

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
FEBRUARY 20, 2007**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 7th day of February, 2007, at the hour of 6:32 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Police Chief Rod Uyeda led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

07/0220.1 Presentation of "There's No Place Like Manhattan Beach" Commendation to Cub Scout Pack 275 in Recognition for their Extraordinary Contribution to the Community

The Council presented **Scout Master Brad Chang and his son Brandon**, of Cub Scout Pack 275, with the "There's No Place Like Manhattan Beach" commendation in recognition of their extraordinary contributions to the community.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 2 through 15), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Fahey, seconded by Councilmember Montgomery and passed by the following unanimous roll call vote.

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

GENERAL CONSENT

07/0116.6-2 Approve Minutes of the Joint City Council/Parks and Recreation Commission Meeting of January 9, 2007 (Continued from the February 6, 2007 City Council Meeting)

The Council approved the subject minutes.

07/0220.3 Approve Minutes of the City Council Regular Meeting of February 6, 2007

The Council approved the subject minutes.

06/0919.15-4 Adoption of an Ordinance to Prohibit and Regulate Electric Personal Assistive Mobility Devices (EPAMD) Throughout the City

The Council adopted Ordinance No. 2095.

ORDINANCE NO. 2095

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING SECTION 14.28.042 OF CHAPTER 14.28 OF TITLE 14 OF THE MANHATTAN BEACH MUNICIPAL CODE TO PROHIBIT REGULATE ELECTRONIC PERSONAL ASSISTIVE MOBILITY DEVICES

06/1108.23-5Adoption of an Ordinance that Holds Non-Commercial Individuals Responsible for Underage Drinking of Alcoholic Beverages on Property they Own, Lease or Otherwise Control, Known as a Social Host Ordinance

The Council adopted Ordinance No. 2096.

ORDINANCE NO. 2096

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ADDING A NEW CHAPTER 4.128 TO TITLE 4 OF THE MANHATTAN BEACH MUNICIPAL CODE IMPOSING FINES, COSTS AND OTHER CONSEQUENCES FOR HOSTING GATHERINGS OF UNDERAGE DRINKERS

07/0220.6 Consideration of Financial Reports:

- a) Ratification of Demands: February 8, 2007
- b) Investment Portfolio for the Month Ending January 31, 2007
- c) Financial Reports for the Month Ending January 31, 2007

The Council approved with no exception Warrant Register No. 17B in the amount of \$2,729,878.83 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 January 31, 2007; received and filed the Financial Reports for the month ending January 31, 2007.

07/0220.7 Consideration of a Two Year Extension of the Existing Contract for Financial Audit Services with Lance, Soll, Lunghard (Not-to-Exceed \$36,722/Year)

The Council approved the Finance subcommittee and staff recommendations to extend the current contract with Lance, Soll and Lunghard to provide financial audit services for an additional two fiscal years. The extension will commence with the audit for the current fiscal year ending June 30, 2007 and include one subsequent fiscal year ending June 30, 2008.

07/0220.8 Consideration of Cancellation of City's Contract with Blu Moon Marketing Group

The Council approved cancelling the City's contract with Blu Moon Marketing Group.

07/0220.9 Consideration of Resolution Renewing Five Year General Services Agreement with the County of Los Angeles for Miscellaneous County Services on an As-Needed Basis

The Council adopted Resolution No.6083.

RESOLUTION NO. 6083

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AUTHORIZING AND REQUESTING THE COUNTY OF LOS ANGELES TO PERFORM SERVICES

07/0220.10 Award a Contract to David Volz Design for Design Services for a Synthetic Soccer Field Surface (\$90,650)

The Council approved an award of contract in an amount not-to-exceed \$90,650 to David Volz Design for design services for the Manhattan village Soccer Field Synthetic Surface.

07/0220.11 Disbursement of Progress Payment No. 21 in the Net Amount of \$94,065.60 to S.P. Pazargad Engineering Construction, Inc. for the Strand Improvement Project

The Council approved the issuance of the subject progress payments.

BOARDS AND COMMISSIONS

Cultural Arts Commission

07/0220.12 Consideration of Draft Minutes, Cultural Arts Commission Meeting of January 9, 2007

The Council received and filed the subject draft minutes.

Parking & Public Improvements Commission

07/0220.13 Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of January 25, 2007

The Council received and filed the subject action minutes.

07/0220.14 Uphold the Parking and Public Improvements Commission Recommendation to Deny a Request for Installation of Stop Signs on Pacific Avenue at 18th Street

The Council approved the Parking and Public Improvements Commissions recommendation to: deny the request for installation of stop signs on Pacific Avenue at 18th Street; install 25-foot red zones on the northeast and southeast corners of the intersection to improve driver visibility; and replace and relocate school crosswalk warning signs on Pacific Avenue in both directions.

