

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
OCTOBER 18, 2005**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 18th day of October, 2005, at the hour of 6:30 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Jaclyn Henn, a 5th Grade Student from Grand View Elementary School, led the pledge of allegiance.

ROLL CALL

Present: Tell, Aldinger, Montgomery, Ward and Mayor Fahey.
Absent: None.
Clerk: Lombos (Acting).

CEREMONIAL ITEMS

05/1018.1 Presentation of Commendations to City Hall Ambassadors for Their "Extraordinary Citizenship"

Mayor Fahey, on behalf of the Council, presented certificates of commendation to the following for their "Extraordinary Citizenship" in volunteering their time and dedication as City Hall Ambassadors: Ryan Bandel; Mary Brown; Iktae Park; Elizabeth Stuart; Betty Young; and Nikie Williams.

Mayor Fahey also recognized the following Ambassadors who were unable to attend: Pat Coyle; Joan Dontanville; Ben Helfer; Audrey Holden; and Pat Means

05/1018.2 Introduction of New Employees and Presentation of Service Award

The Council, Police Captain Randy Leaf and Public Works Director Neil Miller introduced the following new employees: Police Officer Mark Vasquez; Maintenance Worker I/II Bryan Dwinell; and Maintenance Worker I/II Garret Stephen.

The Council and Police Captain Leaf presented Police Officer John Loy with a certificate and pin in honor of his 15 years of service to the City.

Mayor Fahey also acknowledged the following Community Development employees who were unable to attend: Executive Secretary Audrey Jacobsen and Secretary May Dorsett for their 20 years of service and Associate Planner Eric Haaland for 15 years of service.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 3 through 11), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Mayor Pro Tem Ward, seconded by Councilmember Montgomery and passed by unanimous roll call vote.

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

GENERAL CONSENT

05/1018.3 Approve Minutes of the City Council Adjourned Regular and Regular Meeting of October 4, 2005

The Council approved the subject minutes.

05/1018.4 Consideration of Financial Reports:

a) Ratification of Demands: October 6, 2005

b) Investment Portfolio for the Month Ending September 30, 2005

The Council approved with no exception Warrant Register No. 8B in the amount of \$2,495,201.26 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 and received and filed the Investment Portfolio for the month ending September 30, 2005.

05/1018.5 Award of Contract to SunTrust Leasing Corporation for a Five Year Lease-Purchase Financing of a Previously Budgeted and Approved Sewer Vacuum Truck (\$62,308 per year)

The Council adopted Resolution No. 6002 approving five-year lease purchase documents with SunTrust Leasing Corporation in order to finance the purchase of a sewer vacuum truck previously budgeted and approved by the City Council on October 4, 2005.

RESOLUTION NO. 6002

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT, EQUIPMENT SCHEDULE NO. 02, AN ESCROW AGREEMENT, AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

05/1018.6 Consideration of Chamber of Commerce Annual Report for Fiscal Year 2004-2005

The Council received and filed the annual Chamber of Commerce Report for fiscal year 2004-2005.

05/1018.7 Disbursement of Progress Payments:

a) Progress Payment No. 2 in the Net Amount of \$62,513.78 to Steiny and Company, Inc., for the 15th Street/Valley Drive Traffic Signal Modification Project

b) Progress Payment No. 2 in the Net Amount of \$42,505.65 to Cody Engineering, Inc., for the 2001-2002 Water Main Replacement; 2002-2003 Sewer Main Replacement Project

The Council approved the issuance of the subject progress payments.

BOARDS AND COMMISSIONS

Parking & Public Improvements Commission

05/1018.8 Consideration of Action Minutes, Parking & Public Improvements Commission Meeting of September 22, 2005

The Council received and filed the subject action minutes.

05/1018.9 Uphold the Parking & Public Improvements Commission Recommendation to Implement Various Pedestrian Safety Measures at the Flourney Road/Ardmore Avenue and Flourney Road/Valley Drive Intersections

The Council approved the Parking and Public Improvements Commission recommendation to install pedestrian warning signs on the Parkway side of Ardmore Avenue and Valley Drive at Flourney Road; remove or trim back all view-impacting landscaping; modify the stairway access landings to increase safety as necessary; and install pedestrian caution signs at the stairway access points.

Planning Commission

05/1018.10 Consideration of Action Minutes, Planning Commission Meeting of October 12, 2005

The Council received and filed the subject action minutes.

