

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
REGULAR MEETING OF  
AUGUST 16, 2005**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 16<sup>th</sup> day of August, 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**

Police Chief Ernest Klevesahl led the pledge of allegiance.

**ROLL CALL**

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

**CEREMONIAL ITEMS**

None.

**CONSENT CALENDAR**

The Consent Calendar (Item Nos. 1 through 9), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Aldinger, seconded by Councilmember Montgomery and passed by unanimous roll call vote with the exception of Item No. 4 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.

Upon an audience members request to pull Item No. 8, Mayor Fahey suggested that, with the audience's consent, it would be brought back before Council in three months for review.

Hearing no objections, it was so ordered.

**GENERAL CONSENT**

05/0816.1 Approve Minutes of the City Council Adjourned Regular and Regular Meeting of August 2, 2005

The Council approved the subject minutes.

05/0816.2 Consideration of Financial Reports  
a) Ratification of Demands: August 11, 2005  
b) Investment Portfolio for the Month Ending July 31, 2005  
c) Financial Reports for the Month Ending July 31, 2005

The Council approved with no exception Warrant Register Nos. 30B and 4B in the amount of \$4,026,954.43 in payment of ratification of demands and claims as prepared by the Director of Finance, together with the original demands and claims as prepared by said Warrant Register; received and filed the Investment Portfolio for the month ending July 31, 2005; and received and

filed the Financial Reports for the month ending July 31, 2005.

05/0816.3 Final Payment in the Net Amount of \$153,054 to John T. Malloy, Inc.; Formally Accept the 2003-2004 Water Main Replacement Project as Complete; and Authorize Filing of the Appropriate Notice of Completion

The Council approved the issuance of the subject final payment; formally accepted the 2003-2004 Water Main Replacement Project as complete; and authorized filing of the appropriate Notice of Completion.

05/0816.4 Consideration of the Police & Fire Facility / Metlox / Public Improvements Project Status Report and Disbursement of Progress Payment #17 in the Net Amount of \$1,520,866 to Swinerton Builders

Item No. 4 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

### **BOARDS AND COMMISSIONS**

#### **Parks and Recreation Commission**

05/0816.5 Consideration of Draft Minutes, Parks and Recreation Commission Meeting of July 25, 2005

The Council received and filed the subject draft minutes.

#### **Parking & Public Improvements Commission**

05/0816.6 Consideration of Action Minutes, Parking and Public Improvements Meeting of July 28, 2005

The Council received and filed the subject action minutes.

05/0816.7 Uphold the Parking and Public Improvements Commission Recommendation to Approve a Request for Installation of a Stop Sign on Northbound Ingleside Drive at 2<sup>nd</sup> Street

The Council approved the Parking and Public Improvements Commission recommendation to install a stop sign on northbound Ingleside Drive at 2<sup>nd</sup> Street and adopt Resolution No. 5993.

### **RESOLUTION NO. 5993**

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING SECTION 21 (THROUGH STREETS AND STOP INTERSECTIONS) OF RESOLUTION NO. 2715 (THE TRAFFIC RESOLUTION)**

05/0816.8 Uphold the Parking and Public Improvements Commission Recommendation to Deny a Request for Installation of a Stop Sign on Eastbound Park View Avenue at the Driveway to the Manhattan Village Senior Villas

With the condition that this item be returned for Council's review in 3 months, the Council approved the Parking and Public Improvements Commission recommendation to deny the request for installation of a stop sign on eastbound Park View Avenue at the driveway to the Manhattan Village Senior Villas and eliminate three parking spaces on the south side of Park View Avenue west of the Senior Villas driveway and one open space east of the driveway.

**Planning Commission**

05/0816.9 Consideration of Action Minutes, Planning Commission Meeting of August 10, 2005

The Council received and filed the subject action minutes.

