

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

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

PLEDGE TO FLAG

Deputy City Manager Sherilyn Lombos led the pledge to the flag.

ROLL CALL

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

CEREMONIAL ITEMS

05/0719.1 Presentation of Commendation to Millie Anderson for Her "Extraordinary Citizenship" for Providing Free Lessons of Therapeutic Touch to the South Bay

Mayor Fahey, on behalf of the Council, presented a commendation to Millie Anderson for her "Extraordinary Citizenship" in providing free classes on therapeutic touch to the public.

05/0719.2 Presentation of Manhattan Beach Recreation and Youth Services Award to Bonnie Harkenrider

The Council and Parks & Recreation Director Richard Gill presented a plaque to Bonnie Harkenrider for her outstanding volunteer services with youth programs in the community.

05/0719.3 Presentation of Proclamation – Parks and Recreation Month, July, 2005

Mayor Fahey presented Parks and Recreation Director Richard Gill with a proclamation declaring July, 2005, Parks and Recreation Month in the City of Manhattan Beach.

05/0719.4 Introduction of New Employees and Presentation of Service Awards

The Council and Community Development Director Richard Thompson, Public Works Director Neil Miller, Police Chief Ernest Klevesahl and Human Resources Director Marcie Scott introduced the following new employees:

- Public Works Management Analyst Lindy Coe-Juell
- Senior Civil Engineer Stephanie Katsouleas
- Assistant Planner Angelica Ochoa
- Community Services Officer Brian Holtzman
- Police Officer Jeffrey Goodrich
- Senior Human Resources Analyst Danielle Higdon

Police Chief Klevesahl announced that newly hired Police Officer Traci Frankot was not able to attend.

The Council and Public Works Director Neil Miller presented City Engineer Dana Greenwood

with a certificate and pin in honor of his 15 years of service to the City.

The Council and Police Chief Ernest Klevesahl presented Police Captain Randolph Leaf with a certificate and pin in honor of his 15 years of service to the City.

The Council and Finance Director Bruce Moe presented Revenue Manager Sherrel Morelan with a certificate and pin in honor of her 25 years of service to the City.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 5 through 13), 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. 11, 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

05/0719.5 Approve Minutes of the City Council Adjourned Regular and Regular Meeting of July 5, 2005

The Council approved the subject minutes.

05/0719.6 Consideration of Financial Reports
a) Ratification of Demands: July 14, 2005
b) Investment Portfolio for the Month Ending June 30, 2005

The Council approved with no exception Warrant Register Nos. 28B & 2B in the amount of \$3,925,242.22 in payment of ratification of demands and claims as prepared by the Director of Finance, together with the original demands and claims as prepared by said Warrant Register and received and filed the Investment Portfolio for the month ending June 30, 2005.

05/0719.7 Award a Contract (\$564,200) for the Highland Avenue at 15th Place Storm Drain Project to Dominguez General Engineering Contractor and Approve Supplemental Appropriation (\$65,000)

The Council approved an award of contract in the net amount of \$564,200 for the Highland Avenue at 15th Place Storm Drain Project to Dominguez General Engineering Contractor; approved authorizing the Director of Public Works to approve additional work in an amount not-to-exceed \$56,000, if required; and approved a Supplemental Appropriation of \$65,000 from Proposition C Fund Reserves.

05/0719.8 Approve Change Order No. 1 in the Amount of \$117,240 to John T. Malloy, Inc. for the 2003-2004 Water Main Replacement Project

The Council approved authorizing the Director of Public Works to approve additional work in the net amount of \$117,240 for the subject project.

BOARDS AND COMMISSIONS

Parks and Recreation Commission

05/0719.9 Consideration of Draft Minutes, Parks and Recreation Commission Meeting June 27, 2005

The Council received and filed the subject draft minutes.

Parking & Public Improvements Commission

05/0719.10 Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of June 23, 2005

The Council received and filed the subject action minutes.

05/0719.11 Uphold the Parking and Public Improvements Commission Recommendation to Deny an Encroachment Permit Appeal for 324 25th Street and Require Removal of an Olive Tree from the Public Right-of- Way

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

Planning Commission

05/0719.12 Consideration of Action Minutes, Planning Commission Meeting of June 22, 2005

The Council received and filed the subject action minutes.