05/1018.11 Consideration of a Planning Commission Approval of Proposed Revisions to the Existing Sign Program for a Commercial Center Located at 1800-2010 Sepulveda Boulevard (Manhattan Center)

The Council received and filed the subject report.

COMMUNITY ANNOUNCEMENTS

05/1018.18 Patrick McBride Re Seniors

Patrick McBride, No Address Provided, explained that he is co-coordinator of the new Manhattan Beach Senior Citizens Resource Committee and that he is present this evening to announce that the Committee held a petition drive to try and obtain a senior center, an Activities Director, nutrition program and daycare services for seniors in Manhattan Beach. He then handed out a Committee newsletter to each Councilmember and presented the petition.

05/1018.19 Jean Urban Re Facility for Seniors

Acknowledging that the group she represents has grown to approximately 115 members, **Jean Urban, President of the Manhattan Heights Senior Club**, explained that she was asked to represent the group and appear before the City Council to request help in getting a senior citizen center. She spoke at length regarding the needs of Manhattan Beach seniors and expressed the group's wish that the Council consider this and work with the group to attain a facility.

Mayor Fahey assured **Ms. Urban** and the Manhattan Beach senior community that they are treasured citizens of the City and that this item will be discussed further.

05/1018.20 Fire Chief Groat Re 911 System Failure

Fire Chief Dennis Groat reviewed the facts related to this morning's malfunction of the 911 emergency system explaining that a failure of a portion of Verizon's network went down at approximately 2:45 a.m. He reported that as soon as a problem was detected, technicians were dispatched to look into it; that the South Bay Regional Communications Center (RCC) notified the Police and Fire Departments; that a recorded message explaining the situation and instructions on how to contact the RCC directly was sent out immediately; that within the first two hours, 10,400 residences were notified; that the Reverse 911 system was activated; that a press release was sent to all radio and television stations; and that the City Manager was contacted. He reviewed how, normally, calls would be transferred to the City of Torrance in case of a system failure; however, because the problem was not with the call center, but rather deep in the phone system, the calls could not be transferred there either. He reported that full restoration of the system was accomplished at approximately 1:25 p.m.; that at this point, it is unclear as to what caused the problem; and emphasized that staff will do everything possible to make sure that there is a back up so that this doesn't happen again.

In response to Mayor Fahey's request to explain to the audience about the recognition his department received this morning, Fire Chief Groat relayed that the Manhattan Beach Fire Department was one of the cities who helped to put out a potentially serious fire in Rancho Palos Verdes and that his Department was recognized with a certificate from the Los Angeles County Board of Supervisors presented by Los Angeles County Supervisor Don Knabe.

Police Captain Randy Leaf pointed out that the system failure affected cities as far away as Long Beach; that a notice was posted on the City's website stating that the 911 system was down and providing the seven digit direct dial phone numbers to be used; and that Neighborhood Watch members personally contacted several elderly individuals and used their "e-mail tree" to notify residents. He reported that at approximately 12:15 this afternoon calls were able to be routed from 911 to the seven digit emergency direct dial number and then by 1:25 p.m., the 911 service was restored. He further reported that 985 calls were made on the City's Reverse 911 system to individuals who had their unlisted phone numbers added to the system.

Council held a brief discussion with City Manager Geoff Dolan regarding accountability and how to keep this type of problem from happening again to which City Manager Dolan responded that the RCC will follow up on behalf of the City.

Citing that reference was made several times to the seven digit emergency phone number, Mayor Fahey announced that the number is 545-4566; that it is frequently listed in the Beach Reporter and Daily Breeze newspapers; and that programming it into cell phones is a good idea.

In response to Mayor Pro Tem Ward's question as to how an individual with an unlisted phone number gets on the Reverse 911 system, Police Captain Leaf replied that they can call Crime Prevention Officer Neil O'Gilvy at 802-5186 or fill out the form on the City's web site at www.citymb.info.

Remarking that recent tragedies have made us all sensitive to the ability to respond, City Manager Dolan concluded by thanking the City's Police and Fire Departments, stating that this was a test of the City's preparedness, and they responded very well.

PUBLIC HEARINGS

None.