Planning Commission

07/0220.15 Consideration of Action Minutes, Planning Commission Meeting of February 14, 2007

The Council received and filed the subject action minutes.

COMMUNITY ANNOUNCEMENTS

07/0220.20 Jon Chaykowski Re Pledge Ride

Jon Chaykowski, No Address Provided, presented information on his upcoming bicycle ride to benefit the Manhattan Beach Education Foundation. He announced that pledges can be made via e-mail at rideformbef@yahoo.com and that anyone can follow his ride by going to <http://www.crazyguyonabike.com>.

07/0220.21 Bev Morse Re Withdrawal of Candidacy

Bev Morse, 900 Block of 1st Street, announced her withdrawal from the upcoming Manhattan Beach City Council election. She also expressed her support for candidates Steve Morse and Councilmember Mitch Ward.

07/0220.22 Susan Jones Re Seniors' Valentine's Day Dance

Wishing Mayor Tell a "Happy Birthday," **Susan Jones, No Address Provided**, announced that she is going to be the new President of the Manhattan Heights Seniors and thanked the Council and City staff for their assistance with the Valentine's Day dance.

07/0220.23 Scott Gobble Re Power Problems in Tree Section

Scott Gobble, Southern California Edison, offered updated information on Edison's efforts to address power problems in the Tree Section. He advised that circuits in the area will be examined twice a year and announced Edison's plans for an energy saving air conditioning cycling program during summer.

07/0220.24 Greg Robinett Re "Shop & Dine" Fundraiser for Mira Costa High School Marching Band Boosters' Club

Greg Robinett, Mira Costa High School Marching Band Boosters' Club, 400 Block of 27th Street, announced the "Shop & Dine" booklet fundraiser for Mira Costa High School Marching Band Boosters' Club. Obtain further information at gregzwoogz@yahoo.com or call (310) 545-4768 or (310) 283-3285. He asked for ideas about other fund raising ideas that would benefit the Band.

07/0220.25 Viet Ngo Re Council Actions

Viet Ngo, No Address Provided, related his hope that the FBI will investigate Manhattan Beach City Council's apparent criminal actions.

07/0220.26 Rob Katherman Re The Water Replenishment District's Award

Rob Katherman, Water Replenishment District Director, No Address Provided, extended the District's congratulations to the City Council and staff for their water conservation efforts, particularly in converting the Manhattan Village Soccer Field to artificial turf. He commended the efforts of Public Works Director Neil Miller and his support of the In Lieu Water Program.

07/0220.27 Martha Andreani Re Candidates' Forum

Martha Andreani, No Address Provided, advised that the Manhattan Beach Residents' Association recently hosted a City Council Candidates' Forum which will be re-broadcast on Time Warner's Channel 8 on Monday, Wednesday, Friday and Sunday at 10:00 a.m. and 6:00 p.m.. She urged all residents to vote on March 6th.

Councilmember Ward complimented **Ms. Andreani's** professionalism in moderating the City Council Candidates' Forum.

07/0220.28 Councilmember Fahey Re American Martyrs' 5K Run

Councilmember Fahey noted American Martyrs' 5K Run on February 24, 2007.

07/0220.29 Councilmember Fahey Re Little League Parade

Councilmember Fahey called attention to the Manhattan Beach Little League's Opening Day Parade on March 3, 2007, 9:00 a.m.

07/0220.30 Mayor Pro Tem Aldinger Re League of Women Voters Candidates' Forum

Mayor Pro Tem Aldinger encouraged residents to attend the League of Women Voters' Candidates' Forum on February 21, 2007, 7:00 to 9:00 p.m., in the City Council Chambers.

07/0220.31 Councilmember Montgomery Re City Council Candidates' Forum

Councilmember Montgomery expressed his disappointment with the false statements and negative campaign strategies at the recent City Council Candidates' Forum and he asked residents to attend the candidates' forums and become informed before voting.

07/0220.32 Councilmember Ward Re American Martyrs' School Open House

Councilmember Ward related his receipt of artwork and a note from students at American Martyrs' School thanking various Councilmembers for attending the School's open house.

07/0220.33 Mayor Tell Re Last Day to Request an Absentee Ballot

Mayor Tell mentioned that February 27, 2007 is the last day to apply for an absentee ballot.