05/0719.13 Consideration of a Planning Commission Decision to Deny an Amendment to an Existing Use Permit for a Parking Reduction, Reconfiguration of a Drive-Through, and Relocation of a Trash Bin Enclosure Next to the Westerly Property Line, for the Commercial Center Including the Burger King Restaurant Located at 3001 and 3005 Sepulveda Boulevard

The Council received and filed the subject report.

COMMUNITY ANNOUNCEMENTS

05/0719.18 Bob Bohner Re Musical Event

Bob Bohner, 1600 Block of 2nd Street, announced that the Manhattan Beach, Hermosa Beach, and Redondo Beach Sister City Committees, along with the Surfrider Foundation, Redondo Beach Rotary Club and Wyland Foundation will sponsor the Wyland "Ocean Challenge and Music Festival" on Saturday July 30, 2005, from 6:00 p.m. to 11:00 p.m. at the Seaside Lagoon in Redondo Beach. He explained that several musical groups will perform; that Wyland will paint "live" on stage; that general admission tickets are \$20; and that anyone interested can contact him at (310) 798-3725 for tickets.

05/0719.19 Los Angeles County Librarian Leticia Tan Re Library Summer Reading Program

Leticia Tan, Community Librarian, announced that signups for the Library Summer Reading Program are under way and that the free “Super Readers, Super Heroes” Program, recommended for pre-kindergarten - 5th grade children, will take place every Tuesday at 2:30 p.m. through August 16, 2005 in the library’s meeting room.

She then introduced the library’s new Audio Visual Reference Librarian, Melissa McCollum.

05/0719.20 Melissa McCollum Re Library Services

Los Angeles County Audio Visual Reference Librarian Melissa McCollum, announced that City Council DVDs, minutes and agendas are available at the Library next door. She also urged the community to direct any questions regarding film, music and audio books to her.

05/0719.21 Fire Chief Dennis Groat Re New Notification Form

After explaining that it is sometimes necessary for the Fire Department to enter a house or business to check on the welfare of a person or property when no one is there, Fire Chief Dennis Groat presented the new notification form that will replace the traditional method of leaving a business card. He explained that the new form will include the date, time and other pertinent information regarding why the Fire Department entered the premises.

05/0719.22 Police Captain Randolph Leaf Re Toy Guns

Referring to a recent incident in the newspaper, Police Captain Randolph Leaf emphasized the need for the public to be cautious regarding children playing with “air soft guns” because they look and feel so much like a real gun and could possible lead to tragedy.

05/0719.23 Police Captain Randolph Leaf Re Community Police Academy

Police Captain Randolph Leaf announced that the next Manhattan Beach Community Police Academy will start on Thursday, September 8, 2005 and continue for eleven consecutive Thursdays through November 17, 2005 from 6:00 p.m. to 9:00 p.m. He encouraged those interested to download the application from the City’s web site at www.citymb.info or call (310) 802-5113 for more information.

PUBLIC HEARINGS

None.

GENERAL BUSINESS

05/0719.14 Presentation of Follow-Up Review of the Southeast Area Neighborhood Traffic Management Program

Traffic Engineer Erik Zandvliet addressed Council with a PowerPoint presentation reviewing the last six months of the Southeast Area Neighborhood Traffic Management Program (NTMP) (bordered by Aviation Boulevard to the east, Sepulveda Boulevard to the west, Manhattan Beach Boulevard to the north and Artesia Boulevard to the south), which the Council selected as the first priority area in the City. He explained that the Program was generated out of the General Plan and that staff has already worked through 6 of the 7 traffic program steps established by the Council. He relayed that the process was created with a great deal of public input and that the