GENERAL BUSINESS

05/1018.12 Presentation by the Chamber of Commerce Economic Development Committee of the "Buy Manhattan" Campaign to Encourage Residents to Shop in Manhattan Beach

Manhattan Beach Chamber of Commerce (COC) Board Member Paul Dorr addressed Council with a PowerPoint presentation introducing the Chamber's new "Buy Manhattan" campaign. He introduced various members of the COC; explained their mission statement; illustrated a brochure that the Chamber places in various tourist related businesses such as hotels and rental car agencies; and explained that the COC also contributes to the Ocean Express shuttle which brings tourists to Manhattan Beach from the Century Boulevard hotel corridor. He explained that the purpose of the program is to raise the community's awareness and increase support for local businesses by buying goods in Manhattan Beach. Pointing out that one of every five dollars in the City's General Fund comes from sales tax revenue, he introduced the theme of the program: "what you spend here stays here" and explained that they are enlisting merchant support by asking them to display the "Buy Manhattan" decal to reinforce this message.

Manhattan Beach Chamber of Commerce (COC) Board Member Cynthia Cohen addressed the steps and timing of the campaign declaring that tonight is the official kick-off of the program and it is an outreach to both merchants and residents. She explained that packets containing the new decals, for merchant's to put in their windows and on customers' packages, will be mailed this week; that the COC's annual holiday letter will contain information on the new campaign; and that anyone wanting more information can contact the COC at (310) 545-5313. She added that information on the program will appear in the City's newsletter and Recreation Guide, the Beach Reporter, the COC newsletter and consideration is being given to adding reminders to water bills and "coupling" with cash keys. She concluded by reiterating that part of the COC's mission is to inform residents and try to change their shopping behavior to remember that "what you spend here stays here".

Mayor Fahey suggested other possibilities such as placing logos on kids' menus in restaurants and on hats and t-shirts.

There was no public comment on this item.

Stating that he is very excited about the program, Councilmember Tell commented on the great restaurants and shops in Manhattan Beach and reminded the community that the more they spend here, the more that the City can spend to help the community.

Mayor Pro Tem Ward pointed out that this type of program will help to augment small businesses that don't have the money to advertise.

Acknowledging that he is the City Council representative to the COC, Councilmember Montgomery voiced his full support.

Reiterating the importance that 20-25% of the City's revenue comes from sales tax, Councilmember Aldinger thanked the COC for their work on this program.

In response to Mayor Fahey's question as to whether the mailing will go to all businesses, **COC**

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Board Member Cohen replied that the packets will go to all businesses with a store front, whether they are COC members or not.

Mayor Fahey added that everything doesn't have to be a big deal and that even little things, like giving away pencils, could get kids to persuade their parents to take them into particular stores.

The Council accepted the presentation and received and filed the subject report.

05/1018.13 Presentation by the Beach Cities Health District Regarding Their Beach Cities Health Report Card

City Manager Geoff Dolan introduced this item by explaining that Manhattan Beach is one of three cities who are members of the Beach Cities Health District (BCHD); that residents pay property taxes into the District and receive services; and that they recently conducted a survey and are here this evening to share the findings.

Pointing out that this week is their 50th anniversary, **Susan Burden, Chief Executive Officer of the Beach Cities Health District**, utilized a PowerPoint presentation to review the history of the BCHD explaining that they now focus on the "front end" of health care from primary prevention to successful aging. She explained that an in depth study of the three cities was conducted to determine what residents really want and to help the Community Health Committee determine where the BCHD should invest its resources. With the results of the survey the BCHD is trying to determine how to stop certain issues from getting worse; how to push back other issues; and how to bring current health issues to the forefront. She briefly reviewed the structure of the BCHD's work with seniors; the great collaborative relationship that the BCHD has with the Fire Department; and the great start between BCHD and the Manhattan Beach Parks and Recreation Department. She reported that, in the South Bay, the leading cause of death is cardiovascular disease and that BCHD focuses on fitness, nutrition, stress management and mental health services to see what can be done about this and many other diseases. In regard to children, she stressed that the main health issue, all over the country, is obesity; however, Manhattan Beach has the least number of children in the unhealthy weight category of any city she knows of. She voiced the BCHD's concern that a long standing problem with middle and high school aged children in Manhattan Beach is tobacco, alcohol and drug use and stressed that the goal is to continue to find ways to address them and contain the ways that they get them. She reviewed the major diseases faced by seniors; the services (including in-home services) provided by BCHD; screenings and preventive measures; and how volunteers can be more productive in helping seniors. In conclusion, **BCHD Chief Executive Officer Burden** reviewed the BCHD's priorities for children, adults and seniors; reminded the community that they can phone the BCHD at (310) 374-3426 or log on to their website at www.bchd.org; and thanked the City for its partnership.

