will know whom they can call for help.

05/0405.27 Don McPherson Re Wi-Fi

Don McPherson, Tenth Street, asked Council to consider installation of Wi-Fi in the north end of town, using funding from the Business Improvement District, and possibly in the downtown area. He said he intends to pursue to see if there is any interest and, if so, he would talk with Hermosa Beach to find out why their initiative failed. He also said he will go to the Library Commission with the idea of installing Wi-Fi in the library, noting that there is a shortage of computers in the library but Wi-Fi would attract a lot of people to the library.

05/0405.28 Mayor Fahey Re Sound System

Mayor Fahey asked staff to look into the sound quality of the new microphones in the Council Chambers.

05/0405.29 Jerry Schwartz Re Changing Speed Limit on Marine Avenue

Jerry Schwartz, 1500 Block of 25th Street, asked Council to consider the speed limit on Marine between Sepulveda and Aviation Boulevard, stating that a previous Council posted the speed limit on Marine at 35 mph, recognizing that they couldn’t enforce it but hoping that it would reduce the speed limit and that it would validate the speed survey—which it did. He said he believes the average speed is between 40 and 50 mph and that a new survey needs to be done.

Mayor Fahey stated that while she believes the survey conducted wasn’t illegal or intentionally flawed, she agreed that it is almost impossible to go from Meadows down the hill and stay at 35 mph, without riding the brakes. She noted that Council made that decision at the same time they

were installing stop signs all over the City and has since rethought their approach; that she doesn't think it would be a bad idea to conduct the study; and asked that staff ensure that this issue be revisited at the time this neighborhood is studied.

City Manager Dolan said, logically, when this neighborhood is in the queue for the study, it should be studied.

05/0405.30 Patrick McBride Re Electric Vehicles

Patrick McBride, No Address Provided, asked the Council to keep all speed limits at no higher than 35 mph, because electric vehicles similar to golf carts are only legal on streets that have speed limits of 35 miles per hour or less.

05/0405.31 Bill Victor Re Construction Rules; Art on the Pier

Bill Victor, No Address Provided, informed Council that, according to one of his friends, the Metlox property noise is terrible early in the morning before the legal time to start construction, and emphasized that construction rules should be considerate of the quality of life for the residents in the City.

He also asked the Council to agendaize the item regarding the work of art on the Pier, noting that there is no writing on it; that it detracts from the beauty of the ocean; that it interferes with many peoples' view of the ocean; and that Council should discuss it at a future Council meeting.

City Manager Dolan explained that the piece of art is an educational art exhibit of trash collected from the storm drains and built by the Leadership Manhattan Beach Class. He further noted that the explanation regarding the educational art exhibit will be added soon and informed **Mr. Victor** that the piece will be moved around to various different locations in the City.

In response to the concern about complaints not being addressed, City Manager Dolan explained that staff follows up with contractors, and, that residents are encouraged to call the police with complaints because they will go out and enforce violations. He stated that while the City has attempted to get cooperation from the contractor with regard to employee parking and adherence to construction hours, the police have been instructed to respond to complaints.

In response to Mayor Pro Tem Ward's inquiry whether it would be cost prohibitive to provide a roving staff member to check on violations rather than involving the police, City Manager Dolan said many of these issues are addressed by Community Service Officers but may be handled by sworn officers depending on the nature of the complaint, the time of day and the availability.

Councilmember Aldinger emphasized the need for a better process to encourage residents to call the police department with complaints.

05/0405.32 Esther Besbris Re Construction Violations

Esther Besbris, No Address Provided, explained that by the time police are called, the inconvenience has taken place and there's nothing to enforce.

In response to Mayor Fahey's recommendation that it might help for people to have a city hall phone number they could call with complaints, City Manager Dolan stated that the City projects have their own hot line and added that while the Chamber of Commerce works hard to have contractors comply with the rules, it is a constant problem.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS & COMMITTEE REPORTS

05/0405.13 Request by Mayor Fahey to Consider a Title Change for the Mayor Pro Tem Position

Mayor Fahey stated her observation that when the Mayor Pro Tem is making a presentation and is introduced as "Mayor Pro Tem", they get a "blank stare" from the people they are speaking to because they don't really know what it means. She recommended giving the Mayor Pro Tem a working title, which could be used for public appearances that would be on a City badge, while legally maintaining (if required to do so) the Mayor Pro Tem status. She suggested looking into what other cities do and reiterated that "Mayor Pro Tem" is not a name that conveys any information that's useful to anyone.

In response to the question "what does Mayor Pro Tem mean", City Attorney Robert Wadden said it means "for time", similar to "Judge Pro Tem" which is someone standing in for temporarily.