NTMP Handbook can be downloaded from the City's website. Stressing that the program will continue to be monitored and will be brought back to Council if conditions change, he stated that, at this point, staff is recommending approval of the permanent measures. He explained that the Southeast Area NTMP originated from the Aviation Boulevard and 2nd Street triangle project which evolved into the Mira Costa East NTMP and is a consolidation of the initial measures from both. He reported that staff thought that the area around Mira Costa High School was important enough to handle separately and reviewed the traffic calming measures including speeding enforcement at school times; maintaining the westbound through restrictions at Aviation Boulevard and 2nd Street; adding three-way stop signs and prohibiting westbound through traffic at Nelson and Peck Avenues; and citywide traffic signal coordination. He also presented the initial Southeast Area NTMP measures which, in addition, include regular use of the speed display trailer; painting all traffic stripes and markings yearly; and adding four-way stop signs at Rowell Avenue & 9th Street and at Nelson Avenue & Herring Street. Traffic Engineer Zandvliet reiterated that staff is recommending that Council approve these measures as well as direct staff to: install signs indicating "No Stopping" from 7:00 – 9:00 a.m. and 2:00 – 4:00 p.m. school days only on Redondo Avenue from Manhattan Beach Boulevard to 11th Street; post "Bike Route" signs on 2nd Street and Peck Avenue; consider parking restrictions on 10th Street pending resident petition submittal; paint a "Pedestrian Zone"; and post "School" signs adjacent to DerKinder Pre-School on 10th Street.

Council discussed the various enforcement measures available to help ease the parking and traffic issues on 10th Street; bike routes and why they are included in the Traffic Management Program.

The following individuals spoke on this item:

- **Esther Besbris, 2nd Street**
- **Steve Selsky, No Address Provided**
- **Michael Genova, Shelley Street**
- **Ed Fuller, 1700 Block of 5th Street**

Mayor Fahey congratulated Traffic Engineer Zandvliet and staff on a great program and made one suggestion – that the City take responsibility for trimming the trees around street signs and stop signs. In response to a speaker's concern that not enough of the public was there to make such decisions, she remarked that she reads the lack of attendance differently; she believes that residents feel that they have been heard and that their concerns are being addressed.

Councilmember Aldinger expressed concern that the area is too big; that residents don't feel they "own" the program; that he envisioned smaller groups of people getting together with their neighbors; and that in the future, he hopes that the areas will be more concentrated and more people will get involved.

Traffic Engineer Zandvliet concurred with Mayor Fahey's comment that it was her understanding that these boundaries were selected in order to comprehensively address the problem and that to make the area smaller would just push traffic on to the next group of streets. He added that the program had 3 or 4 different iterations; that the parking component will be addressed separately; that the high school has its own issues; that the Mira Costa East Area evolved into a bigger area because of the potential changes; and that the City received great response from surveys and this information was used to target the areas needed.

Councilmember Tell complimented staff stating that this is a good first step; that the Program

will continue to evolve; and that it is a great way to proactively get community input on the problems; however, he is concerned about the bike path signs leading nowhere.

Traffic Engineer Zandvliet agreed that it is a “path to nowhere” but that 2nd Street and 8th Street are safer than others.

Councilmember Montgomery pointed out that 2nd Street and 8th Street are the only westbound streets providing access to the beach that cross Sepulveda Boulevard and that while they are not optimum, they are the streets that are available and what will have to be used. He stated that he supports removing the no left turn restriction on 10th Street and that if residents on 10th Street want parking restrictions, they should bring the request to the City.

Mayor Pro Tem Ward concurred with Traffic Engineer Zandvliet that by addressing these issues in phases, the program can be made more neighborly. In regard to the bike path signage, he stated that he thought that no additional signage was going to be put up until it was clear as to where the path would lead to and until a larger plan was brought back to Council. He expressed concern with leaving the parking restrictions on 10th Street up to the residents stating that he would like more information on what the primary problems are.

Traffic Engineer Zandvliet clarified that the 10th Street parking signage issue will be administratively reviewed if a petition comes in and if it is appropriate and addresses the complaint, it will be administratively approved and signs will be put up, not that the residents will have free reign on the type of parking restriction.

In response to Mayor Fahey’s question regarding whether the Parking and Public Improvements Commission (PPIC) should work with the 10th Street residents to come up with the language for the parking signs, Traffic Engineer Zandvliet replied “if they want to”.

MOTION: Councilmember Aldinger moved to permanently approve all Southeast Area initial traffic measures except: remove the “No Left Turn” peak hour restriction on Aviation at 10th Street; install “No Stopping” signs from 7:00 a.m. - 9:00 a.m. and 2:00 p.m.- 4:00 p.m. on school days only, on Redondo Avenue between Manhattan Beach Boulevard and 11th Street; paint a “Pedestrian Zone” and post “School” signs adjacent to DerKinder Pre-School on 10th Street; add additional speeding enforcement at school times; acknowledge considering parking restrictions on 10th Street pending resident petition submittal; and deny posting “Bike Route” signs on 2nd Street and Peck Avenue. 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.