The following individual spoke on this item:

- **Jean Urban, No Address Provided**

City Manager Dolan stated that he and **Ms. Burden** have met with **Manhattan Beach Unified School District Superintendent Dr. Gwen Gross** to look at the most effective ways to help the School District to address drug and alcohol use.

Commenting that she occasionally presides in formal juvenile court, Mayor Fahey stated that of all the children picked up in the South Bay for smoking, alcohol and drugs; she doesn't see any from Manhattan Beach; therefore, maybe what is needed is more accountability by parents and

others to call the Police when they witness these things happening. She added that these children are put on a diversion program and face consequences.

Agreeing with Mayor Fahey, **BCHD Chief Executive Officer Burden** cited that she is excited about the partnership with the City and School District because of everyone's willingness to take the rational, appropriate, long term measures.

Councilmember Aldinger stressed the importance of focusing on these issues up front, like the BCHD does, and stated that he wished that the State and County would take the same attitude because it pays off in the long run.

Mayor Fahey also wished to commend **Jan Buik** for the work she does with seniors pointing out that she is very responsive.

The Council concurred to receive and file the subject report.

05/1018.14 Consideration of the City Council Work Plan Item Regarding Beautification of City Entryways

City Manager Geoff Dolan reviewed that beautification of the major entryways into the City was part of the City Council's 2005-2007 Work Plan and that staff is recommending that Council discuss the different options and provide direction.

Parks and Recreation Director Richard Gill addressed Council with a PowerPoint presentation of the City's current gateway monuments pointing out that there are six major entryways into the City. He explained that the current entryway monuments are not consistent in aesthetics or theme and that two of these entryways, Highland Avenue/45th Street and Valley/Ardmore at Boundary Place are not identified at all. He reported that the monuments on Sepulveda Boulevard, both north and south, are made of stone; that the monument on Manhattan Beach Boulevard, comprised of tile and stone with the words Progressus Progressus Progressus on it & a wooden sign in front of it, was originally a water feature; and that the monument on Marine Avenue and Aviation Boulevard is the same as the wooden sign on Manhattan Beach Boulevard. He showed pictures of monuments in surrounding cities and examples of different types of manufactured signs. He concluded by stating that staff is requesting direction on whether the monuments should all be the same or different; of the pre-cast/pre-fabrication type or more custom; whether it should be sent back to staff for cost estimates; or whether to send it to the Cultural Arts Commission for a case by case basis.

The following individuals spoke on this item:

- **Gary Osterhout, No Address Provided**
- **Jon Chaykowski, No Address Provided**

Mayor Pro Tem Ward recommended that this project be sent to the Cultural Arts Commission because, as a group, they could pick from amongst the many good elements of the different monuments and mesh them together; bring samples back to the Council to look at; and decide whether it is better to have uniformity or to have some with more of a neighborhood feel.

Councilmember Aldinger commented that he had no opinion one way or the other about uniformity and questioned the need to replace the current stone monuments on Sepulveda, commenting that he likes them, but that he would be in favor of changing the others.

Mayor Fahey suggested that it is not necessary to put the El Porto, Highland Avenue/45th Street,

entryway right at the city limit; it could be moved in closer to the where the town square begins.

Councilmember Montgomery stated that he would be in favor of sending the manufactured type of signs back to the Cultural Arts Commission; that he likes the idea of a clock tower in the El Porto area; and pointed out that the signs, other than those on Sepulveda Boulevard, could be backlit.

Councilmember Tell recommended that each area should have input regarding which type of sign they want; that he is also in favor of sending the manufactured type of signs back to the Cultural Arts Commission; and that while he is not in favor of all the signs being uniform, there could be some common element tying them together.

Council concurred to send the item to the Cultural Arts Commission; however, Councilmember Aldinger expressed hesitation fearing that the designs may come back too “artsy”.

Mayor Fahey suggested that, perhaps, if the City decides to redesign its logo, it could be the common element of all of the signs.

Council held a brief discussion regarding the need to give the Cultural Arts Commission some guidelines.

Parks and Recreation Director Gill commented that he and City Manager Dolan were just discussing the matter and determined that this portion of the meeting should be played for the Cultural Arts Commission so that they will have a clear understanding of Council’s direction.

City Manager Dolan reviewed that what he and Parks and Recreation Director Gill heard is that there is not much interest in changing the signs on Sepulveda Boulevard; that the other gateways should not be identical but of a similar theme; that there should be neighborhood involvement in choosing signs for the other areas; and that there should not be a big art competition, but nothing should be “off the shelf” either.