**COMMUNITY ANNOUNCEMENTS**

05/0816.16 Keala Smith Re Beach Cities Summer Spectacular

**Beach Cities Spectacular Midway Director Keala Smith** along with “**Junior Ambassador of Fun**” **Gabrielle Wolf** announced that the Beach Cities Summer Spectacular will take place August 25-28, 2005 on the track of the old Aviation High School located on Aviation Boulevard at Manhattan Beach Boulevard. She explained that it will be the largest midway ever in the South Bay; that admission and parking are free; and that for more information the public can call (310) 469-3919 or log on to [www.BeachCitiesSummerSpectacular.com](http://www.BeachCitiesSummerSpectacular.com).

05/0816.17 Parks and Recreation Director Gill Re Manhattan Beach Open

Parks and Recreation Director Richard Gill announced that the 44<sup>th</sup> Annual Manhattan Beach Open Volleyball Tournament will take place this weekend on the south side of the Pier.

05/0816.18 Barbara Heacox Re Manhattan Beach Community Police Academy

**Barbara Heacox, No Address Provided**, encouraged the community to join the next Manhattan Beach Community Police Academy Class beginning on September 8, 2005, and continuing through November 17, 2005.

05/0816.19 Mayor Pro Tem Ward Re Hip Hop Tournament

Mayor Pro Tem Ward invited the community to attend the 4<sup>th</sup> Annual USA & World Hip Hop Dance Championships which will take place August 18-21, 2005 at the Redondo Beach Performing Arts Center.

05/0816.20 Councilmember Aldinger Re Leadership Manhattan Beach

Councilmember Aldinger announced that Leadership Manhattan Beach is accepting applications for its next class and that anyone interested should contact the Manhattan Beach Chamber of Commerce at (310) 545-5313.

**PUBLIC HEARINGS**

05/0816.10 Consideration of a Resolution Adopting a Fee for Providing Resident Override Hang Tags for the Staggered Parking Restriction Program in the Areas Adjacent to Mira Costa High School

Revenue Services Specialist Steve Charelian addressed Council regarding the Staggered Parking Restriction Program in the area adjacent to Mira Costa High School that the Council approved at the August 2, 2005 City Council meeting. He explained that, in order to recover the costs associated with administering the program, the hang tags would cost \$25 each; that each household is eligible for up to 3 hang tags; that they are valid for school days only; and that they will be available to the public on Monday, August 22, 2005.

Mayor Fahey opened the Public Hearing at 6:42 p.m.

**Howard Hafdel, No Address Provided**, voiced his opinion that \$25 per hang tag is too much; that there should be a one-time only fee; and that a lot of his neighbors are also upset at the price.

**Dilip Adarkar, South Prospect Avenue**, applauded the Council's decision to provide hang tags to those residents adjacent to Mira Costa High School; read aloud a couplet that he wrote for them; and thanked members of the staff for "getting the job done" in time for the new school year. He suggested that the hang tags be connected to an address rather than a license plate because some people change cars often and that the hang tags should not have an end date as long as the residents occupy that house.

Mayor Fahey closed the Public Hearing at 6:45 p.m.

Mayor Fahey voiced her concern that \$25 per tag may be too steep a price.

Revenue Services Specialist Charelian explained that the price was based on administrative cost recovery and in accordance with the methodology used for the Fee Study.

City Manager Geoff Dolan pointed out that while Council can establish any cost they choose; \$25 is similar to what other cities charge and anything less would only cover a fraction of the cost to develop the program.

Councilmember Aldinger stressed that it has been Council's policy to recover the cost of services and that they should be "borne" by those using the services.

In response to Council questions, Revenue Services Specialist Charelian clarified that permits are issued for six months at a time in order to maintain control and so that they won't be sold; that there are 750 dwellings in the subject area; and that 1,500 permits were ordered.

Mayor Fahey reiterated her concern over the price of the hang tags remarking that she would be comfortable increasing the fee later if it was necessary, but until staff knows exactly how much it will cost to facilitate the program, she considers it a "quality of life" issue and suggests that the City give these residents a break.

Pointing out that in Hermosa Beach, permits are \$40 each, Mayor Pro Tem Ward commented that he does not want to set the price too low and then have to raise it. He suggested charging something between \$40 - \$75 per household for the hang tags.