07/0220.34 Mayor Pro Tem Aldinger Re South Bay Cities' Council of Governments

Mayor Pro Tem Aldinger announced the South Bay Cities Council of Governments' "Mobility Options for the South Bay" General Assembly on February 23, 2007, 9:30 a.m. to 2:00 p.m., at the Carson Community Center.

07/0220.35 Mayor Pro Tem Aldinger Re Facilities Strategic Plan

Mayor Pro Tem Aldinger called attention to the upcoming Facilities Strategic Plan Committee meetings on April 14 and 19, 2007.

Mayor Tell invited the public to participate in these efforts to improve City facilities, such as the swimming pool, which will be discussed later in the meeting.

PUBLIC HEARINGS

07/0220.16 Consideration of Proposed Amendment to the Implementation Program of the Manhattan Beach Local Coastal Program Pertaining to Paid Admission to Temporary Sporting Events

Community Development Director Richard Thompson presented the staff report. He explained that, per the Council's direction, the proposed amendment would allow the Council to negotiate and approve the amount of paid admission for one temporary event per year in the coastal zone and that the proposed changes were denied by the Planning Commission. He advised the following: that Manhattan Beach currently has the ability to approve up to 25% paid seating; that the Coastal Commission recently approved a five-year permit with a minimum of 10% free seating in Hermosa Beach, which is what both the Association of Volleyball Professionals (AVP) and staff recommend for Manhattan Beach; that, unlike Manhattan Beach, Hermosa Beach does not have a Local Coastal Permit (LCP), so every coastal development permit in that city must be approved by the Coastal Commission; and that, due to the time it takes for the Coastal Commission to process amendments, it is unlikely that any changes approved this evening would apply to events occurring this year. He reiterated staff's recommendation in favor of a decision consistent with the recent Coastal Commission's decision for Hermosa Beach (a minimum of 10% free admission).

Prior to receiving input from the public, the Council discussed the AVPs' claims that their event in Manhattan Beach is unprofitable and the need to obtain financial information from the AVP; the likelihood that any changes approved this evening would apply to events occurring this year; and the difference between paid seating and paid admission.

Mayor Tell opened the Public Hearing at 7:12 p.m.

Lisa Arce-Zimmerman, No Address Provided, favored the City working out an agreement with the AVP for some type of paid admission to the Manhattan Open to help provide AVP players, especially females, with financial support.

Don Greco, Manhattan Beach, spoke in support of the AVP. He stated that when someone speaks of the City of Manhattan Beach, they associate it with the beach and the AVP. He further stated that volleyball is a healthy sport, that the AVP is a well run and ethical association, and asked the City to help the AVP so that the city doesn't lose its identify.

Sam Armato, No Address Provided, commented on the AVPs' efforts to make those who participate in the sport of volleyball self-sufficient, which would eventually be made possible with paid entrance to the Manhattan Open.

Carl Henkel, No Address Provided, explained the importance of paid admission to the Manhattan Open in order for the best players to continue participating in that event. In answer to a question from the Council, **Mr. Henkel** explained that AVP athletes are exclusively controlled by the AVP; that they do not get a revenue share, and only get prize money and sponsorships.

Candy Duncan, No Address Provided, agreed with the idea of paid seating to the Manhattan Open in order to help provide a living for AVP athletes.

Elaine Youngs, No Address Provided, pointed out that it is vital for AVP players to make money for participating in the Manhattan Open.

Dennis Duke Noor, Hermosa Beach Resident, No Address Provided, stated his disagreement with paid seating in order to help protect the natural resources of public beaches. He acknowledged that the AVP has charged 25% paid seating at the Manhattan Open for the past eight years.

Bill Victor, No Address Provided, distributed written material to substantiate his disagreement with paid seating at the Manhattan Open. He disputed the AVPs' contention that the Manhattan Open is not profitable and contended that there should be no expansion or proliferation of temporary events on public beaches.

Steven Shimek, No Address Provided, discussed the importance of paid seating at the Manhattan Open in order for the AVP to be financially solvent.

Casey Jennings, Hermosa Beach Resident, No Address Provided, offered reasons why a continued effort should be made to ensure that the Manhattan Open is a strong volleyball tournament. He noted that many of the AVP players give back to communities by cleaning beaches and spending money there.

Bill Eisen, 3500 Block of Crest Drive, recalled that the previous agreement allowed for 25% paid seating at the Manhattan Open. He pointed out that Hermosa Beach owns its beach, whereas Manhattan Beach's beach was transferred to the County, which expressly bans any commercial development/use of the beach and precludes the charging of paid admission by a commercial organization and that the State Coastal Act was designed to transfer local control of California beaches to a local commission because local governments were approving developments and, effectively, restricting beach access.