Parks and Recreation Director Gill emphasized that “off the shelf” type of signs can be customized to which Council concurred to not restrict them from consideration.

Mayor Pro Tem Ward also declared that he would prefer that the Sepulveda Boulevard signs be included with the others as there may be new materials, other than stone, that would fit in better with the City of Manhattan Beach.

City Manager Dolan agreed, however, pointed out that there are several restrictions regarding signs in the median on Sepulveda Boulevard.

RECESS AND RECONVENE

At 8:02 p.m. the Council recessed and reconvened at 8:16 p.m. with all Councilmembers present.

05/1004.15-15 Consideration for Funding Additional Projects from the Unfunded List in the Fiscal Year 2005-2006 Capital Improvement Plan (CIP)

City Manager Geoff Dolan introduced this item by stating that Staff has not prioritized Capital Improvement Plan (CIP) projects for a number of years because of Council’s position to save money for the Police & Fire Facility and Strand reconstruction. He reviewed that this topic was discussed during the annual Work Plan Meeting and that Council directed staff to compile a list of projects to be reviewed and prioritized.

Addressing Council with a PowerPoint presentation, Public Works Director Miller explained that non-enterprise projects do not have a dedicated funding source; that tonight’s objectives are: to

present an unfunded list; make sure Council is clear in regard to the projects; discuss availability of funds and begin discussion of priorities. He further explained that the City has approximately \$3.5 million available now to begin CIP projects or for other operating needs of the City such as staff positions; that \$2.1 million comes from dedicated CIP revenues; and that \$1.4 million is surplus from last years operating budget. He clarified that the lists have been developed with input from the public, City Commissions, Staff and City Council over a number of years and that these lists have been divided into three categories. He detailed the categories as: short term (projects with a lower price tag that if approved could be completed in the next year); long term projects (require some additional funding); and a Facilities Strategic Plan (FSP) (describes the needs for facilities for the City and the community - funding for the development of the plan is on the short term list). He added that if Staff could vote, the recommendation would be for the first four items on the short term list which include: a City Hall fire alarm, the Facilities Strategic Plan, Council Chambers Remodel and City Hall interior paint and carpet. Public Works Director Miller then addressed the Strand stairs stating that this project could be divided into two phases consisting of the \$1.5 million grant plus 20% matching funds or \$300,000; that this money would allow for the design of the entire project and first phase of construction; that Phase 2 would be approximately \$2.5 million; however, if both phases were completed now, it would use all of the saved CIP money.

City Manager Dolan interjected indicating that Staff would like direction on which projects Council wants to fund and then come back with more definite figures and time frames.

Council held a lengthy discussion with City Manager Dolan regarding the need for a Strategic Plan including comments about the cost of the plan; how projects would be selected; the need for a consultant to facilitate with a Citizen Steering Committee; when to do a Request for Proposals (RFP); and whether or not to spend any of the \$3.5 million immediately or save the money for future projects.

Parks and Recreation Director Richard Gill then explained the remaining items on the short term projects list regarding Parks and Recreation facilities and equipment upgrades.

In response to Councilmember Montgomery's question about the Strand stairs, City Engineer Dana Greenwood explained that discussions are ongoing with the County in regard to assistance with this project and others.

Council then held a brief discussion with City Manager Dolan and Public Works Director Miller reviewing the projects on the Long Term list with a brief explanation of each.

In response to Councilmember Aldinger's question, City Manager Dolan reiterated that the Facilities Strategic Plan was distinguished from the Long Term list mainly by determining that the Strategic Plan list is generally community use facilities that may be actively used by the residents, but that some items could be moved to either list.

Parks and Recreation Director Gill and City Manager Dolan gave an overview of the remaining projects on the Facilities Strategic Plan with an extensive explanation of concepts involving cooperation between the City and the School District for City Yard improvements.

Council held a discussion with City Manager Dolan, Deputy City Manager Sherilyn Lombos and Parks and Recreation Director Gill with regard to modular buildings, such as the ones used for the temporary Fire Department, and the appropriateness of their use.

Summarizing, City Manager Dolan remarked that tonight was merely an introduction and an overview of the unfunded CIP list.

The following individuals spoke on this item:

- **Gary Osterhout, 500 Block of 31st Street**
- **Patrick McBride, No Address Provided**
- **Melen McBride, No Address Provided**
- **Bill Victor, Property Owner**

Mayor Fahey responded to public comment about the cost of a facilitator by saying that the facilitator is not someone who comes up with the ideas, but rather a person who facilitates the community input and then directs that input in a way that's meaningful for Council.