Concurring with Mayor Pro Tem Ward that the City could give some type of "good will" concession the first year, Councilmember Montgomery pointed out that, then, a baseline will have been established and the City can better judge what the proper charge should be.

Councilmember Aldinger emphasized that he believes that more people will be upset if after a year the prices double and that he hopes that his fellow Councilmembers will support their policy to charge whatever the true cost is of supporting the program.

Councilmember Tell pointed out that as more residents opt-in, more of the cost of the program will be covered and suggested the following compromise as a motion:

**MOTION:** Councilmember Tell moved to adopt Resolution No. 5995 as amended to include changing the cost of the hang tags to \$15 each for a maximum of \$45 per household. The motion was seconded by Mayor Pro Tem Ward and passed by the following unanimous roll call vote:

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

Noes: None.

Absent: None.

Abstain: None.

City Attorney Robert Wadden confirmed that Council has the authority to make this change and adopt the Resolution as amended.

**RESOLUTION NO. 5995**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING RESOLUTION NO. 5904, ESTABLISHING A FEE TO BE CHARGED FOR STAGGERED PARKING RESIDENT OVERRIDE PARKING HANGTAGS, SUPERSEDING ALL PRIOR APPLICABLE INCONSISTENT RESOLUTIONS OR ORDERS IN CONCERT THEREWITH**

05/0816.11 *Consideration of a Determination that the City is in Compliance With the Program Requirements of the 2005 Congestion Management Program (CMP) for Los Angeles County*

Assistant Planner Angelica Ochoa summarized the Congestion Management Program (CMP) explaining that in past years it involved a system of credits and debits and cities had to maintain a credit balance in order to be in compliance. She explained that the goal of the CMP is to mitigate negative effects such as traffic that new developments may impose on transportation; that debits were assigned when new structures were built; and that credits were awarded when structures were removed. She reported that the Metropolitan Transit Authority (MTA) suspended the necessity to generate credits, however, the City is still required to track and report new development activity. She reviewed the City's development activity over the last year and concluded by stating that staff finds that the City of Manhattan Beach is in compliance.

Mayor Fahey opened the Public Hearing at 7:00 p.m.

Hearing no requests to speak, Mayor Fahey closed the Public Hearing at 7:01 p.m.

Councilmember Aldinger explained that the CMP is brought before Council on a yearly basis and because Manhattan Beach is such a "built out" city, CMP requirements are always met.

**MOTION:** Councilmember Aldinger moved to adopt Resolution No. 5994 demonstrating the City's compliance with the program requirements of the 2005 Congestion Management Program. The motion was seconded by Mayor Pro Tem Ward and passed by the following unanimous roll call vote.

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

**RESOLUTION NO. 5994**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, FINDING THE CITY IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089**

## **GENERAL BUSINESS**

### **05/0816.12 Consideration of Making Permanent the Live Oak Park Dog Run and Established Dog Pass Through Areas at Culiacan, Live Oak and Sand Dune Parks with Minor Changes to Hours of Operations**

Recreation Services Manager Idris Al-Oboudi reviewed Council's direction for staff to monitor the off-leash dog run at Live Oak Park and dog pass through areas at Culiacan, Live Oak and Sand Dune Parks regarding concerns that were raised from some residents when the dog run and pass through areas were being considered. He reported that members of the Dog Committee surveyed neighbors and dog owners; that the concerns (noise, smell, overcrowding and safety) have not come to fruition; that 97% of the surveys were positive; and that the other 3% were only negative because they wanted more areas and longer hours of operation. He explained that a number of suggestions came about from the surveys such as having a separate section for bigger and smaller dogs, lighting for evening hours, and more hours in general. Recreation Services Manager Al-Oboudi concluded by stating that because of the positive feedback, staff is recommending that the dog run and pass through area be made permanent and the hours of operation be extended to 7:00 a.m. to 10:00 p.m. on weekdays and 8:00 a.m. to 7:45 p.m. on weekends.