Council concurred to bring the issue of bike route signage back to a future City Council meeting.

RECESS AND RECONVENE

At 7:52 p.m. the Council recessed and reconvened at 8:05 p.m. with all Councilmembers present.

05/0719.15 Presentation of the Parking and Public Improvements Commission Recommendation Regarding Implementation of Staggered Parking Restrictions in the Area West of Mira Costa High School

Traffic Engineer Erik Zandvliet addressed Council with a PowerPoint presentation regarding the parking problem associated with students parking in residential areas around Mira Costa High School. He explained how after a resident petition and several meetings with residents, 125 new parking spaces were created on the campus of Mira Costa High School and that over 70 additional spaces will be added pending the removal of portable classrooms. He explained that Council directed staff to bring the concept of staggered parking to the Parking and Public Improvements Commission (PPIC) to be studied and that the different variations will be presented tonight. He reviewed the potential program area and proposed options: "Limited Time Same Day" (least restrictive, inconvenient to students, allows short term parking, harder to enforce); "Limited Time Different Day" (least restrictive to visitors, students may park on one side); "Part Time Same Day" (more restrictive, very inconvenient to students, reduces parking capacity, easier to enforce, less restrictive to visitors, must move cars mid-day); and "Part Time Different Day" (most restrictive, eliminates student parking on one side, reduces parking capacity, more inconvenient to residents, residents must move cars mid-day). He highlighted the staggered parking objectives and guidelines including: that it will be limited to school days; that only streets with residential frontages can be eligible; that a property owner signature would override a resident signature; that a separate petition would be needed for each side of the street; and that each street section would need a two-thirds majority to opt-in and opt-out by petition. Traffic Engineer Zandvliet concluded by explaining that the PPIC recommended a permit parking system rather than a staggered parking program; that the Police Department would respond on a complaint basis; that the proposed area could be enlarged or reduced as Council chooses; and that staff is requesting direction on what type of restrictions would be allowed, the duration of the program and whether to implement a permit parking program on a trial basis.

Council held discussion determining that they need to decide whether or not a staggered parking program should be implemented and if so, which one; if permits are to be issued; whether or not there is support for the street by street opt-in/ opt-out by two thirds majority petition; whether the petition can address both sides of a street or just one side; the size of the area; whether it is east and west of the high school; and how far east, if they choose to go east.

Councilmember Aldinger pointed out that several PPIC recommendations have not been addressed including bringing back the permit parking system and partnering with the Manhattan Beach Unified School Board (MBUSD) to address student parking issues.

In response to Mayor Pro Tem Ward's question regarding the status of the additional 75 parking spaces, Mayor Fahey remarked that at a recent City/MBUSD Ad Hoc Committee Meeting, the School Board announced that they were not prepared to go forward with removing the portable classrooms and turn them into additional parking spaces. She reported that the School District is optimistic that they can create incentives to convince students to park in existing parking spaces because they want to use that area to build needed fields for students.

Stressing that he was speaking as a private resident only, **Bill Cooper, MBUSD Board Member**, explained that the School Board decided that, while they are not completely ruling out the additional parking lot, it didn't make sense to add more parking until the existing parking lots were full. He added that at the time the Board decided to remove the portable buildings and turn them into parking, the reduction in student parking fees had not taken place, the construction bungalows had not been removed and changes to the administration parking lot had not taken place. He continued stating that even after all of these obstacles had been removed students still didn't change their habits and still parked off campus. He reiterated that the School Board has

not ruled out constructing the 70-75 parking spaces but emphasized that restricted street parking would help force students to park on campus.

In answer to Mayor Pro Tem Ward's question as to how long the City will have to wait after allocating a substantial amount of money in preparation for the construction of the 75 parking spaces, **Mr. Cooper** reiterated that the Board agreed that it didn't make sense to build more parking when the current parking lots are not full. He added that problems arose when it came time to move the portables; that an architect still needs to be hired to install the portables; and that by the end of the school year, the School Board should know how much and what they need to proceed.

