

1 various contractors. All the agreements have been reviewed
2 as to form by the office of the Attorney General, who has
3 reported specifically in each one of them that it may be
4 approved by the Commission according to statutory authority.
5 Such approval is recommended.

6 GOV. ANDERSON: Any discussion?

7 MR. CARR: So move.

8 MR. CRANSTON: Second.

9 GOV. ANDERSON: Moved and seconded all items under
10 Item 4 be approved. No objection, so ordered.

11 MR. RIDINGS: Relative to this matter, this type of
12 agreement which you have approved now are one of many that
13 will have to be forthcoming as a result of this unitization
14 thing. We have discussed previously the many documents neces-
15 sary. A point of delay which might occur is the fact that your
16 staff goes through all these documents to determine the legal-
17 ity and correctness of them. In some of the documents submitted
18 to you for today's approval, your staff and the Attorney General
19 have made some constructive changes on what should be done.

20 I would only like to ask that as many people as
21 possible in the State be permitted to work on this thing be-
22 cause we are now arriving at the point of agreement, so when
23 these things are signed by ourselves and submitted to you
24 that you will have already studied them and if there are ques-
25 tions or suggestions you will have already brought them up and
26 we can have them on study instead of running into another

1 possible road block at this time. I understand that your
2 people and the representatives of the Attorney General's
3 office are invited to sit in on all of these meetings. Cer-
4 tainly if you have not been, you are now invited to do so.
5 All copies have been submitted to your staff and the Attorney
6 General's office and I only request that every effort possible
7 be given so that when these are submitted they may not be
8 held up for further study and changes as might be necessary.

9 MR. HORTIG: Might I report as a matter of procedure
10 that with respect to the three items that the Commission has
11 just authorized today, that the Attorney General's opinions
12 were received by the Commission staff relative to these
13 proposals within one week of the time that the final draft
14 of the agreed upon program had been submitted to the Attorney
15 General, which was immediately after it was submitted by the
16 City to the State Lands Commission staff. So I think we can
17 assure Mr. Ridings that there have been no delays in that
18 respect.

19 It is true that in some instances in the past advance
20 particulars have been furnished, some to the staff of the Lands
21 Commission and then re-referred to the Attorney General; some
22 directly to the Attorney General's staff. But while these set
23 the guide lines as to what we desire to be done, the Attorney
24 General's opinion, of course, has to be as to the document in
25 the final form because between the first draft or the prelimi-
26 nary usually received and the one as finally agreed upon, there

1 are sometimes very substantive changes, as you can imagine.

2 MR. GOLDIN: Mr. Chairman, I'd like to make one
3 further observation and that is simply to inform the Commis-
4 sion that as of the present time there are absolutely no
5 cooperative agreements or release agreements pending, either
6 in the staff office or the office of the Attorney General,
7 but that each and every such agreement has been processed;
8 and with the action of the Commission today, each and every
9 one has been approved.

10 MR. RIDINGS: Mr. Chairman, if I may reply, I
11 certainly meant to imply no lack of attention by the staff or
12 the Attorney General's office; but I only meant that there
13 will be a tremendous quantity of these documents coming in at
14 the close of this unitization agreement and that unless these
15 people had a lot of time to study these things, it might mean
16 delay. We will cooperate with your people and if your people
17 can speed up this process

18 MR. ZWEIBACK: May I also say, Mr. Ridings, I am
19 aware in many instances the applications have been processed
20 through the means of rough letters prior to the time the formal
21 application has been received. Also, when you speak of assign-
22 ing all the people possible to the approval of these projects,
23 it might be important to point out that all of the people
24 appointed to this are sitting in my chair to the left.

25 GOV. ANDERSON: If there is no further discussion,
26 the item will be approved.

1 Item 5 -- Approvals required pursuant to Chapter
2 29 of 1956. First one is item (a) -- expenditures numbers
3 28, 57, and 253. Mr. Hortig?