Council held discussion with Recreation Services Manager Al-Oboudi clarifying that the only expense associated with this request is the \$50 on going maintenance fee and that Veterans Parkway was already considered as an additional location for a dog run and turned down due to the close proximity of homes.

The following individuals spoke on this item:

- **Lou Bahar, No Address Provided**
- **Sarah (Girl Scout), No Address Provided**
- **Stephanie Monash, 1800 Block of Herrin**
- **Dave Harris, 15<sup>th</sup> Place**
- **Linda Mack, 500 Block of 27<sup>th</sup> Street**
- **Karol Wahlberg, Manhattan Beach**
- **Jon Vogl, Dog Committee Member**
- **Marty Friedman, Dog Committee Member**
- **Michelle Murphy, No Address Provided**
- **Therese Trebaol, Girl Scout Leader**
- **Damien Goldberg, Manhattan Beach**
- **Chip Kelso, 400 Block of 21<sup>st</sup> Street**
- **Martha Andreani, Downtown Manhattan Beach**
- **Annette LePere, Local Veterinarian**
- **Victoria Gustafson, 19<sup>th</sup> Street and Ardmore Avenue**
- **Barbara Heacox, No Address Provided**

Admitting that he was skeptical and that he thought the dog run would be a regional draw; Mayor Pro Tem Ward congratulated everyone involved and acknowledged that it has become more of a community gathering place. He stated that he still had reservations about using Veterans Parkway as a possible additional location remarking that it might change its character. He suggested that a small park area east of Sepulveda might be a good location; that he would like to see the landscaping cover the green plastic on the fence at the current location to make it more attractive; and that he supports making the current dog run and pass through locations permanent.

Councilmember Tell concurred with Mayor Pro Tem Ward that he would also like to make these areas permanent and thanked staff and the dog owners for being responsible. In regard to looking for new locations, he offered to meet with dog owners and suggested that they take the positive data that was collected and go to the neighbors of prospective new locations to get their support.

Councilmember Montgomery also expressed his congratulations to all those involved and spoke of the dog run as a town “watering hole” and the possibility of creating odd/even days for different size dogs. In regard to a speaker’s comment about “Mutt Mitts” at the pass through areas, he stated that he would rather have them there and not need them than need them and not have them. He reminded the community that if this Resolution passes, they will need to maintain responsibility for their dogs and that the dog run will be closed for a period of time during the Old Hometown Fair.

Stressing that she is also in favor of having “Mutt Mitts” in the pass through areas, Mayor Fahey pointed out that before “Mutt Mitts” were installed at the water tower, east of Sepulveda Boulevard, it was very common to see dog droppings; but now it is very rare. She suggested that in order to maximize the use of the dog run and because it works so well in this area, that maybe it would be better to move the dog training classes somewhere else. In conclusion, she expressed her support for making the dog run and pass through locations permanent and expanding the hours of operation.

Council held additional discussion regarding the process for finding other locations.

City Manager Geoff Dolan acknowledged that staff will follow up on the pursuit of additional locations, “Mutt Mitts”, the dog classes and the landscaping.

**MOTION:** Councilmember Aldinger moved to approve making permanent the dog run at Live Oak Park and the established dog pass through areas at Culiacan, Live Oak and Sand Dune Parks and the recommended changes to the hours of operation from 7:30 a.m. to 10:00 p.m. Monday through Friday to 7:00 a.m. to 10:00 p.m. and from 9:00 a.m. to 6:00 p.m. Saturday and Sunday to 8:00 a.m. to 7:45 p.m. 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.

**RECESS AND RECONVENE**

At 7:47 p.m. the Council recessed and reconvened at 8:02 p.m. with all Councilmembers present.

