

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
MARCH 7, 2007**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 7th day of March, 2007, 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

Kevin Kramer, 8th Grade Student from Manhattan Beach Middle School, led the pledge of allegiance.

ROLL CALL

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

Absent: None.

Clerk: Tamura.

CEREMONIAL CALENDAR

07/0307.1 Presentation of "There's No Place Like Manhattan Beach" to Cub Scout Pak 713 in Recognition of Their Extraordinary Contribution to the Community

The Council presented Cub Scout Pak 713 with the "There's No Place Like Manhattan Beach" commendation in recognition of their extraordinary contributions to the community.

07/0307.2 Presentation of Commendations to the Manhattan Beach Girls American Youth Soccer Organization (AYSO) Region 18 Team "zBabes" in Recognition of Their Undefeated Season

The Council presented commendations to the Manhattan Beach Girls' American Youth Soccer Organization (AYSO) Region 18 Team, "zBabes," in recognition of their undefeated season.

07/0307.3 Recognition of City of Manhattan Beach Employees:
a) City Employee of the Year, Roz Britton
b) Fire Department's Firefighter of the Year, Fire Marshall/Captain Derek Edmonds
c) Police Department's Police Officer of the Year, Police Sergeant Nan Rados

Community Development Director Richard Thompson presented a certificate to Roz Britton announcing that she is the "City Employee of the Year" for 2006.

The Council and Fire Chief Dennis Groat presented Fire Marshall/Captain Derek Edmonds with the 2006 "Firefighter of the Year" Award.

The Council and Police Chief Rod Uyeda presented Police Sergeant Nan Rados with the 2006 "Police Officer of the Year" Award.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 4 through 14), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Ward, seconded by Councilmember Montgomery, and passed by unanimous roll call vote, with the exception of Item # No. 14, which was appealed by Councilmember Aldinger.

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

GENERAL CONSENT

07/0307.4 Approve Minutes of the City Council Adjourned Regular and Regular Meeting of February 20, 2007

The Council continued the subject minutes to the City Council Meeting of March 20, 2007.

07/0304.5 This Space Intentionally Left Blank

07/0307.6 Consideration of the State Budget and Legislative Update

The Council received and filed the March 2007 Budget and Legislative Update from Tony Rice, the City's legislative advocate.

07/0307.7 Authorize the Mayor to Sign a Letter on Behalf of the City Council Endorsing AB391 To Add One Los Angeles County City Representative to the South Coast Air Quality Management District Board

The Council approved authorizing the Mayor to sign a letter on behalf of the City Council endorsing AB 391, which would add one Los Angeles County city representative to the South Coast Air Quality Management (SCAQMD) District Board.

07/0307.8 Consideration of Financial Reports: Ratification of Demands - February 22, 2007

The Council approved with no exception Warrant Register No. 18B in the amount of \$2,273,152.10 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.

07/0307.9 Ratification of Motor Fuel Purchase from Nickey Petroleum in the Amount of \$20,216.32

The Council approved the purchase of fuel from Nickey Petroleum in the amount of \$20,216.32.

07/0307.10 Disbursement of Progress Payment No. 2 in the Net Amount of \$310,331.58 to Griffith Company for the 2002-2005 Street Improvement Project

The Council approved the issuance of the subject progress payment.

BOARDS AND COMMISSIONS

Cultural Arts Commission

07/0307.11 Consideration of Draft Minutes, Cultural Arts Commission Meeting of January 29, 2007

The Council received and filed the subject draft minutes.

07/0307.12 Consideration of Draft Minutes, Cultural Arts Commission Meeting of February 7, 2007

The Council received and filed the subject draft minutes.

Planning Commission

07/0307.13 Consideration of Action Minutes, Planning Commission Meeting of February 28, 2007

The Council received and filed the subject action minutes.

07/0307.14 Consideration of Planning Commission Approval of a Minor Exception to Merge 2.67 Original Lots Into One Combined Parcel, which will Result in the Existing Structures Becoming Nonconforming to the Setback Standards for the Enlarged Site at 3604 and 3608 The Strand

Item No. 14 was appealed by Councilmember Aldinger.