Councilmember Tell announced that the Ad Hoc Committee agreed that they would meet again in January to discuss the progress of the incentives and reassess the situation.

In response to Councilmember Aldinger's question of whether it is the School Board position that the City needs to do something to force students to park on campus, **Mr. Cooper** stated that he believes restrictive parking is necessary in order to change the students' habits.

Mayor Fahey and Councilmember Tell stated that they believe that it is School Board member Lynette Campbell's opinion that incentives and restrictive parking are both necessary.

The following individuals spoke on this item:

- **Unidentified Speaker, No Address Provided**
- **Grady (last name inaudible), No Address Provided**
- **Howard Hafdel, No Address Provided**
- **Terry Gretskey (Manhattan Beach Nursery School)**
- **Jeanne Hogan, 1500 Block of Ruhland Avenue**
- **Michael Genova, 1200 Block of Shelley Street**
- **Sus Niimi, Ruhland Avenue**
- **Laura Dotson, No Address Provided**
- **Ben Olson, 1600 Block of Nelson Avenue**
- **Jim Mercer, Corner of Prospect & Sepulveda on Tennyson Street**
- **Les Houy, 1500 Block of Ruhland Avenue**
- **Jim Mills, No Address Provided**
- **Irene Niemczycki, 1200 Block of Keats Street**
- **Michael Sanders, 1200 Block of Keats Street**
- **Dilip Adarkar, 400 Block of Prospect Avenue**
- **(Name inaudible), Voorhees Avenue**
- **Rick Lesserman, No Address Provided**
- **Irv Cohen, No Address Provided**
- **Edward Deto, Voorhees Avenue**
- **Bruce Terkelson, No Address Provided**

Councilmember Aldinger voiced his opinion that permit parking around the high school would be a good idea; that the issue is how far to extend it; that he is not concerned that it would set a precedent; and that he looks forward to staff coming back with a proposal on how soon a permit parking system could be implemented, hopefully by September.

Mayor Pro Tem Ward commented that, with the previous Council, he was in the minority when it came to permit parking but emphasized that he now believes that this Council needs to move toward a permit parking system. He remarked that he wished that parents would question their children about why they are not parking in the on-campus lots and acknowledged his disappointment that the remedies that he thought the School Board was working on are not going to happen; therefore it is “back in the City’s court”. He stated that he has been reluctant to reach this point but reiterated that the time has arrived for a limited permit parking system around Mira Costa High School, valid during school hours only, including a discussion on how many permits would be allowed per household.

Pointing out that he was one of the co-authors of the staggered parking proposal, Councilmember Tell emphasized that he still believes that that staggered parking is a “good idea” because it is the least impactful and allows visitors. He commented that the previous 2-hour restricted parking had a significant negative impact on residents; so the idea of shifting back and forth came about as a first step, with the possibility of leading to permit parking down the road as part of a City-wide global solution. He stated that, as opposed to sending the issue back and studying it more and if Council would support it; he would consider approving the staggered parking tonight with a resident override on a limited basis. He added that, hopefully, this would provide an answer and shift the students back into the parking lots.

Councilmember Aldinger commented that most other cities have a “resident only” parking permits around their high schools and suggested that the City could charge for extra permits for visitors but that he would leave that up to staff to figure out.

Councilmember Montgomery spoke of working on the staggered parking program with Councilmember Tell and stated the proposed program is just a first draft. He stated that after learning more about the history of this area in the past 2 months that he has changed his perspective and would be in favor of a localized restrictive parking permit program that could be in place by September.

Acknowledging the obvious support for a permit parking system, Mayor Fahey gave a historical perspective stressing that past City Councils were not unaware of the parking problem surrounding Mira Costa High School and accepted that the solution will be difficult. She commented that while her colleagues are not concerned with setting a precedent, she voiced her concern that as elected officials, the Council needs to consider the community as a whole and that residents near the beach and Grand View Elementary School, for example, face the same impacts. She stressed that she has grave concerns about allowing permit parking east of the high school because of having to determine where it would stop. She reiterated negative comments made by residents regarding permit parking at a City/School Ad Hoc meeting a year or two ago and emphasized that it would not be a solution – it would create other problems. She stated that while she agrees that a deterrent is needed to get students to park in the lots, she stressed that she is more troubled about accepting the reasons that they are not parking there: having no car insurance; wanting to smoke cigarettes and marijuana; and questioned why these behaviors are being accepted instead of enforcing the laws that protect children. Mayor Fahey concluded by stating that she believes that staggered parking is an excellent first step as it will deter students because they will not be able to run back and forth between classes to move their cars; it doesn’t set a precedent; and it protects residents; however, she reiterated her concern about permitting the east side of the High School.