05/0816.13 Status Report on Strand Improvement Project – Phase I Construction and Approval of Signage

Senior Civil Engineer Michael Guerrero presented pictures, as part of the staff report, and reviewed Phase I of the Strand Improvement Project which encompasses the walkway from 36<sup>th</sup> Street to 45<sup>th</sup> Street announcing that this portion should be completed by the end of August, 2005. He explained that the contractor is currently awaiting delivery of the new light poles and fixtures; that construction has begun on Phase II (28<sup>th</sup> Street to 36<sup>th</sup> Street) which should be completed by the end of December; and that the remainders of the phases are scheduled to culminate in November of 2006. He reviewed the content of the Strand signage that Council approved; Council’s direction that the sign’s background color should match the trash

receptacles; that the “beach rules” circles with slashes should be black instead of red; and acknowledged Council’s wish that the content be “warmed up”. In conclusion he reviewed several popular beach signage sayings, a public comment that the “on or off leash” verbiage was unnecessary and could be omitted and that once Council approves the signs, they can be installed in Phase I of the Project.

Council held discussion with Senior Civil Engineer Guerrero regarding where dogs will be allowed at the beach, that there will be two trash cans per intersection and questioned whether it was necessary that the “Municipal Code Sections” be on the signs.

City Attorney Robert Wadden confirmed that, after speaking with some criminal judges, it was his suggestion that “full notice” of the Municipal Code Sections needed to be on the signs in order to get convictions.

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

• **Michelle Murphy, 4400 Block of the Strand**

Mayor Fahey shared suggestions that she had received in an e-mail from Sandra Seville-Jones regarding breaking the rules down between the beach and the Strand.

Council continued discussion regarding what should appear on the signs; how to “warm up” the verbiage; the possibility of having several different greetings; that the Los Angeles County Municipal Codes could be removed; and that people may realize that they can fight the convictions if the Municipal Code is not stated on the signs.

City Manager Geoff Dolan informed Council that there would be an extra charge to personalize the signs with different sayings and that they could choose to make the conscious decision to remove the Municipal Codes from the signs, but once word got around, the City might lose its ability to fight the convictions.

Council continued discussion regarding the signs which resulted in the following consensus language:

Welcome to Manhattan Beach  
Home of beach volleyball

- No alcoholic beverages on the beach  
M.B.M.C. 4.48.030
- No dogs allowed on the beach or bike path  
M.B.M.C. 5.01.040
- No smoking on the beach  
M.B.M.C. 12.08.320
- Pick up after your pet  
M.B.M.C. 5.01.310
- Pedestrian traffic only on the Strand  
M.B.M.C 3.01.100Z

Thank you for your cooperation  
Enjoy the sun, sand, and sea

**MOTION:** Councilmember Aldinger moved to receive and file the construction update regarding the Strand Improvement Project and approve the Strand signage as amended above. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote.

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

05/0816.14 Consideration of a Request for Proposals for the Implementation of a Sample Strand Alcove/Bench Public Art Project and Approval of Guidelines and Policies for Future Alcove/Bench Installations

Reviewing Council's direction that staff establish a donor policy and Request for Proposal (RFP) for future Strand alcove/benches, Cultural Arts Manager Juanita Purner addressed Council communicating that the goal of the project is to create a high quality artistic walk with seating areas along the Strand. She explained that the project will be supported by the Public Art Program and the only cost to the City will be \$50,000 for the initial sample alcove/bench. She reviewed the guidelines and procedures developed by the Cultural Arts Commission whereby the public can donate artistically enhanced benches and/or renovate Strand alcoves. She relayed Council's concern regarding design and commercialization, and that because of that; the Cultural Arts Commission will develop the first high quality bench to serve as a reference. She reviewed the guidelines including the minimum cost of \$30,000; no recognition of deceased loved ones; and that donors may choose from a pre-qualified list of artists or submit their own artist for approval. She explained that the RFP will create a pool of artists and that from this pool; one artist will be chosen to design the first alcove/bench area. In conclusion, Cultural Arts Manager Purner acknowledged that this project may take up to ten years to complete but that once it is completed; the Strand will be significantly enhanced for years to come.

Council held discussion regarding costs, the permanence of the benches, the general theme, that there will be no religious symbols; that artists will submit renderings; and that the pre-qualified artist renderings will be put into a catalog for donors to choose from.

City Manager Geoff Dolan brought up the possibility of making a few "field changes" to the alcoves such as having some of them face the other direction or of a different size than the standard 5 feet by 15 feet.