Councilmember Aldinger suggested using the term "Vice Mayor" which actually means something to most people.

Mayor Pro Tem Ward said he initially thought about how to explain the title, but he is concerned with representing himself as a "deputy mayor" because it could associate him with law enforcement, and "vice mayor" seems to be more staff oriented to him, and he said the focus should really be on the Mayor.

Mayor Fahey said she would have loved to have had a title that people could get their arms around and asked staff to look into what other cities use for further consideration.

There was no public comment on this item.

05/0405.14 Consideration of a Request by Mayor Fahey to Pass a Resolution in Support of Voluntary, Quality Preschool for All 4-Year-Olds in California

Mayor Fahey explained that this resolution was sent to her by Public Counsel and she suggested they contact the School District first. She said this is a voice of support for the idea of voluntary preschool in California and a recognition of the significant value of preschools for our youngsters; that it doesn't cost anything; that it is not an unfunded mandate; and that by joining a large movement, it recognizes the value of preschool presented by public counsel for discussion.

Mayor Fahey stated that the Children's Planning Council is very much behind the Universal Preschool and that Public Counsel has taken the lead, doing a magnificent job.

MOTION: Councilmember Aldinger moved to adopt Resolution No. 5971 to support Resolution 2005-05 in support of voluntary quality preschool for all 4-year olds in California. 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.

05/0405.33 Councilmember Aldinger Re AB1380

Councilmember Aldinger reported on the status of the 310 area code, noting that AB 1380 would require cell phone companies and landline companies to provide an inventory and disclose the number of phone numbers left in the area code. He said it is believed that there are more than one million numbers left, with a 5-year supply available, but unless we can obtain support from the PUC we may lose this battle. He reported that there would be a committee hearing on the 18th of April and asked to consider adding the item to the agenda in support of AB 1380.

Mayor Pro Tem Ward commended Councilmember Aldinger for the work he has done to retain the 310 area code, noting the burden placed on small business to change all of their stationery (every time the area code is split) is expensive.

City Attorney Wadden explained that if the item arose after the agenda was posted and there is a need to act immediately prior to the next meeting, it could be added as an emergency item with a unanimous vote of Council.

MOTION: Councilmember Aldinger moved to approve adding the item on the agenda on an emergency basis. The motion was seconded by Councilmember Tell and approved by the following unanimous roll call vote:

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

Councilmember Aldinger presented a sample letter in support of the bill that could be signed by the Mayor.

City Manager Dolan suggested that staff prepare the letter on the Mayor's stationery and contact the City's lobbyist to see if there's anything he can do to help.

There was no public comment on this item.

MOTION: Councilmember Aldinger moved to approve sending a letter to the Chair of the Assembly Utilities and Commerce Committee in support of AB 1380. The motion was seconded by Councilmember Tell.

Hearing no objection, it was so ordered.

05/0405.34 Mayor Pro Tem Ward Re Coordination of Safety Response with School District

Mayor Pro Tem Ward asked if the City and School District Ad Hoc Committee are coordinating efforts of City and School personnel in case of an emergency at the schools similar to that recently in Minnesota.

City Manager Geoff Dolan said he regularly participates in training and response plans with the School District to prepare for any type of school emergency and suggested it may be appropriate for the Police and Fire Chiefs, as well as the School District, to make a presentation to the Ad Hoc Committee, perhaps at their next meeting.

05/0405.35 Mayor Pro Tem Ward Re Parking at Mira Costa High School

Mayor Pro Tem Ward asked for information regarding the parking spaces that have recently been marked for parking on the south side of Artesia Blvd., noting that the students still don't use the south side of the street.

City Manager Dolan pointed out that the south side of Artesia Blvd. is actually located in Redondo Beach and that he is not aware of the parking requirements in that area but will check into it.

ADJOURNMENT

At 10:22 p.m. the meeting was duly adjourned, in memory of Susan K. Nelson, the wife of Bryan Nelson, Construction Manager for the Police and Fire Facility, who recently and tragically passed away, 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 19, 2005, in said City.

MERNA MARSHALL
Recording Secretary

JOYCE FAHEY
Mayor

ATTEST:

LIZA TAMURA
City Clerk

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR MEETING
APRIL 5, 2005**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 5th day of April, 2005, at the hour of 6:04 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

ROLL CALL

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

CLOSED SESSION

The Council recessed into Closed Session at 6:04 p.m. and moved to open session at 6:28 p.m.

ADJOURNMENT

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

ROBERT V. WADDEN, JR.
Recording Secretary

JOYCE FAHEY
Mayor

ATTEST:

LIZA TAMURA
City Clerk