4 MR. HORTIG: This recommendation to the Commission
5 represents the close of the enumerated projects, in which it
6 is determined that now that the projects have been completed
7 as previously approved by the Commission, on the specific
8 projects that were approved by the Commission there is a
9 subsidence credit due the State on final audit of \$121.21,
10 of which \$15.27 has already been returned to the State.
11 Approval of the receipt of this, as Mr. Zweiback indicates,
12 tremendous amount is recommended.

13 MR. CARR: I so move.

14 MR. CRANSTON: Second.

15 GOV. ANDERSON: Moved and seconded. If there is
16 no objection, item (a) of 5 will be approved -- so ordered.

17 Item (b) -- Improvement of Appian Way and construc-
18 tion of bridge; and on this I would like to have Mr. Hortig
19 state the policy and actually in this case the scope of the
20 Commission, because we are not involved in the local question,
21 only in what our scope is.

22 MR. HORTIG: I believe this is completely summarized,
23 Mr. Chairman, in the minute record of the last meeting of the
24 Commission on October 5th, at which time pursuant to the
25 request of interested citizens from the City of Long Beach
26 the Commission deferred consideration of this specific

5
1 application of the City of Long Beach for the expenditure of
2 tideland revenues for improvement of Appian Way, with the
3 suggestion that the differences be resolved at the local level
4 prior to the meeting today. Subsequent to that meeting,
5 further requests were received from interested parties, both
6 from the City and from local residents, that they be heard in
7 this connection today.

8 The application that is before the Commission to
9 be considered for approval, pursuant to the limitations of
10 Chapter 29 of the Statutes of 1956, First Extraordinary Ses-
11 sion, effectively, we believe, limits Commission consideration
12 to the determination of whether for the project as proposed by
13 the City of Long Beach the Commission may properly approve the
14 expenditure of a portion of the funds required to come from
15 the tideland trust funds, the measure of which portion was
16 proposed to be determined -- was proposed by the staff to
17 be determined by traffic studies and actual use studies after
18 the project is completed. Otherwise, we would be on an entirely
19 guesstimate basis at this time to estimate how much comparative
20 proportion of usage is to be made of a project which is still
21 to be constructed.

22 The scope of the Commission's consideration, then,
23 is whether, subject to the measures to be made in the future
24 of the proportion of funds to be approved, whether such approval
25 should be granted in view of the fact that such approval is
26 or may be authorized under Chapter 29 of the Statutes of 1956.

1 The Commission is in possession of an opinion of
2 the office of the Attorney General that to the extent that
3 there are tideland features in this project the tideland funds
4 may be authorized to be expended, and that is the sole question
5 within the scope of authorization by the Commission today and
6 the staff has recommended heretofore and again that the Com-
7 mission approve the application of the City of Long Beach
8 pursuant to the authority of Chapter 29 to expend not more
9 than \$190,600 for the improvement of Appian Way and the con-
10 struction of a bridge over the north arm of Alamitos Bay in
11 the City of Long Beach, to be used in substantial part as a
12 means of ingress and egress to the Long Beach Marina.

13 It is further recommended that this approval be given
14 upon condition that a final audit of the costs to be paid from
15 tideland funds will be made on the basis of a traffic study
16 to be conducted not later than three years after the comple-
17 tion of the proposed improvements, which study will show the
18 percentage of actual use as a basis for determining future
19 projected use of the improvements in conjunction with or
20 incident to the Long Beach Marina.

21 GOV. ANDERSON: Who will make the traffic study
22 at that time?

23 MR. HORTIG: Probably the consultants and the traffic
24 department of the City of Long Beach, subject to review by
25 the technical staff of the State Lands Commission.

26 GOV. ANDERSON: Well, inasmuch as that study would

1 determine how much of our money would be given to this as
2 against how much of the City's would be, do you think that's
3 independent enough of a study?