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

- **Martha Andreani, Downtown Manhattan Beach**
- **Michelle Murphy, No Address Provided**
- **Karol Wahlberg, No Address Provided**

Councilmember Aldinger voiced his concern about having 44 different benches on the Strand and emphasized the community's request for simplicity. He suggested finding three or four locations on the Strand to "try out" the benches on a temporary basis and then rotating different designs in every five or ten years.

Mayor Pro Tem Ward concurred with Councilmember Aldinger that the number of artistic bench/alcoves may be too many. He stated that he would support going forward with \$50,000 for the initial bench; however, it might be premature to set a number on how many artistic bench/alcoves are to be installed until Council reviews what is submitted through the RFP process.

Councilmember Tell agreed with Mayor Pro Tem Ward on going forward with the initial bench to get the public's reaction and emphasizing to the artists to keep the designs simple. He commented that it will be interesting to see how the public likes the alcoves as opposed to just sitting on a bench on the Strand and that he views this project as a way to enhance the experience. Councilmember Montgomery also agreed that Council should wait to see what renderings staff

receives out of the RFP before agreeing on how many benches to design. He encouraged residents to attend the Cultural Arts Commission meetings as well as City Council meetings and give their input.

Council continued discussion on adding language to the RFP about keeping the designs simple and where to locate the initial bench.

Hearing no objections the following motion was made.

**MOTION:** Mayor Pro Tem Ward moved to approve the guidelines and policies for future alcove/bench installations and the Request for Proposals for the Implementation of the Sample Strand Alcove/Bench Public Art Project, as amended, to include language stating that the designs should be kept simple and not incorporate religious symbols. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote:

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

05/0816.15 Information and Analysis of the Utilization of Manhattan Heights, Joslyn and Marine Avenue Community Centers and City/School District Athletic Fields

City Manager Geoff Dolan prefaced staff's introduction of this item by stating that as part of the City Council's 2005-2007 Work Plan, staff was directed to perform a utilization study of the City's community centers and athletic fields.

Recreation Services Manager Idris Al-Oboudi addressed Council with an update on the average usage of the City's community centers over a one year period. He presented two attachments (grids) indicating that there are approximately 7,000 bookings per year; however, one time usages such as birthday parties or group meetings, representing about 30% of the reservations, do not show up on the grid. He explained that most on-going regular uses are for classes; that past patterns of use prove that the community prefers to use indoor facilities during the week – not on the weekends; that gaps may represent set-up or clean-up times; and that the majority of weekend facility bookings are for private use, special events of the City, staff training or maintenance. He reported that the Joslyn Center has been in a state of flux since the Fire Department temporarily moved in to the south portion of the building and took over the kitchen, which used to be a big "selling point", and that staff will take a proactive approach to marketing this facility.

Council held discussion with Recreation Services Manager Al-Oboudi determining that City facilities are staffed and open on Saturday and Sunday; that the purpose of this analysis was to look at the possibility of expanding the use of the City's facilities; and that the analysis is also helpful in determining costs and issues of the facilities.

In conclusion, Recreation Services Manager Al-Oboudi emphasized that this information will assist staff to work more diligently and proactively to make the public aware of the facilities that the City has to offer and what the limitations are regarding different facilities.

Recreation Services Manager Mark Leyman provided the City/School District athletic field analysis reporting that there are 18 fields in the City of Manhattan Beach, 11 of which are owned by the Manhattan Beach Unified School District (MBUSD) and that all are heavily used. He reviewed the hours that the primary organizations use the fields, field maintenance and which fields are lighted.

Councilmember Aldinger suggested that staff use different colors on the grids to indicate the hours that the fields are in use by the schools and which fields are not lit.

Commenting that the technology is now available to add lighting to fields without “flooding” nearby residents, Mayor Fahey stated that it could help to increase utilization of the fields.

There was no public comment on this item.

In response to Mayor Pro Tem Ward’s question regarding whether it would be cost effective to improve the acoustics at the Joslyn Center so that more community groups would use it, Recreation Services Manager Al-Oboudi acknowledged that a facility study was undertaken back in 1996 in regard to adding a black box type of sound system.