MOTION: Councilmember Aldinger moved to direct staff to bring back a permit parking program for the east and west side of Mira Coast High School from Sepulveda Boulevard to Aviation Boulevard and south of 2nd Street.

MOTION FAILED DUE TO THE LACK OF A SECOND.

Council discussion proceeded regarding the boundaries of the area to be permitted; how a resident override would work; and the issue of setting a precedent.

In response to Council's discussion City Manager Geoff Dolan stated that if Council chooses, staff can bring back a permit parking plan with a recommendation and several alternatives for the second meeting in August in order to implement the program by the beginning of September.

Mayor Fahey asked Councilmember Tell if he had an alternative motion to which he offered the following.

MOTION: Councilmember Tell moved to direct staff to bring back a staggered parking program with resident override, from Sepulveda Boulevard on the west, extending to an area yet to be determined on the east, in order to provide a clear incentive for students to park in the school parking lot. The motion was seconded by Councilmember Montgomery.

Councilmember Aldinger commented that his motion implied the same as Councilmember Tell's motion, however, conceded to Councilmember Tell.

Council continued with additional discussion and with assistance of City Manager Dolan the following motion was more clearly defined.

MOTION: Councilmember Tell moved to direct staff to bring back a staggered parking program with restricted 2-hour parking on each side of the street, a resident override which will include a permit for each registered vehicle at that address, determined by block through two thirds majority opt-in petition, and will encompass Sepulveda Boulevard to the west, Redondo Avenue to the east, 2nd Street to the north and Artesia Boulevard to the south. 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.

City Manager Dolan announced that staff has reminded him of other details that will need to be worked out administratively, however, tonight's discussion covered all of the fundamentals and that a proposed Resolution will be brought back in 2 weeks for Councils' consideration.

RECESS AND RECONVENE

At 9:42 p.m. the Council recessed and reconvened at 9:50 p.m. with all Councilmembers present.

05/0719.16 Consideration of Issues Associated with the Underground Utility Assessment Districts 6-10 and Appropriation of Funds

Senior Civil Engineer Stephanie Katsouleas addressed Council with a PowerPoint presentation updating Council on the status of Underground Utility Assessment Districts 1-6 and the formation of Districts 7-10 (encompassing the Hill Section, Gas Light Area and Tree Section). She presented maps illustrating the different Districts and explained that Districts 7-10 have submitted petitions indicating that more than 60% of the affected residents are generally in favor of the process. She explained that the next step is for Southern California Edison to begin design plans which will cost \$250,000 and take between 9 and 18 to complete followed by Verizon's and Adelphia's plans for a total completion time of at least 2 years. She reported that the plans for

District 6 are near completion; that Edison and Verizon have completed their draft plans; that Adelphia's plans should be submitted by the end of August; and that the City's assessment engineer company, Hall & Forman, is requesting an additional \$21,380 to complete the assessment calculations for District 6 (an increase over the \$12,847 originally authorized by the Council in May of 2000 due to price increases). She added that with these additional charges, the total amount to form District 6 comes to \$85,918 and that it will be reimbursed if District 6 passes the assessment, however, the City will not recoup these funds if the assessment is not passed. Senior Civil Engineer Katsouleas concluded by reviewing the current status of all of the Districts: Districts 1, 3 and 5 are currently under construction and the pole removal process and "fully energized system" is expected to take place in the beginning of 2007; Districts 2, 4 and 6 have draft final plans; Districts 7-10 have submitted Petitions of Sufficiency and are requesting that the City appropriate funds to start utility design work; and that no actions have been taken on Districts 11 and 12 at this time.