4 MR. HORTIG: We believe it is. It has been hereto-
5 fore, in that the independent review of the initial study
6 work and the spot checking -- actually the way the programs
7 are proposed and carried out gives us a complete grasp of the
8 problem and actually at the present time we have already
9 determined as to the engineering feasibility and it's now a
10 question of what the proportion of usage is that can be
11 assessed against the tideland funds, which will be measured
12 by a traffic study which can be checked independently.

13 MR. ZWEIBACK: I am not sure, Frank, that you
14 understood the Governor's question -- whether or not the
15 traffic study itself should be made by an independent agency
16 at the later date, rather than by the traffic department
17 either of the City or of the State.

18 MR. HORTIG: I understood the question but I meant to
19 indicate, and apparently I didn't clearly, that the past prac-
20 tice of the staff in reviewing and independently spot checking
21 the studies, starting with preliminary design and right on
22 through use studies that have been conducted by the City of
23 Long Beach, have in general demonstrated that the material
24 presented is satisfactory; and in those instances where the
25 independent Commission staff studies have indicated the
26 necessities for corrections, amendments or variations, that

1 these have been made by the City of Long Beach pursuant to
2 staff recommendation. So that effectively we have the net
3 effect of an independent study without possibly the additional
4 economic burden of such an additional independent study.

5 GOV. ANDERSON: Now, we have received numerous
6 communications from people who wish to be heard on this
7 particular matter and it's going to be the Chair's attempt to
8 limit the discussion to the scope that the Commission here is
9 able to determine -- and that is, whether the tidelands trust
10 oil funds should be expended for this facility. This is our
11 scope. Now, how many people wish to talk on this, because
12 we'd like to have some representatives rather than a lot of
13 different people repeating the same things over and over. Is
14 there a Mr. Buehler in the room here?

15 MR. BUEHLER: Yes.

16 GOV. ANDERSON: You were here at the last meeting.
17 I believe?

18 MR. BUEHLER: Yes.

19 GOV. ANDERSON: Who do you feel should speak for
20 the groups concerned today?

21 MR. BUEHLER: You mean as far as opposing this?

22 GOV. ANDERSON: Yes.

23 MR. BUEHLER: Well, I would like to speak briefly,
24 also Mr. John Trask, President of the Naples Improvement
25 Association and Mr. Walter Gay and Mr. Shallenberger. He is
26 President of the Marina Improvement Association. The discussion

1 will be brief.

2 GOV. ANDERSON: Then there's these four men --
3 Mr. Shallenberger, Mr. Buehler, Mr. Gay, Mr. Trask. That would
4 then be the sole number of people who would be wishing to
5 present opposition to this today?

6 MR. BUEHLER: To my knowledge, unless someone is
7 here without it.

8 GOV. ANDERSON: Any reason why we can't hear from
9 four of them? We'll ask each of you to present your points.
10 Will you state your name and the organization you represent?
11 Please keep them brief and please keep it to the scope of the
12 Commission.

13 MR. MORTIG: May we ask that they come to the rail?

14 GOV. ANDERSON: Please come to the rail so the
15 secretary here can get the statements easier.

16 MR. BUEHLER: Mr. Chairman and Commissioners, I'd
17 like to have Mr. John Trask speak first. He is the President
18 of the Naples Improvement Association.

19 MR. TRASK: Mine will take seven minutes. My name
20 is John Trask. I represent the Naples Improvement Association.
21 Our area has 1200 families, about 5,000 people. It is our
22 opinion that a bridge connecting the Appian Way is not necess-
23 ary at this time. We would like to move more cautiously. If
24 at a future date, after completion of the Marina, traffic figures
25 show the need for a bridge, we would be the first to request
26 one. Since the Appian Way is a comparatively short street and

64
1 dead-ends at Colorado, which is not a main thoroughfare. We
2 cannot see where the traffic would come from to justify an
3 expenditure of over \$325,000.