Austin Rester, No Address Provided, observed that, should the Manhattan Beach Open be forced to move out of Manhattan Beach, much attraction to the sport of volleyball will be lost.

Trey Comstock, 400 Block of 4th Street, clarified that prize money is determined by how much revenue is brought in by the AVP. He commented on the importance of the Manhattan Open to Manhattan Beach and related his support of paid admission.

Jen Pavelli, No Address Provided, stated her agreement with paid admission. Noting the involvement of many AVP players in the community, she related her feeling that the Manhattan Open and the Olympics are the highlights of a volleyball player's career and related her understanding that the AVP provides a free shuttle to help reduce traffic congestion during the three days of the Open.

Nicole Branagh, No Address Provided, said that the Manhattan Open brings great role models to children in the community.

Chip Shulty, No Address Provided, commented that the Manhattan Open is an important part of the City's legacy. He agreed that the Manhattan Open brings great role models to children in the community.

Sandra Seville-Jones, 6th Street, urged the Council not to be swayed by the AVPs' claims of non-profitability. She asked why the previously approved 25% paid admission is not enough, what criteria would be used for approving the proposed amendment, what would be gained by approving it and if an approval would set a precedent for other events.

Alicia Zamparelli, No Address Provided, said that paid admission would help ensure the security of the AVP tour and the growth of the players, who are healthy heroes for children.

Louis Pastor, 200 Block of Manzanita, suggested that the Council consider allowing paid events in Manhattan Beach for other games, such as rugby.

Marcia Hanscom, Coastal Law Enforcement Action Network (CLEAN), No Address Provided, maintained that the Coastal Act does not support the recent decision to allow for paid seating in Hermosa Beach; that an approval of the proposed amendment would violate the Public Resources Code, in that it would expand commercial development according to the Coastal Act; and that 24% paid seating should be the maximum allowed.

Dean Francois, No Address Provided, related his viewpoint that an approval would be allowing the government to subsidize a corporation that could survive on its own. He indicated that he could support a maximum of 25% paid seating which, he explained, would allow a reasonable portion of the beaches to be available to the public.

Martha Andreani, No Address Provided, expressed her opinion that additional paid seating should not be granted. She voiced her concern over the possible setting of a precedent by appearing to help the AVP financially.

Dave Williams, No Address Provided, offered that the AVPs' financial information can be made available for the Council's review; that the AVP does not make a profit on the Manhattan Open; that AVP players inspire children to realize their passions and dreams; and that the City's LCP allows the Council to make a determination on this matter.

Viet Ngo, No Address Provided, stated his feeling that the AVP is a racketeering enterprise and that approving additional paid seating would be a violation of various government codes.

Mayor Tell closed the public hearing at 8:27 p.m.

Councilmember Fahey voiced her feeling that this issue has been blown out of proportion. She stated her interest in the City, and not the Coastal Commission, having control over events on the beach in Manhattan Beach, in exploring paid seating (not paid admission) and determining what percentage would be appropriate, and in how much to charge. She pointed out that there would still be public access to the beach during the Manhattan Open; that an approval of the proposed amendment would provide an opportunity for an event that has meant a lot to the City over the years; that, while businesses in the City support the AVP, they do not all benefit from it; and that trust, which is very important in this issue, is not there, yet, but it will come about when there is a full disclosure of financial information by the AVP.

Mayor Pro Tem Aldinger voiced his mild surprise with regard to the Coastal Commission's recent approval pertaining to Hermosa Beach. He commended the respect that AVP players have for the community and the role models they are for children. Relating his support for the proposed amendment, Mayor Pro Tem Aldinger explained that, to him, this is all about local control and that Council representatives would meet with the AVP to obtain financial disclosure.

Councilmember Ward stated his support for local control, amending the LCP and obtaining full financial disclosure from the AVP, after which time the type of partnership the City might enter into with the AVP could be examined. He stipulated that he could not support as much as 90% paid seating and noted that the criteria for determining the appropriate amount must be developed.

Councilmember Montgomery expressed his support for the proposed amendment with paid seating in the grandstands only. He pointed out that the purpose is to allow greater flexibility (local control) over paid seating of one temporary sporting event per year in the City; that the issue to be considered this evening is whether or not to approve the proposed amendment; and that, after many years, he sees no evidence that the beach has suffered damage as a result of AVP tournaments in Manhattan Beach.

Mayor Tell supported the proposed amendment, which is about local control. He commented that the question is paid admission or paid seating and that he could support up to a maximum of 90% paid seating in the grandstands only, but does not agree with paid admission. Mayor Tell pointed out that the AVP brings top quality athletes to the community and that a Council subcommittee would examine the AVPs' financial situation.