MOTION: Councilmember Aldinger moved to receive and file the report as a "Certificate of Sufficiency" indicating that more than 60% of the property owners of the newly proposed Underground Utility Assessment Districts 7-10 have signed a petition and requested the proposed improvements; appropriate funds in the amount of \$250,000 from the General Fund for Southern California Edison for their engineering services for Districts 7-10; appropriate funds in the amount of \$9,518 from the General Fund for Adelphia engineering services for District 6; appropriate funds in the amount of \$8,553 from the General Fund for additional Hall & Forman assessment engineering services for District 6; and received and filed the status report regarding current and proposed underground utility district activity in the City of Manhattan Beach. 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.

05/0719.17 Consideration of the Police & Fire Facility / Metlox / Public Improvements Project Status Report and Disbursement of Progress Payment #16 in the Net Amount of \$1,638,650 to Swinerton Builders

Deputy City Manager Sherilyn Lombos provided an update on the Police & Fire Facility / Metlox / Public Improvements Project explaining that while the project is still 2 months behind schedule, the construction is approximately 62% complete and taking shape; that completion is expected to be towards the end of October; that "outfitting" the facility should take place in November; that this will still allow the City to move in and be operational by the end of the year; and that a Grand Opening is being scheduled before the holidays. She relayed that City staff, representatives from Swinerton (the construction company) and Vanir Construction Management have met and come to a tentative agreement that will be brought to the subcommittee this week followed by bringing this recommendation and an additional change order back to the August 2, 2005, City Council meeting for approval. She reported that Adelphia recently filmed an interview with Mayor Fahey and City Manager Dolan and toured the Police & Fire Facility and is currently airing it on Channel 8 at 9:00 a.m. and 11:00 a.m. every day.

In response to Councilmember Aldinger's question as to whether any more decision will be required of Council regarding the project, City Manager Geoff Dolan answered that approval of the time extension will still come before the Council. He informed Council that a representative from Vanir will be at the next City Council meeting to assess the budget, schedule and delay claim.

Councilmember Tell commented that he hopes that Vanir will provide some defined milestones,

adding that the project should be approximately 65% complete by that time leaving about one third left in order to make sure that project is well defined.

Deputy City Manager Lombos reviewed the Police & Fire Facility budget forecast pointing out that there have been no significant changes and that it is expected to come in under budget by several hundred thousand dollars. She explained the one outstanding “dry weather flow” issue; estimated that the cost will be in the \$200,000 range; indicated that it should be resolved in the next couple of weeks and will be brought back to the August 2, 2005 City Council meeting; and acknowledged that the budget already includes an allowance for this item.

Regarding the Metlox Project, Deputy City Manager Lombos reviewed the construction status of the project and stated that the targeted completion and opening for the inn and retail aspect of the project is late summer/early fall. She concluded by reporting that staff is continuing to meet with the construction team to refine the design of the town square and public areas.

The following individual spoke on this item:

- **Viet Ngo, No Address Provided**

MOTION: Councilmember Aldinger moved to accept the presentation of 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 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.

ITEMS REMOVED FROM THE CONSENT CALENDAR

05/0719.11 Uphold the Parking and Public Improvements Commission Recommendation to Deny an Encroachment Permit Appeal for 324 25th Street and Require Removal of an Olive Tree from the Public Right-of- Way

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

Management Analyst Rob Osborne explained that the City received a complaint regarding an olive tree in the public right-of-way at 324 25th Street obstructing the ocean view of the complainant and that City Code Enforcement staff agreed and requested that the owner either remove the subject tree or trim it to the 42-inch allowable height limit. He stated that the owner does not believe that the tree presents a view obstruction and filed an appeal of the staff’s decision, which the Parking and Public Improvements Commission (PPIC) denied.

The following individuals spoke on this item:

- **Kurt Newman, 25th Street**
- **Earl Waggoner, 25th Street**
- **Unidentified Speaker, No Address Provided**
- **Tom Courtney, 2400 Block of Alma**

Expressing that this is a difficult decision, Councilmember Aldinger emphasized that the

Ordinance clearly states that there cannot be anything in the public right of way over 42 inches that can block the view, therefore he agrees with upholding the PPIC's recommendation.

Remarking that maybe it is a case of the tree not being trimmed often enough, Mayor Pro Tem Ward stated that he stood on the sidewalk outside of **Mr. Waggoner's** house and saw no significant blockage of view.