4 On October 10 we directed a letter to the Honorable
5 Ray C. Kealer, Mayor of Long Beach, requesting a hearing before
6 the City Council and sent copies to the Councilmen. One reply,
7 from Councilman D. Patrick Ahern, was received saying "I am
8 sure that whatever date his honor sets will give us an oppor-
9 tunity to exchange our mutual opinions on this most important
10 subject. On October 15 I received a letter from Mr. Samuel E.
11 Vickers, City Manager, to whom the City Council had referred
12 our letter for reply. This letter referred to "previous hear-
13 ings held locally" and included a copy of Mr. Vicker's October
14 15 communication to the State Lands Commission, but made no
15 mention of another local hearing.

16 I would like to discuss several items in the report
17 sent to your office. Page 2, paragraph 2:

18 "On February 9, 1959, City Engineer Jess D.
19 Gilkerson appeared at a meeting of the Naples
20 Improvement Association where he discussed plans
21 for improving traffic conditions in the Naples
22 area. A specific discussion of the proposed
23 Appian Way Bridge was held

24 I would like to clarify this. Mr. Gilkerson attended the
25 meeting primarily to present plans for the improvement of
26 East Second Street. At that time he had a map showing proposed
traffic routes and a short discussion of the Appian Way was
held. On March 19 we directed a communication to the City of
Long Beach opposing this structure.

Page 3, paragraph 3, states:

"We are of the opinion that adequate opportunity has been given to local groups to express their opinions relative to this improvement."

Only through a phone call on September 21 was I advised that the Appian Way improvement would be on the agenda of the City Council meeting the following day, September 22. With this short time we were only able to have a letter read expressing our opposition.

Gentlemen, do you feel that we have been given sufficient opportunity?

Our main thoroughfare, Second Street, has a four-lane bridge, now striped for five substandard lanes. The City Engineer's report on this bridge, filed with the City Council on July 14, 1959, states "The bridge is now 37 years old. Recent inspection of the structure disclosed that major rehabilitation must be done if the structure is to remain in service many more years." In the same report the Traffic Engineer states "We recommend the widening of the existing bridge to provide six traffic lanes." The total cost of the bridge addition would be \$324,000. Its reconstruction would solve 90% of our traffic problems. The same communication says: "However, gas tax funds have been programmed for this fiscal year and it appears that the project must be delayed until future gas tax funds are available."

I wish you gentlemen could see this bridge in its present state and its needs. Why is precedence being taken

1 by a bridge for which the need is controversial?

2 I quote from the excerpt from the City Council
3 minutes, meeting of September 22, 1959, page 4, paragraph 2:

4 "Councilman Reese addressed the City Council,
5 stating that what the City is faced with now is
6 that they are part of a contract to improve the
7 Appian Way; that the different phases of this have
8 been gone into by the City Engineer and the City
9 Manager; that with reference to delay, we cannot
10 delay; that the City has the improvements to make
11 and the money to make them with; that gas tax money
is available and is earmarked for this purpose;
that if Appian Way does not go somewhere the City
will lose the money; that he has discussed this
with the Chairman of the Advisory Committee; that
he assumed the Committee is opposed to this bridge
and they are; that referring the matter to them
would not help any"

12 There is some confusion in our minds why, when the Advisory
13 Committee of the City is opposed to the Bridge, the City
14 Manager and the City Engineer still insist that this bridge
15 must be built. Gentlemen, there are nine Councilmen in the
16 City of Long Beach. Only four voted in favor of the bridge.
17 One voted "no." Four were absent. I am wondering whether
18 there would have been a majority in favor if all nine had
19 been present.

20 Thank you, gentlemen, for my opportunity to address
21 you.

22 GOV. ANDERSON: Thank you, Mr. Trask. I didn't
23 break in, although several of the things you read are actually
24 not within our scope, but I realize

25 MR. TRASK: That's true, but they tie in some.

26 GOV. ANDERSON: We won't go into that. I do hope the

1 other speakers can keep it a little bit closer to the scope
2 of our responsibility -- which, again, is should we allow
3 tideland trust funds to be used by the City of Long Beach
4 for this project.