COMMUNITY ANNOUNCEMENTS

07/0307.19 Presentation Re Jack Imerzian's 90th Birthday

The Council presented a "There's No Place Like Manhattan Beach" Certificate of Recognition to Jack Emerzian in celebration of his 90th birthday.

07/0307.20 Mayor Tell Re Birth of Daughter

Mayor Tell proudly shared a photograph of his newborn daughter, Jessica Bailey Tell, born on February 23, 2007.

07/0307.21 Councilmember Aldinger/Mayor Tell Re Election

Mayor Pro Tem Aldinger congratulated Councilmember Ward on his re-election to the City Council and introduced newly-elected Councilmember Portia Cohen.

Council and the audience gave Councilmember Joyce Fahey a standing ovation as her eight-year term on the Council is coming to an end.

07/0307.22 Doris Nickelson Re Beach Cities Toy Drive

On behalf of the Kenny Nickelson Memorial Foundation, **Doris Nickelson, No Address Provided**, recognized the City of Manhattan Beach, the Council and residents for their contributions to the Beach Cities Toy Drive. She presented Certificates of Recognition to Fire Chief Groat, Community Development Director Richard Thompson and the Council for their efforts.

07/0307.23 Councilmember Montgomery Re Congratulations

Councilmember Montgomery congratulated Councilmember Ward and Councilmember-elect Portia Cohen on their successful, positive campaigns. He encouraged those candidates who were unsuccessful to become involved in the community in other ways.

07/0307.24 Councilmember Ward Re Thank You

On behalf of himself and Portia Cohen, Councilmember Ward thanked Manhattan Beach residents for their support.

07/0307.25 Mayor Pro Tem Aldinger Re Council Swearing-In Festivities

Mayor Pro Tem Aldinger invited everyone to the swearing-in festivities for Councilmember Ward and Portia Cohen at the regularly scheduled Council meeting on Tuesday, March 20, 2007.

07/0307.26 Mayor Tell Re "L.A. Green Drinks"

Mayor Tell announced the formation of the "L.A. Green Drinks" group which is scheduled to meet every two weeks to discuss the Cool Cities initiative and how various cities can implement it. He reported that the next meeting will be Tuesday, March 8, 2007, from 7:00 p.m. to 11:00 p.m., at Sangria located at 68 Pier Avenue in Hermosa Beach.

GENERAL BUSINESS

07/0307.15 Uphold the Parking and Public Improvements Commission Recommendation to Approve Initial Recommendations for the Pacific Elementary School Traffic and Parking Study

City Manager Geoff Dolan advised that staff was referred to work with the neighborhood interest groups and the school regarding this issue.

Traffic Engineer Erik Zandvliet advised that this item is a culmination of the Neighborhood Traffic Management Program (NTMP) and, referring to a graphic of the area around Pacific Elementary School, reviewed the staff recommendations. He related the following: that adding time limit parking in the loading zone between the morning drop off and afternoon pick up times be considered; that Item No. 10 in the staff report (Prohibit parking on the north side of 14th Street between John Street and Poinsettia Avenue on school days only) be deleted; that Item No. 11 (Add a new student loading area on the west side of Poinsettia Avenue adjacent to the ball field by painting a white curb and installing signs) be deleted; that a "floating" crossing guard to assist with loading and unloading be added and funded with \$10,000 from the Council Contingency Fund; that staff does not recommend adding a loading zone on the west side of Pacific Avenue just south of the 14th Street Stop sign because of poor visibility due to parked cars and resident concerns over loss of parking; that this issue is centered around concerns over children crossing the street in the wrong place and drivers dropping children off in the wrong areas; and that it is important to take advantage of the existing loading zones around the school to help traffic move more smoothly.

Council discussed the location of the recommended on-campus student loading area along the east side of the school (Item No. 15); the idea of prohibiting U turns and left turns into the Pacific School loading zone from John Street (Item No. 8); the painting of school traffic markings on an annual basis; the idea of adding a loading zone on the west side of Pacific

Avenue just south of 14th Street or installing a mid-block crosswalk; the safety issues resulting from children exiting vehicles on the wrong side; and the positive aspects of encouraging the school to implement a formal student carpool and walking incentive program (Item No. 14).