Councilmember Tell suggested a possibility on how to proceed to have some impact on the community by breaking the lists into three categories: senior citizens, playgrounds and infrastructure.

Mayor Fahey questioned whether Council wanted to spend a large chunk of the \$3.5 million now or to do some short term items and spend money for the Facilities Strategic Plan.

Mayor Pro Tem Ward asserted that some items on the short term list are quite essential, such as the fire alarm and the painting & carpeting of City Hall; that he would like to have a direct effect on making kids happy and adding playground equipment is something that could physically be seen as an improvement; and that "happy kids grow up to be happy adults". He further added that items could be grouped as "immediate needs" and "practical needs"; that Council should move forward right now; and that he now sees the need for a Strategic Facilities Plan.

Councilmember Aldinger remarked that he would support the needs of kids and seniors, but that he would like to address the Strategic Facilities Plan.

Mayor Fahey interjected that Council needs to take into consideration Staff's availability and that she would like to discuss the use of "modulars and /or trailers" on an interim basis.

After a brief discussion, Council concurred that the City Hall fire alarm, Council Chambers remodel and City Hall interior paint and carpet should be completed now.

Councilmember Aldinger emphasized that he would like to start working on the Strategic Facilities Plan sooner than the spring of next year.

Mayor Fahey suggested that a subcommittee be formed and Councilmembers Aldinger and Tell agreed to work with Deputy City Manager Lombos on the RFP process for the Strategic Facilities Plan.

In response to Councilmember Montgomery's question about the time frame for the City Hall improvements, City Manager Dolan replied that the goal would be to complete them to coincide with the opening of the new Police & Fire Facility.

City Manager Dolan stated that tonight had been a great discussion and Staff could now go back and categorize and prioritize; that Staff will take a closer look at the issue of seniors; and that an adequate interim facility could be planned.

In response to Councilmember Aldinger's question about adding a voting system in the Council Chambers, City Manager Dolan responded that it was not currently included in the remodel but that Staff would check on the price of adding this system.

05/1018.16 Consideration of Additional Information Systems Specialist Position

City Manager Geoff Dolan introduced this item emphasizing that among the five additional staffing positions, this one is the highest priority and he fully supports it.

Information Systems (IS) Manager Leilani Emnace gave a brief overview of this item and through the use of a PowerPoint presentation reviewed that the Information Systems Division was created in 1995 and has functioned at the same staffing level since 2000. She reviewed how the system has grown over the years and that the Division now manages 23 servers, 300 workstations, the City's website with its new on-line registration, future "e-Gov" applications, and City Council meeting archive features. She reported that earlier this month a Request for Proposal for the redesign of the website was sent out; that the current priority is electronic mail; and spoke of the challenges of network security. She explained that recent disasters are a reminder of the importance of disaster recovery and business continuity and explained that the IS Department is in the process of setting up data replication in Washington State so that in the event of a failure, the City will be able to continue processing day to day activities remotely. She briefly touched on other projects such as relocation of the Police & Fire Departments and detailed the on-going daily activities. In conclusion, IS Manager Emnace stressed that while technology and support requirements have grown substantially, the City's Information Systems Department is operating at the same staffing levels it was five years ago and that there is clearly a need for this Information Systems Specialist Position.

Acknowledging that as he understands it, the City's Webmaster is a part-time position, Mayor Pro Tem Ward stressed that an additional IS position is needed and will be well worth it.

Councilmember Montgomery complimented the IS Department on the streaming video.

There was no public comment on this item.

MOTION: Councilmember Tell moved to approve the addition of one full time Information Systems Specialist position, and appropriate \$33,000 from the Information Systems Fund to fund the position for the remainder of Fiscal Year 2005-2006. 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.