Mayor Pro Tem Aldinger related his concern that allowing additional paid seating could possibly trigger further Coastal Commission review.

It was the viewpoint of Councilmembers Fahey and Montgomery and Mayor Tell that additional paid seating in the grandstands only would narrow the scope.

City Manager Dolan reviewed the Council's consensus in favor of paid seating in the grandstands only. He provided clarification regarding the language in the proposed ordinance and changes to be made as a result of the Council's discussion this evening.

MOTION: Councilmember Fahey moved to waive further reading and introduce Ordinance No. 2097 as amended, that the City Council may approve one event per year and shall have full discretion regarding said event to determine availability of paid seating in a grandstand or stadium used for such event up to a maximum of 90% of seating in said grandstand or stadium. The motion was seconded by Mayor Pro Tem Aldinger and passed by the following unanimous roll call vote.

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

City Attorney Robert Wadden read aloud the title of Ordinance No. 2097.

RECESS AND RECONVENE

At 8:45 p.m., there was a recess until 9:03 p.m., when the meeting reconvened with all Councilmembers present.

GENERAL BUSINESS

06/0418.19-17 Consideration of Entryway Designs and Modifications for the City Logo from the Cultural Arts Commission

Parks and Recreation Director Richard Gill presented background information, including the Council's direction as follows: that the Cultural Arts Commission review the current entryway signs at three locations -- Marine Avenue and Aviation, S. Valley/Ardmore and Boundary Place and Manhattan Beach Boulevard/Aviation, but not Sepulveda Boulevard; that the new entryway signs should have a theme similar to the existing sign on Sepulveda Boulevard; that the Cultural Arts Commission obtain designs for a new City logo; and that there should not be a request for proposal.

With the aid of a PowerPoint presentation, Parks and Recreation Director Gill shared detailed information on the proposed designs for the new City entryway signs and logos offered by Graphic Solutions and DeVa Communications. Answering questions from the Council, he related staff's understanding that the Council's direction was to incorporate the Pier/Roundhouse and retain the theme of sun, sand and sea. He advised that the entryway signs designed by Graphic Solutions would range from approximately \$28,000 to \$30,000 each and that those designed by DeVa Communications would be from \$17,000 to \$28,500 each (including installation but no preparation work or additional landscaping).

Simon Andrews, representing Graphic Solutions, No Address Provided, came forward to respond to inquiries from the Council concerning the designs offered by his company. He affirmed that Graphic Solutions was told to incorporate the Pier into their designs, but modifications could be made to include other images that would also be representative of Manhattan Beach; that an effort was made to use timeless materials; that the design on Attachment H to the staff report would be backlight; and that ceramic tile is a permanent material that will last over time.

The following individuals spoke on this item:

- **Susannah Rosenthal, Cultural Arts Commission**
- **Candy Duncan, Cultural Arts Commission**
- **Shelby Phillips, Cultural Arts Commission**

During extensive discussion, the Council generally agreed with Graphic Solutions' designs. The Council debated whether the signs at each location should be identical or different with a common thread and took into account the character of each area; whether alternative logo designs should be requested; whether the logo should contain the Pier image; and whether there should be a City seal and/or logo.

Councilmember Fahey related her preference for different signs at each location with each having a common thread, such as the City logo, taking into account the character of each area. She entertained the idea of removing the words "State of California" from the City logo; commented on the importance of having a logo that is instantly recognizable; supported the idea of obtaining alternative designs for both a City logo and seal; and observed that the Council's previous direction to incorporate the logo into the signs does not appear to be the case at this time.

Mayor Pro Tem Aldinger preferred using the same signs at each location and he voiced his concern over the idea of the signs being different shapes. He agreed with the Cultural Arts

Commission's recommendation of the design of the sign in Attachment L to the staff report and said the focus on the sign should continue to be the Pier. It was Mayor Pro Tem Aldinger's feeling that the Pier could be incorporated into the City logo, which could also be used on the signs along with different representations of each area; that the word "California" should remain on the logo, but "City of" could be removed; and that there should be a City logo rather than seal.

Councilmember Ward said that he would like to see different signs at each location, with each depicting the character of the particular area. He stated his desire to obtain alternative designs for a City logo and seal; agreed that the Pier could be used as long as the image is not so literal; preferred that the logo contain the words "Manhattan Beach, California." He mentioned that, while there should not be too much around the signs to distract from them, the landscaping should blend in with the signs.

Councilmember Montgomery expressed his preference for the sign designs depicted in Attachments C and D to the staff report with the letters not standing outside the base, as well as the designs in Attachments H and L. He agreed with obtaining alternative designs for both a City logo and seal.