The following individuals spoke on this item:

- **Nancy Rosenberg, Assistant Principal of Pacific School**
- **John Dietz, 17th Street**
- **Tom Kelly, Pacific Avenue**
- **Dave Patanzas, 17th Street**
- **Roger Williams, 17th and Oak Avenue**

The Council further discussed encouraging students to walk to Pacific Elementary school and adding a “no student loading” zone along the diagonal parking on the east side of Pacific Avenue.

Traffic Engineer Zandvliet verified that the Traffic Division of the Police Department has been made aware of problems resulting from recreational vehicles parked toward the south end of John Street.

Councilmember Fahey noted the reality that many parents are uncomfortable with elementary school children walking to school. She entertained the idea of implementing a citywide walk-to-school program with parent volunteers to ensure safety and advocated placing one crossing guard on Pacific Avenue, with the intent to provide another in the future.

Mayor Pro Tem Aldinger was of the opinion that the staff recommendations should be implemented for the remainder of this school year and re-evaluated before the beginning of the next school year. He suggested that a crossing guard be placed on the eastbound side of Pacific Avenue on a trial basis.

Councilmember Montgomery related his understanding that the idea was to add two floating crossing guards (at a cost of approximately \$20,000), one on the eastbound side of Pacific Avenue and one on the westbound side, to force pedestrians to cross further up at 14th Street.

Voicing his agreement with the staff recommendations, Councilmember Ward supported beginning with one crossing guard on Pacific Avenue; providing additional parking/traffic enforcement in the area; and encouraging a Citywide walk-to-school program, along with a safety campaign.

Like his fellow Councilmembers, Mayor Tell favored the staff recommendations, one crossing guard at this time and a citywide walk-to-school program.

City Manager Dolan advised that, because it will take time to implement some of the measures, it will be necessary to continue evaluating them when school begins next fall. Noting the challenge of filling crossing guard positions and the difficulties involved in taking Community Service Officers away from other important duties, he indicated that alternatives will be presented during the upcoming budget process.

MOTION: Mayor Pro Tem Aldinger moved to approve the Parking and Public Improvements Commission (PPIC) recommendations to implement the traffic and parking management plan, as presented in the staff report, around the Pacific Elementary School campus for a six-month trial period. The motion was seconded by Councilmember Ward and passed by the following unanimous roll call vote:

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

RECESS AND RECONVENE

At 8:26 p.m., there was a recess until 8:36 p.m., when the meeting reconvened with all Councilmembers present.

07/0307.16 *Consideration of a Resolution Approving Documents for Issuance of Pension Obligation Bonds for the Fixed Unfunded Liabilities in the Police and Fire Department Retirement Plans with CALPERS*

Finance Director Bruce Moe explained that the Pension Obligation Bonds (POBs) previously agreed to by the Council were validated by the Superior Court, paving the way for the Council to approve the documents required to complete the sale of the bonds and for the bonds to be issued as a cost-saving measure (approximately \$300,000) to refund this liability currently held by PERS. He explained that Standard & Poors affirmed the City’s AAA rating and assigned a AA+ rating for this particular issue. Finance Director Moe recognized City Attorney Robert Wadden’s assistance towards this end.

Jeff Bauer, UBS (underwriter for the proposed bond refinancing) advised that this transaction is subject to federal income tax and will trade off the benchmark Treasury rates. He verified that residents are invited to contact Sean Murphy at (800) 526-8910 to become financially involved in this process.

The following individual spoke on this item:

- **Viet Ngo, No Address Provided**

City Manager Geoff Dolan recognized the efforts of Finance Director Moe.

MOTION: Mayor Pro Tem Aldinger moved to adopt Resolution No. 6084 authorizing the sale of Pension Obligation Bonds and approving the documents necessary to execute the sale of the bonds. The motion was seconded by Councilmember Montgomery and passed by the following unanimous roll call vote:

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

RESOLUTION NO. 6084

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH AUTHORIZING THE REFUNDING OF THE CITY'S PENSION OBLIGATIONS, AUTHORIZING THE ISSUANCE AND SALE OF A SERIES OF CITY OF MANHATTAN BEACH TAXABLE PENSION OBLIGATION BONDS, THE EXECUTION AND DELIVERY OF A TRUST AGREEMENT, A BOND PURCHASE AGREEMENT AND A CONTINUING DISCLOSURE AGREEMENT, THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT AND THE EXECUTION OF AN OFFICIAL STATEMENT AND OTHER MATTERS RELATING THERETO