05/1018.17 Consideration of the Police & Fire Facility / Metlox / Public Improvements Project Status Report and Disbursement of Progress Payment #19 in the Net Amount of \$1,612,726 to Swinerton Builders and Consideration of Additional Compensation to Vanir Construction Management and Hellmuth, Obata + Kassabaum (HOK) Due to Extension of the Construction Schedule

City Manager Geoff Dolan gave an overview of the Police & Fire Facility / Metlox / Public Improvements Project explaining that this item will consist of the regular monthly payment and additional payments to Vanir Construction Management and Hellmuth, Obata + Kassabaum (HOK) due to extension of the construction schedule. He reviewed that within the next few weeks, several Metlox tenants on Manhattan Beach Boulevard, will be given the okay to occupy and open; that the escalator will be operational, but the center courtyard will remain fenced off; that the graphics in the parking structure are up; that the Shade Hotel is training its staff and

taking reservations; that coordination of the final ribbon cutting is under way; and that occupancy of these stores will start the six month window on the Tolkins paying rent. As far as the Police & Fire Facility, he reviewed that the contract with Swinerton Builders was extended through the end of October for substantial completion and through the first of the year for final completion; however, Swinerton reported that they were already falling behind. He explained that Swinerton estimates that the building will be completed by mid December; however, the plaza will not be finished until several months into the new year and they expect additional slippage beyond that. He conveyed that last Friday he sent a letter to the Vice President of Swinerton (their lead person for the western United States) expressing the frustration of the City, Vanir and HOK regarding Swinerton's commitment to finishing the project and asking for his personal involvement. He added that while progress is continuing in some areas, Swinerton did not secure the facility from the recent rains and additional significant damage, from the roof to the basement, occurred with drywall and insulation and Swinerton staff did not appear to be very concerned. Acknowledging that Swinerton informed staff that this damage could add an additional month on top of what they already reported and that they will probably try to hold someone else responsible, City Manager Dolan emphasized that it was clearly their responsibility and that, as of this point, the City is escalating its attempts to get the most senior members of Swinerton involved. He concluded by stating that staff had previously projected that the project would come in under budget by approximately \$1 million; that staff still believes that the project will be completed within budget; however, as time goes on, savings will diminish and for every additional month there will be additional costs.

Mayor Fahey stated, while typically there would not be another Police & Fire Facility progress report on the next agenda, she would like to have a public report on Swinerton's response to City Manager Dolan's letter.

Concurring with staff's frustration, Councilmember Aldinger voiced his extreme disappointment in Swinerton stating that it is his belief that they are looking for excuses to cover up their lack of commitment to the project and that maybe part of the solution would be to have Swinerton senior staff appear on a more regular basis.

Acknowledging his support of City Manager Dolan's letter, Mayor Pro Tem Ward reported that senior members of Swinerton were invited to attend the last subcommittee meeting but did not show up, which indicates an appearance of a lack of commitment. He spoke of Swinerton's comments that they are losing money but emphasized that it is not the City's issue; that there are three different entities involved (Swinerton, Vanir and HOK); and that Swinerton is the main issue.

In response to Councilmember Tell's question as to why the City should pay anything more to Swinerton after their clear negligence which has almost reached crisis level, City Manager Dolan responded that the current payment is for work completed through September; however, the next payment is for the month of October and, at that time, Council can choose how to respond.

Councilmember Tell suggested that Council approve the current payment and if Swinerton doesn't respond and agree to meet with staff this week, the City can increase the pressure in a variety of different ways.

City Manager Dolan concurred stating that staff can talk to Swinerton's Performance Bond Company or to attorneys who specialize in this area. He added that he looks forward to Swinerton's reply.

Through the use of a PowerPoint presentation, Deputy City Manager Sherilyn Lombos reviewed
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the compensation for the Architect/Engineer (Hellmuth, Obata + Kassabaum (HOK) and Construction Management company (Vanir Construction Management) explaining that HOK's payments were separated into five phases; that the full amount was paid out as of July 6, 2005; and that Vanir was paid on a monthly basis through June of 2005. She discussed the responsibilities of each company during the construction phase and the recommendations to extend HOK and Vanir's compensation until October 31, 2005, the same amount as the Swinerton extension. She detailed that it is staff's recommendation that HOK and Vanir's pay be extended through the close-out (November and December); that HOK should be paid on a time and material basis; and that all fees not covered by this extension be paid to HOK and Vanir in the final settlement.

In response to Council questions, Deputy City Manager Lombos responded that Charles Smith from HOK has been spending more time on site recently; that she has received good feedback about HOK; that paying them on a time and material basis may save money; and that both Vanir and HOK have agreed to finish the project and receive no additional compensation until the final settlement.

City Manager Dolan emphasized that as long as Swinerton's agreement is not extended beyond the first of the year, Vanir and HOK will wait for the final settlement.

The following individual spoke on this item:

• **Jon Chaykowski, No Address Provided**

Councilmember Aldinger repeated his frustration with Swinerton and commented that he doesn't believe that the project will be finished until March or April.