In regard to Councilmember Aldinger’s question about field maintenance, Recreation Services Manager Leyman stated that staff would like to look into the possibility of installing artificial turf so fields wouldn’t have to be closed for several months each year.

City Manager Geoff Dolan announced that installing artificial turf is a possible future CIP project; that the payback time for artificial turf is shorter than what one might think; and that it will be brought back to a future City Council meeting.

Councilmember Tell thanked staff for preparing the analysis and asserted that staff should now be able to tell the Council what it needs to better utilize the City’s facility and field assets.

#### **ITEMS REMOVED FROM THE CONSENT CALENDAR**

05/0816.4 Consideration of the Police & Fire Facility / Metlox / Public Improvements Project Status Report and Disbursement of Progress Payment #17 in the Net Amount of \$1,520,866 to Swinerton Builders

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

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

- **Martha Andreani, Downtown Manhattan Beach**
- **Ray Anderson, No Address Provided**

In response to speaker comments, Councilmember Tell emphasized that the only settlement that has been discussed so far is with Swinerton Builders (the project construction company); that the City has not settled anything or continued anything with Vanir (the construction management company); and that the City will continue to evaluate Vanir’s performance.

Also in response to questions regarding project milestones, Mayor Fahey pointed out that milestones are listed on page 3 of the staff report.

Acknowledging that some people may have a difference of opinion, City Manager Geoff Dolan emphasized that he is troubled with the characterization that the City made a mistake regarding the bids for the project coming in \$3 million over the original budget estimates. He emphasized that staff worked diligently with Vanir and Hellmuth, Obata & Kassabaum (HOK) to develop the bid packages; that various items were cut out in order to save money; that it was agreed that some features would be added back in if the budget was doing well; that the plans had to be adjusted when the utilities were not where they were indicated; and that staff’s commitment is to

get this project built within the agreed upon budget of \$40.7 million. He emphasized that the project will come in within the 10% contingency and, that at this point, staff projects to come in under budget by approximately \$1 million.

Councilmember Aldinger concurred with City Manager Dolan that lengthy discussions took place when the bids came in higher and Council unanimously decided to move forward. He also pointed out that the project is going to come in \$1 million under budget even after paying for schedule delays that were outside of everyone's responsibilities.

City Manager Dolan asserted that the current schedule shows the end of the year move in; that the contractor may change his course of construction at any time in regard to the milestones as long as they deliver on time; and that staff reports will provide better detail in the future.

Councilmember Tell emphasized that milestones are not "critical path" items and that if they are missed by a day or two, it doesn't mean that the project will be delayed. He commented that the "Issues of Concern" are more important and that he appreciated the extra detail in this section of the staff report.

City Manager Dolan emphasized that staff has continued to publicly announce items that cause a potential delay; that three of the four "Issues of Concern" are off the "critical path" and on schedule; and that Southern California Edison (SCE) is the only issue the City is aware of that may conceivably cause a delay. He declared that everything else is moving ahead and on schedule; that it appears that several hundred thousand dollars will be saved on furniture on top of the \$1 million; and that staff remains very optimistic. He reviewed recent Metlox activities including the issuance of permits for tenant improvements, the removal of the office trailer and the progress at the Shade Hotel. He confirmed the opening dates of early November, 2005, for Metlox and early December opening for the Police & Fire Facility. City Manager Dolan stated that the budget will be added to the next staff report and it will have more detail in regard to the public improvements. He reiterated that staff is upbeat and positive and, in conclusion, through all of these projects, City services have not declined; there have been minimal complaints, the public has constantly been informed of the progress; and that he is available to answer questions.

**Mayor Fahey approved the following additional speaker to comment on this item:**

- **Esther Besbris, No Address Provided**

In response to Ms. Besbris' question as to why it was the City's responsibility to pay Swinerton for delays that were beyond anyone's control, Councilmember Aldinger explained that the City is ultimately responsible for anything that no one else is responsible for.