07/0307.17 Consideration of the Adoption of an Ordinance Approving the Proposed Amendment to the Implementation Program of the Manhattan Beach Local Coastal Program Pertaining to Paid Admission to Temporary Sporting Events

City Manager Geoff Dolan explained that Ordinance No. 2097 is before the Council for a second reading; that if the Council adopts the Ordinance, it will be forwarded to the Coastal Commission; and that, subsequent to the introduction of the Ordinance at a previous Council meeting, the Council's AVP Subcommittee (Mayor Tell and Mayor Pro Tem Aldinger) recommended tabling this item while negotiations for the 2006 (and future AVP Manhattan Beach Open) proceed.

As members of the Council's AVP Subcommittee, Mayor Tell and Mayor Pro Tem Aldinger indicated that it is very unlikely that a contract between the City and the AVP will be finalized prior to this year's Manhattan Beach Open. They recommended that, to have a greater chance of better local control with an approval from the Coastal Commission, a more specific amendment to the implementation program for the Manhattan Beach Local Coastal Program (LCP) be provided for the Council's consideration after the contract negotiations with the AVP are finalized.

City Manager Dolan advised that, because the contract with the AVP will take awhile to finalize, the parameters of this year's AVP will not change from last year.

The following individuals spoke on this item:

- **Dean Francois, No Address Provided**
- **Patrick McBride, 5th Street and Peck Avenue**
- **Don Faulkenstein, No Address Provided**
- **Viet Ngo, No Address Provided**

Rebutting comments made by a speaker, City Attorney Robert Wadden affirmed that the City does have the authority to enter into a contract with the AVP and to charge 25% paid admission to the Manhattan Beach Open. He added that, during previous litigation of a legal requirement against paid admission on State beaches, it was agreed that the requirement does not apply to the AVP.

Councilmember Ward related his understanding that the idea was to modify the LCP to have better local control over beaches and events in the City, and then have greater flexibility in reviewing the City's association with the AVP. Explaining that he could not support a continuance of the amendment, Councilmember Ward said that he previously agreed with it in order to have greater flexibility within the local control and that he does not want to tailor the amendment to a particular entity, such as the AVP.

It was Councilmember Fahey's perception that there would be no downside to tabling this item, particularly since the City would hopefully be better informed when going to the Coastal Commission if the contract with the AVP is finalized beforehand.

Councilmember Montgomery questioned why the Ordinance should be tabled since, per Section 1, No. F, the amendment would allow for greater flexibility over paid admission at one temporary sporting event in the City's coastal zone, and not specifically the AVP.

MOTION: Mayor Pro Tem Aldinger moved to continue the proposed amendment to the Local Coastal Program (LCP) to a date uncertain. The motion was seconded by Councilmember Fahey and passed by the following roll call vote:

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

Mayor Tell added that this appears to be a difference in approach and that he looks at increased specificity as a way to make it more likely that greater local control will be achieved.

07/0307.18 Status Report on Neighborhood Meetings for the Street Resurfacing Project

City Manager Geoff Dolan advised that, since the Council's last discussion of the Street Resurfacing Project, staff has met with residents three times and will report to Council about those meetings this evening.

Public Works Director Neil Miller reported on discussions at three meetings between City staff and residents regarding the Street Resurfacing Project on 17th Street, Elm Street and Pine Street. He noted that many residents objected to the Pine Street Project and they suggested that it could instead remain as is, be slurry sealed or paved. Public Works Director Miller introduced the option of removing this section of Pine Street from the Street Resurfacing Project and placing it in the next phase of the Project.

Public Works Director Miller confirmed that, should a decision be made to delete Pine Street from the Street Resurfacing Project, the contract money for Pine Street would be preserved. He further explained that the City has the authority to reduce the Street Resurfacing Project by up to 25%; that the City slurry seals streets every seven years at a cost of approximately \$3,000 to \$4,000 for this section of Pine Street; that a grind and overlay on this section of Pine would be approximately \$40,000 to \$50,000; that a complete re-construction on Pine would cost approximately \$100,000; and that it is a necessity to install rolled curbs and gutters on one property at the northwest end of Pine.