Councilmember Tell voiced his disappointment with Vanir stating that they should have been more "on top of" the problems; they should have let the City know about the problems sooner; and that they should not have signed off on schedules that had no credibility to them. He stated that with the City paying Vanir another \$250,000, more should be demanded from them including advising the City on alternative courses of action and having Project Director Moshir Kallada on site more often.

Mayor Pro Tem Ward informed Council that at the last subcommittee meeting, Vanir assured the committee of their commitment to stay with the project. He commented that he would not be so quick to blame Vanir because a lot of what they did was behind the scenes and they saved the City a lot of money. He stressed that the full blame rests with Swinerton.

Councilmember Montgomery agreed with Mayor Pro Tem Ward that what is brought forth in the subcommittee meetings often sheds more light. He suggested putting off the blame; finishing the project; and settling up at the end.

MOTION: Mayor Pro Tem Ward moved to receive and file the status report on the Police & Fire Facility / Metlox / Public Improvements Project; approve issuance of the subject progress payment; and approve additional compensation to Vanir Construction Management and Hellmuth, Obata + Kassabaum (HOK). The motion was seconded by Councilmember Montgomery and passed by the following unanimous roll call vote.

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

ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

AUDIENCE PARTICIPATION

05/1018.21 Jon Chaykowski Re Utility Underground Assessment

Commenting that he was speaking for himself and his neighborhood, **Jon Chaykowski, No Address Provided**, reiterated previous comments from prior City Council meetings that the assessment for utility undergrounding is inequitable and that the City chose to take a simplistic path that ignored differences. He reviewed the boundaries of District 2 stating that it combines neighborhoods with different interests and different impacts and that his neighborhood would be subsidizing nearby neighborhoods if the assessment passes. He spoke of a petition signed by a majority of his neighbors wishing to opt out of District 2, stating that they never wanted to be part of the undergrounding, and remarked that he can get more signatures, if the Council desires them. **Mr. Chaykowski** concluded by asking for the Council's direction on how to affect the petition and remove his entire neighborhood, consisting of two city blocks, from District 2.

In response to Mayor Fahey's comment that she understood that residents defined the boundaries, not the City, City Attorney Robert Wadden confirmed that 60% of the affected residents had to vote in favor for the District to form.

Mr. Chaykowski stressed that previous to the residents voting on the boundaries, Gayle Porter, the leader of District 2, went to the City and was given these boundaries.

City Manager Geoff Dolan stated that, as he understands it, the process consists of a representative of a general area meeting with Senior Civil Engineer Mike Guerrero and together they create logical boundaries based on distribution lines.

In response to Mayor Fahey's statement that the District has more of a chance to pass if **Mr. Chaykowski** and his neighbors are not included in the boundaries, City Manager Dolan stated that removing them would not be possible because the boundaries have already been established.

City Attorney Wadden added that because the engineers have already done the analysis, the whole process would have to be started again which would include Edison re-engineering the plans which would add additional costs.

Council held discussion with Public Works Director Neil Miller, City Manager Dolan and City Attorney Wadden regarding the District formation; whether it would make sense to start the process for this District over again; and what would be involved in doing so.

Councilmember Tell expressed his opinion that because the prices were so much higher than what the last Districts had to pay, residents got "sticker shock" and now want to opt out. He emphasized that this is not about ocean views; it is a valuable investment in the community.

Mayor Fahey stated that the only question tonight is whether to agendaize this item and that from the conversation, there is simply nothing that can be done, legally, now that the ballots have already gone out.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS & COMMITTEE REPORTS

None.

ADJOURNMENT

At 11:08 p.m. the meeting was duly adjourned to the 5:30 p.m. Adjourned Regular Meeting, to be followed by the 6:30 p.m. Regular City Council Meeting, on Tuesday, November 1, 2005, in said City.

TERRI ALIABADI
Recording Secretary

JOYCE FAHEY
Mayor

ATTEST:

LIZA TAMURA
City Clerk

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR MEETING
OCTOBER 18, 2005**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 18th day of October, 2005, at the hour of 5:33 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 (Acting).

CLOSED SESSION

The Council recessed into Closed Session at 5:33 p.m. and moved to open session at 6:24 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:24 p.m.

ROBERT V. WADDEN, JR.
Recording Secretary

JOYCE FAHEY
Mayor

ATTEST:

LIZA TAMURA
City Clerk