Mayor Tell felt that there should be a shared element amongst the signs, such as ceramic material, with different designs at each location. He said he would like to see revised designs for both a City seal and logo.

City Manager Dolan summarized the direction provided by the Council as follows: that Graphic Solutions' designs are generally preferred; that a theme for the signs, such as the design in Attachment H to the staff report, is desired; that there should be less vegetation under each sign; that the sign colors should be refined; that the sand and sun images should be enhanced; and that a circle logo is not mandatory, but appears to be preferred. He advised that, based on feedback this evening, this item will be returned for the Council's consideration with alternative designs for both the logo and seal, as well as three different sign designs for the three different entryways; that this project is entering the design phase, which will require an appropriation of funds brought back for Council approval on the consent calendar; and that city seals grew out of a historical need for a seal on a document, which no longer legally exists.

07/0220.18 Request from Manhattan Beach Unified School District for Funds to Re-Plaster Begg Pool and Appropriate \$62,390 from City Council Contingency Funds

City Manager Geoff Dolan noted that this is before the Council at the request of the Manhattan Beach Unified School District.

Recreation Services Manager Mark Leyman presented the staff report on the School District's request in the amount of \$62,390 from the Council Contingency Fund to re-plaster and re-tile Begg Pool. He related staff's recommendation for approval and explained the following: that the City shares maintenance and repair costs with the School District, but the District does not have the funds at this time and is asking the Council to pay the entire amount or the pool will have to be closed; that, should the Council approve this request, staff recommends that the project begin immediately; and that the proposed re-plastering would have a warranty of approximately 20 years.

The following individual spoke on this item:

- **Viet Ngo, No Address Provided**

The Council supported the staff recommendation to allocate \$62,390 in Council Contingency Funds for the re-plastering and re-tiling of Begg Pool. The following motion was offered:

MOTION: Mayor Pro Tem Aldinger moved to approve and appropriate \$62,390 from the Council Contingency Fund for the re-plastering and re-tiling of Begg Pool. The motion was seconded by Councilmember Montgomery and passed by the following unanimous roll call vote:

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

07/0220.19 Consideration of Converting a 30-Hour Per Week Staff Position for Older Adult Programs to a Full-Time Status

Parks and Recreation Director Richard Gill provided background information on the staff recommendation that the Council approve converting a 30-hour per week staff position for older adult programs to a full-time position. He explained the difficulty of obtaining qualified candidates for the existing part-time position, the importance of further developing the Senior Citizens' program in Manhattan Beach and the cost of approximately \$68,000, including benefits, for this full-time position. He indicated that a graduate degree with experience and a specialty in the area of Senior Citizens are desired; that the salary of approximately \$40,000 is in line with other Recreation Supervisors' positions, which also have specialized degrees; that the position is in charge of activities, but things such as nutrition etc. are usually acquired on the job.

The following individuals spoke on this item:

- **Patrick McBride, 5th Street and Peck Avenue**
- **Bev Morse, 900 Block of 1st Street**
- **Viet Ngo, No Address Provided**
- **Steve Morse, 900 Block of 1st Street**

MOTION: Mayor Pro Tem Aldinger moved to approve converting a 30-hour per week staff position for older adult programs to a full-time position. The motion was seconded by Councilmember Ward.

Prior to roll call vote, the Councilmembers voiced their hope that the proposed salary would be enough to attract desired individuals for this full-time position, particularly since the individual eventually hired will be a key person in Manhattan Beach in moving forward with a Senior Citizens' facility and program. The Council mentioned the idea of contacting **Jan Buick at the Beach Cities Health District** to possibly assist in finding an individual for this position. Stressing the importance of finding someone with a high level of skill and knowledge in the area of Senior Citizens, the Council invited staff to feel free to request additional funds for the position should they be needed.

City Manager Geoff Dolan commented on the need for a full-time person with expertise in the area of Senior Citizens.

Mayor Tell called for the vote.

MOTION: Mayor Pro Tem Aldinger moved to approve converting a 30-hour per week staff position for older adult programs to a full-time position. The motion was seconded by Councilmember Ward and passed by the following unanimous roll call vote:

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

ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

AUDIENCE PARTICIPATION

07/0220.36 Robert Bush Re Utility Undergrounding

Robert Bush, No Address Provided, voiced his continued concern over utility undergrounding.