5 MR. GAY: Walter Gay, Naples resident. My protest
6 to the proposed Appian Way bridge project is filed primarily
7 against the manner in which the City of Long Beach is appar-
8 ently trying to force the proposed project with complete dis-
9 regard to the wishes of the area residents. Further, the
10 urgency for the project is questioned and the assumptions and
11 factors upon which the need for the bridge have been estab-
12 lished are questioned. Therefore, I also question the pro-
13 priety of expending tideland funds at this time.

14 It is strongly recommended that a final decision by
15 the State Lands Commission be withheld until such time as an
16 actual need for this additional bridge can be established.

17 Thank you for the opportunity and privilege of
18 appearing before this Commission.

19 GOV. ANDERSON: Mr. Shallenberger or Mr. Buehler?

20 MR. SHALLENBERGER: My name is J. K. Shallenberger
21 and I represent the Marina Improvement Association, which is
22 the area right adjacent to the Appian Way. Now, because of
23 the limitations that you have just put on our discussion I am
24 going to have to ad lib this to cut out some of the other
25 things I had intended to present, so forgive me if I stutter
26 a little. The area in which we live is a residential area and

1 the traffic is at saturation point now. This Appian Way was
2 built as an access point to that area. Now it is proposed to
3 build a bridge to this road to carry some additional traffic,
4 just how much nobody knows. The traffic that comes across the
5 Davies Bridge has three destinations -- one to the Marina,
6 and that's adequately taken care of by roads at the present.
7 There's a certain amount of local traffic that terminates in
8 this area, Naples and Belmont Shore, and that is presently
9 taken care of. Now, the third destination is traffic which
10 comes over the Davies Bridge and goes on through Long Beach,
11 either to the downtown area or on beyond, and there is no
12 reason whatever why that should be directed over the Appian
13 Way. Second Street now carries it and while it's a problem
14 there, it would not solve the problem to run it over Appian
15 Way, and at the present time there is either no access at all
16 to the Appian Way from this bridge or there is only a single
17 way.

18 I have heard two conflicting stories, so apparently
19 the builders of this bridge didn't intend to carry any traffic
20 over this Appian Way with this new bridge they are building.
21 This through traffic can be directed over a road that's on the
22 far side of the Marine Stadium in an area now completely un-
23 settled, and there is a road over there which would need some
24 improvement and all of that traffic which they are now planning
25 to direct over this bridge along the Appian Way could be moved
26 200 yards over to the other side of the Marine Stadium in an

1 area now unsettled. The road is now there and it could be
2 directed through Colorado and Seventh Street. Now, the
3 traffic that comes through the Marina normally would go down
4 the Pacific Highway through this Davies Bridge they have
5 built and that would be the normal route for this traffic
6 from the east, north and south; and there is no particular
7 reason for a bridge across there at this time.

8 Now, if two years, three years from now, a traffic
9 pattern arose, we may have to come to that; but at the present
10 time that traffic pattern cannot be anticipated and it would
11 be a roundabout way to come over the Davies Bridge and go over
12 Appian Way, and we see no reason for building a bridge that
13 would increase the traffic in a region already saturated.
14 Thank you.

15 GOV. ANDERSON: Thank you, Mr. Shallenberger. Mr.
16 Buehler?

17 MR. BUEHLER: At the last meeting of the State Lands
18 Commission you very nicely and generously granted us a delay
19 and at that time you asked that we would get together with the
20 City officials and try to get our differences settled; and we
21 have been unable to get a meeting of that sort; and in view of
22 the problem that you have in deciding, I don't think there is
23 too much we can say that would cause you to change your mind
24 in your decision here. I do feel we haven't had a proper hear-
25 ing with the City on this project and many things can be
26 pointed out both ways about this, but I personally and for the