Mayor Fahey stressed that it was a good faith negotiation; that the City was well represented; that the result of the negotiation was based on other cases and standard & industry practices; and that to second guess the negotiation would not be wise. She also confirmed that the terms "substantial" and "final" are used industry wide.

Councilmember Tell added that Swinerton can only be held responsible if it is their fault.

City Manager Dolan assured Council and the public that the website will be updated as soon as possible.

**MOTION:** Mayor Pro Tem Ward moved to receive and file the status report on the Police & Fire Facility / Metlox / Public Improvements Project and approve issuance of the subject progress payment. The motion was seconded by Councilmember Aldinger and passed by the following unanimous roll call vote:

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

### **AUDIENCE PARTICIPATION**

#### 05/0816.21 Ed Skebe Re Traffic Problem

**Ed Skebe, 200 Block of Kelp Street**, addressed Council regarding an ongoing problem he has had due to the traffic diversion on 40<sup>th</sup> Street. He explained that he circulated a petition in his neighborhood and submitted the signatures to the City in February and that he is before Council this evening to see if it could be given more of a priority. He stressed that Kelp Street is a narrow alley and to divert cars off of 40<sup>th</sup> Street, which has painted lines and a traffic signal, is absurd.

City Manager Dolan pointed out that this issue falls under the Neighborhood Traffic Study which is currently focusing on the northeast part of town to be followed by the schools, unless Council chooses to change the priority order.

Mayor Fahey stressed that although the solution sounds simple, the issue was quite complex; involved several meetings attended by countless residents; and elevated tensions.

City Manager Dolan clarified that the traffic measure in question was adopted three or four years ago and then reviewed a year later.

Council held discussion regarding the history of the different traffic diversions in the El Porto area and that the intent of this diversion was to force drivers to proceed to 45<sup>th</sup> Street and then up to Highland Avenue.

In response to Council questions regarding the possibility of studying this particular case, Community Development Director Richard Thompson emphasized that the issue is not just the traffic study; it is an enormous process and to go through it again would take a number of different meetings.

Mayor Fahey explained that the essence of the Neighborhood Traffic Management Program is to get out into neighborhoods and have neighborhood meetings, followed by Commission meetings, etc. and that these meetings can be very time consuming and get very emotional. In conclusion, she emphasized that although a mistake may have been made in reviewing this traffic measure, each area of the City must be reviewed in some logical order because many have the same type of problems.

### **CITY MANAGER REPORT(S)**

None.

### **OTHER COUNCIL BUSINESS & COMMITTEE REPORTS**

#### 05/0816.22 Councilmember Montgomery Re Grand Prix Bicycle Race

Councilmember Montgomery thanked Chevron and the Manhattan Beach Police Department for the great Grand Prix Bicycle Race which took place last weekend.

05/0816.23 Councilmember Montgomery Re Dinner of Champions

Councilmember Montgomery encouraged the community to attend the Manhattan Beach Chamber of Commerce 1<sup>st</sup> Annual Manhattan Beach Open Dinner of Champions at the Portofino Hotel in Redondo Beach on Wednesday, August 17, 2005.

05/0816.24 Mayor Pro Tem Ward Re Compliment to Staff

Mayor Pro Tem Ward complimented staff on the new tri-fold budget brochure, "Budget-at-a-Glance", commenting that it looks very professional looking and provides an excellent summary.

**ADJOURNMENT**

At 10:08 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, September 6, 2005, in said City.

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TERRI ALIABADI  
Recording Secretary

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JOYCE FAHEY  
Mayor

ATTEST:

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LIZA TAMURA  
City Clerk

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
ADJOURNED REGULAR MEETING  
AUGUST 16, 2005**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 16<sup>th</sup> day of August, 2005, at the hour of 6:03 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 6:03 p.m. and moved to open session at 6:22 p.m.

**ADJOURNMENT**

The meeting was duly adjourned at 6:22 p.m.

ROBERT V. WADDEN, JR.  
Recording Secretary

JOYCE FAHEY  
Mayor

ATTEST:

LIZA TAMURA  
City Clerk