07/0220.37 Steve Groves Re Street Improvement Project

Steve Groves, No Address Provided, stated his dismay that progress related to the Street Improvement Project on Pine Avenue, as discussed at the last Council meeting, has not taken place. He requested that, as desired by the majority of Pine Avenue residents, the Pine Avenue portion of the Project be deleted and asked that the Pine Avenue Street Improvement Project be placed on the agenda for the March 7, 2007 Council meeting.

The Council advised that this topic was not on the meeting agenda, so it could not be acted on this evening; that the majority of residents on Pine Avenue appear to want to cautiously proceed with the Project, but would like to have more input on the design; and that a staff report on the survey, designs, etc. could be provided at a forthcoming Council meeting. The Council assured **Mr. Groves** that the Street Improvement Project on Pine Avenue will not begin until the survey is confirmed, the design finished and a meeting between the designer and residents has taken place. The Council commented on the difficulty of understanding why some type of compromise between the City and residents cannot be reached and suggested that on-going updates on the Street Improvement Project be provided at future Council meetings.

City Manager Dolan related his intent to ask Public Works Director Neil Miller to provide an update on the status of the Street Improvement Project during "City Manager Reports" later in the meeting. He pointed out the possibility that there might be no solutions, other than abandoning the Project, which will be acceptable to some residents.

Mayor Pro Tem Aldinger volunteered to attend the meeting between the designer and residents and report back to the Council.

07/0220.38 Rachel Magner Re Street Improvement Project

Relating her understanding of the City's dissatisfaction with the contractor's work on the Oak Avenue Street Improvement Project as discussed at a previous Council meeting, **Rachel Magner, No Address Provided**, asked why the Council approved a payment to Griffith Company this evening (Agenda Item No. 6a, Ratification of Demands dated February 8, 2007)

and why City Manager Geoff Dolan recommended an approval. She also asked City Attorney Wadden to address how an approval of the item will prejudice the City's position against the contractor.

The Council discussed that the contractor has done a good job on all streets other than Oak Avenue, is making repairs on Oak Avenue and is entitled to the payment to which **Ms. Magner** referred. The Council noted that information about the repairs on Oak Avenue will be provided by Public Works Director Neil Miller later in the meeting.

07/0220.39 Viet Ngo Re Obstruction of Justice

Viet Ngo, No Address Provided, referred to a pending court case involving obstruction of justice which he contended is similar to the obstruction of justice occurring in Manhattan Beach by the City Council and various staff members.

07/0220.40 Patrick McBride Re Facilities Strategic Plan

Patrick McBride, 5th Street and Peck Avenue, voiced concern that the Seniors' meeting place at the Joslyn Center will be destroyed as part of the Facilities Strategic Plan.

The Council assured **Mr. McBride** that groups displaced as a result of the Facilities Strategic Plan will be relocated prior to the destruction of their meeting space.

City Manager Geoff Dolan clarified that the Facilities Strategic Plan shows 5,000 to 7,000 feet of space for the seniors in the multi-purpose facility, which would be constructed prior to the destruction of the Joslyn Center.

07/0220.41 Steve Morse Re Street Improvement Project on Pine Avenue

Having viewed the problems with the Street Improvement Project on Oak Avenue, **Steve Morse, No Address Provided**, asked the Council for some compassion with regard to the Project on Pine Avenue.

The Council assured that they are committed to remedying the problems on Oak Avenue; that the Street Improvement Project on Pine Avenue is going to move forward, particularly due to potential flooding problems at the bottom of Pine; and that the Council will be happy to further discuss the Project on Pine Avenue if residents are still unhappy after meeting with the contractor.

07/0220.42 Greg Banani Re EPAMDs

Greg Banani, No Address Provided, came forward to address the topic of EPAMDs.

The Council advised that the Council held a public hearing about EPAMDs two weeks ago and that the ordinance prohibiting EPAMDs in various parts of the Downtown area was approved this evening as part of the Consent Calendar.

City Manager Geoff Dolan suggested that **Mr. Banani** further discuss this topic with Police Chief Rod Uyeda.

07/0220.43 *Bev Morse Re Election*

Bev Morse, No Address Provided, related her withdrawal from the upcoming race for a seat on the Manhattan Beach City Council. She thanked staff and, in particular, City Clerk Liza Tamura, for the wonderful experience she had during her campaign and she also thanked Councilmember Fahey for her efforts while serving on the Council.

07/0220.44 *Fred Magner Re Street Improvement Project on Pine Avenue*

Fred Magner, No Address Provided, stated his continued concern over the poor quality of the Street Improvement Project on Oak Avenue. He questioned why the City continues to use the same contractor.