Councilmember Tell pointed out that the Municipal Code does not indicate "ocean" view and questioned how a resident can claim that his "view" has changed after so many years have passed. He expressed disappointment that the neighbors were not able to work out the issue amongst themselves and that the tree was not trimmed until just before it came to the PPIC and Council. He further expressed that he would like to get **Mr. Courtney's** and **Mr. Newman's** commitments that they will keep the tree and shrubs trimmed to allow the maximum amount of view.

Councilmember Montgomery stressed that the key issue in the Code is the word "impairment" and that he also visited the area and did not see an impairment of the view. He concurred with Councilmember Tell that it is disappointing that the problem was not resolved "neighbor to neighbor" through some sort of mediation.

Agreeing with Mayor Pro Tem Ward and Councilmember Montgomery, Mayor Fahey stated that she visited the site twice and does not find that there is an impairment. She voiced her concern that it would be "grossly inequitable" to force a homeowner to remove a mature tree that was planted 6 years ago and has become part of the beauty of a neighborhood because of a complaint so many years later.

Council held discussion regarding interpretation of the Ordinance and possibly modifying the Ordinance for future reference.

City Manager Geoff Dolan pointed out that under the current landscape plan trees and shrubbery must be 42 inches or less. He stressed that staff believes that the current Ordinance works very well; that there is an appeal process; and that Council making a finding confirms that the process is working.

Council held additional discussion regarding the subject tree which resulted in the following motion.

MOTION: Mayor Pro Tem Ward moved to approve a finding that it is the City Council's judgment that there is not a view impairment and direct staff to notify the property owners regarding the requirement to maintain pruning of the tree (as it was presented in photos 1 - 4 which were distributed to the Council during the presentation). The motion was seconded by Councilmember Montgomery and passed by the following roll call vote:

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

AUDIENCE PARTICIPATION

Prior to Mr. Ngo speaking, Mayor Fahey cautioned him that she would stop him if he began his regular accusatory comments.

05/0719.24 Viet Ngo Re Los Angeles Times Newspaper Article

Viet Ngo, No Address Provided, stated that he wished to draw attention to an article in the Los Angeles Times regarding a Councilmember and Deputy Mayor from San Diego being found guilty. He expressed his thanks to the U.S. Department of Justice and U.S. Attorney's Office for bringing their wrong doing to justice. He began to speak of alleged racketeering in Manhattan Beach when Mayor Fahey requested that Mr. Ngo stop speaking and asked that he step back from the podium.

05/0719.25 Esther Besbris Re Adverse Impacts

Esther Besbris, No Address Provided, stated that after listening to the Council's reasoning behind their decision on the last issue (Item No. 11), urged them to address adverse impacts such as new homes towering over older homes in the City and to add it to their Work Plan.

05/0719.26 Karol Wahlberg Re Mansionization

Agreeing with the comments of the previous speaker, **Karol Wahlberg, No Address Provided**, also appealed to the Council to add mansionization to their Work Plan stating that it is a "quality of life" issue.

Ms. Wahlberg also applauded the Council's decision to keep the olive tree in Item No. 11.

CITY MANAGER REPORT(S)

05/0719.27 City Manager Dolan Re Joint Meeting

City Manager Dolan reminded the community that next Tuesday, July 26, 2005, the Council and Planning Commission will hold a joint meeting.

OTHER COUNCIL BUSINESS & COMMITTEE REPORTS

05/0719.28 Councilmember Montgomery Re Speedy Recovery

Councilmember Montgomery wished Los Angeles County Board of Supervisors Deputy Tom Martin a speedy recovery.

05/0719.29 Councilmember Tell Re Wyland Ocean Challenge Event

Councilmember Tell emphasized what a great event the Wyland Ocean Challenge will be and encouraged the community to attend adding that one third of the proceeds will go to the Manhattan Beach Sister City organization.

ADJOURNMENT

At 10:52 p.m. the meeting was duly adjourned to the 6:30 p.m. Adjourned Regular Joint City Council/Planning Commission Meeting, on Tuesday, July 26, 2005, at the Creative Arts Center, 1560 Manhattan Beach Boulevard, 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
JULY 19, 2005**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 19th day of July, 2005, at the hour of 6:06 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 6:06 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