The following individuals spoke on this item:

- **An Unidentified Speaker, No Address Provided**
- **An Unidentified Speaker, No Address Provided**
- **Viet Ngo, No Address Provided**
- **An Unidentified Speaker, No Address Provided**
- **An Unidentified Speaker, No Address Provided**

The Council held discussion regarding delaying this portion of the Pine Street Resurfacing Project until additional information is obtained; the orange cones recently placed on Elm Street; the timing involved with slurry sealing or paving Pine Street; and the Elm Street residents' support of the Street Resurfacing Project from 19th Street to Marine Avenue.

Mayor Pro Tem Aldinger suggested postponing the Pine Street Resurfacing Project until the next phase and continuing with the Elm and 17th Street Resurfacing Projects, with the understanding that options for Pine Street will be provided for the Council's consideration in the near future.

Councilmember Fahey related her impression that Pine Street residents would like a commitment about the next step, what they need to do and how communications will be made.

Councilmember Ward favored informing Pine Street residents, all the way to Marine Avenue, that a decision on street improvements (such as no gutters) will not be made this evening; giving residents a clear idea of when their street will be paved or slurry sealed; and obtaining input from staff in the future about possible methods to cover painted markings on Pine Street.

Mayor Tell stated his hope that a conclusion for Pine Street will be made in a timely manner and he recommended that a City survey be distributed to confirm with property owners on Pine Avenue exactly what will be done.

City Manager Dolan advised that options, related costs and time frames for Pine Street can be presented for the Council's consideration in the near future and that a survey, as suggested above by Mayor Tell can be distributed to Pine Street residents in the next three to four weeks.

Councilmember Ward voiced his opinion that the survey suggested by Mayor Tell could further delay a conclusion to the Street Resurfacing Project on Pine.

Councilmember Montgomery expressed his support of the survey, after which a decision will be made by the Council.

Council agreed that a decision on the Pine Street Resurfacing Project should be delayed until such time as options for Pine are presented for the Council's consideration and after a City survey is obtained from property owners regarding rolled curbs for this section of Pine Avenue. Council also directed staff to follow up on surveys not received to help ensure that a maximum amount of information is received.

AUDIENCE PARTICIPATION

07/0307.28 Dave Wachtfogel Re Walk-to-School Program

Referring to Agenda Item No. 15 (Pacific Elementary School Traffic and Parking Study) **Dave Wachtfogel, No Address Provided**, mentioned the idea of reducing the amount of book weight school children carry in order to help encourage them to walk to school.

07/0307.29 Patrick McBride Re Councilmember Ward's Re-Election

Patrick McBride, 5th Street and Peck Avenue, related his appreciation of Councilmember Ward's re-election to the Manhattan Beach City Council and for voting on behalf of the residents.

07/0307.30 Robert Bush Re Speakers' Rights and Utility Undergrounding

Robert Bush, No Address Provided, stated his concerns regarding the rights of individuals addressing the Council and suggested that Utility Undergrounding be stopped until the City negotiates with the utility companies for more reasonable prices.

Recalling the incident in question, Mayor Tell emphasized that the individuals who were disrupting the Council meeting were asked to either be quiet or to leave and they chose to leave; that pointing out factual inaccuracies is not intimidation; and that this is not a new policy.

07/0307.31 Viet Ngo Re Campaign Practices

Viet Ngo, No Address Provided, related his understanding of various campaign practices during the recent election, with which he contended the Council did not comply.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

None.

ADJOURNMENT

At 9:55 p.m. the meeting was duly adjourned to the to the 5:30 p.m. Adjourned Regular Meeting to be followed by the 6:30 p.m. Regular City Council Meeting on Tuesday, March 20, 2007, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Wendy Weeks
Recording Secretary

Nicholas W. Tell, Jr.
Mayor

ATTEST:

Liza Tamura
City Clerk

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR MEETING
MARCH 7, 2007**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 7th day of March, 2007, at the hour of 5:30 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

ROLL CALL

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

CLOSED SESSION

The Council recessed into Closed Session at 5:30 p.m. and moved to open session at 6:28 p.m.

ADJOURNMENT

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

Jim Aldinger
Recording Secretary

Nicholas W. Tell, Jr.
Mayor

ATTEST:

Liza Tamura
City Clerk