CITY MANAGER REPORT(S)

07/0220.45 *Public Works Director Miller Re Street Improvement Project*

At the request of City Manager Geoff Dolan, Public Works Director Neil Miller gave a status report on the Street Improvement Project. He advised the following: that there were some design errors and there is still some repair work to be done on Oak Avenue; that the contractor has met the spirit of the project specifications, has agreed to go forward with corrections (the majority of which has been at their cost) and has done a good job thus far; that some changes made are at the Council's request for the project to come out better for some residents and these go beyond the original specifications; that all known corrections on Oak Avenue will be done before there is a meeting with Oak Avenue residents; that the re-survey work has been completed and will be transferred to the plans; that he has authorized a few staff members to make changes as the Oak Avenue Project moves along to ensure that it will work better; that a link to the 2002-2005 Street Improvement Project was added to the City's website; and that he has received calls from property owners asking that the Pine Avenue Street Improvement Project there proceed.

Public Works Director Miller confirmed for the Council that the new survey was done by a different surveyor; that approximately two-thirds of the items on the "hot list" have been completed; that staff is making every effort to respond to resident communications; and that the Project designer has a good history with the City, and his future designs will be more closely examined by City staff.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

07/0220.46 *Mayor Pro Tem Aldinger Re California Transportation Commission*

Mayor Pro Tem Aldinger noted that the California Transportation Commission allocated very little bond measure funds to Los Angeles County. He suggested that, like the Council of Governments (COG), a letter be sent to Governor Arnold Schwarzenegger and the Commission asking that the carpool lanes on the 405 Freeway be added back into the proposal.

City Attorney Wadden advised that, for the Council to act on this matter this evening, it would be necessary for the Council to unanimously make a finding that the matter arose after the posting of the agenda.

City Manager Geoff Dolan verified staff's willingness to prepare a letter advising Governor Schwarzenegger that a fair share of bond measure monies should go to Los Angeles County, particularly for the 405 Freeway.

Councilmember Montgomery mentioned that the Independent Cities Association (ICA) has also been asked to lend their support to the same bond measure.

City Manager Dolan advised that staff will obtain a sample letter and, if approved by the Council, staff will prepare it for the Mayor's signature.

MOTION: Mayor Pro Tem Aldinger moved to approve that the emergency matter of sending a letter to the California Transportation Commission regarding the need for bond measure monies in Los Angeles County, particularly for the carpool lanes on the 405 Freeway, arose after the posting of the agenda and approve that a letter to this effect be drafted to the California Transportation Commission and Governor Arnold Schwarzenegger for the Mayor's signature. The motion was seconded by Councilmember Montgomery and passed by the unanimous roll call vote:

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

07/0220.47 Councilmember Montgomery Re Mansionization

Councilmember Montgomery voiced his concern that an effort might be made by some to obtain approvals for lot mergers before the Mansionization Committee's recommendations are forwarded to the Council.

The Council discussed the idea of placing a moratorium on new lot merger requests until such time as the Mansionization Committee's recommendations are forwarded to the Council; the idea of expediting the Lot Merger Ordinance; and a current project that is scheduled to come before the Council which involves a two lot merger and a height variance.

City Manager Geoff Dolan recalled that the Council held a joint meeting with the Planning Commission and tentatively agreed to consider a maximum two lot merger and that an ordinance was drafted, approved by the Planning Commission and presented for the Council's consideration, but the Council tabled it for the Mansionization Subcommittee to address this issue. He explained that the Lot Merger Ordinance would have to be considered by the Planning Commission prior to it coming before the Council.

City Attorney Wadden advised that it would be necessary to follow required procedures prior to adopting a Lot Merger Ordinance.

City Manager Dolan provided clarification on the current project scheduled to come before the Council which involves a two lot merger and a height variance.

Contrary to previous direction that all items being considered by the Mansionization Committee should be presented together for the Council's review, the majority of the Council agreed that the Lot Merger Ordinance should be expedited and that it should be considered by the Planning Commission and then forwarded for the Council's consideration.

ADJOURNMENT

At 11:35 p.m., the meeting was adjourned in memory of former Manhattan Beach Mayor and City Councilmember Thomas P. Foye, to the 5:30 p.m. Adjourned Regular Meeting to be followed by the 6:30 p.m. Regular City Council Meeting on Wednesday, March 7, 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
FEBRUARY 20, 2007**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 20th day of February, 2007, at the hour of 6:07 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: Wadden (Acting).

CLOSED SESSION

The Council recessed into Closed Session at 6:07 p.m. and moved to open session at 6:29 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:29 p.m.

Robert V. Wadden, Jr.
Recording Secretary

Nicholas W. Tell, Jr.
Mayor

ATTEST:

Liza Tamura
City Clerk