

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
FEBRUARY 6, 2007**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 6th 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

Public Works Director Neil Miller led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

07/0206.1 Presentation of "There's No Place Like Manhattan Beach" Commendation to Boy Scout Troop 849 in Recognition for their Extraordinary Contribution to the Community

The Council presented Boy Scout Troop 849 with the "There's No Place Like Manhattan Beach" commendation in recognition of their extraordinary contributions to the community.

07/0206.2 Introduction of Los Angeles County Community Library Manager Don Gould

The Council and City Manager Geoff Dolan introduced Don Gould, Los Angeles County Community Library Manager welcoming him to the City and presenting him with a City pin.

07/0206.3 Presentation of Proclamation to the American Heart Association Declaring February 2, 2007 as "Wear Red For Women" Day

The Council presented a proclamation to **Hillel Cohn of the American Heart Association** declaring February 2, 2007 as "Wear Red for Women" Day.

07/0206.4 Introduction of New Employees and Presentation of Service Awards

The Council introduced new City employees and presented employee service awards.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 5 through 18), 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 Nos. 5, 9 and 16 which were considered later in the meeting under "Items Removed from the Consent Calendar."

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

GENERAL CONSENT

07/0116.6-5 Approve Minutes of the Joint City Council/Parks and Recreation Commission Meeting of January 9, 2007 (Continued from the January 16, 2007 City Council Meeting)

Item No. 5 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

07/0206.6 Approve Minutes of the City Council Regular Meeting of January 16, 2007

The Council approved the subject minutes.

07/0206.7 Approve Minutes of the Joint City Council/ Board of Building Appeals, Cultural Arts Commission, Library Commission, Parking & Public Improvements Commission and Planning Commission Meeting of January 23, 2007

The Council approved the subject minutes.

07/0206.8 Consideration of the State Budget and Legislative Update

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

07/0206.9 Consideration of Financial Reports:
a) Ratification of Demands: January 25, 2007
b) Investment Portfolio for the Month Ending December 31, 2006

Item No. 9 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

07/0206.10 Consideration of the Fiscal Year 2006-2007 Mid-Year Budget Review

The Council received and filed the subject report.

07/0206.11 Award of Order to South Bay Regional Public Communications Authority to Equip Six Previously Purchased Police Vehicles in the Amount of \$54,301.20

The Council waived formal bidding per Municipal Code Section 2.36.140 (waivers) and approved an award of order to the South Bay Regional Public Communications Authority for the budgeted outfitting of six previously purchased Police patrol cars in the amount of \$54,301.20.

07/0206.12 Authorize the Purchase of a Fire Prevention Vehicle from Burch Ford in the Amount of \$22,664.30 and Appropriate \$34,000 from the Fleet Management Fund

The Council approved the award of RFB# 711-07 to Burch Ford in the amount of \$22,664.30 and appropriated \$34,000 from the Fleet Management Fund.

07/0206.13 Consideration of a Resolution Implementing the Findings of the Classification Study for the General Services Coordinator and Salary Survey for Purchasing Clerk in the Miscellaneous Unit

The Council adopted Resolution No. 6081.

RESOLUTION NO. 6081

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING THE 2006–2011 TEAMSTERS MEMORANDUM OF UNDERSTANDING

07/0206.14 This Space Intentionally Left Blank

07/0206.15 Disbursement of Progress Payments:

a) Progress Payment No. 1 in the Net Amount of \$349,334.10 to Griffith Company for the 2002-2005 Street Improvement Project

b) Progress Payment No. 3 in the Net Amount of \$210,174.43 to John T. Malloy, Inc. for the Peck Reservoir Blending Line Project

The Council approved the issuance of the subject progress payments.

BOARDS AND COMMISSIONS

Parking & Public Improvements Commission

07/0206.16 Ratification of Parking & Public Improvement Commission Decision to Uphold Existing Policy Prohibiting Removal of Streetscape Trees for View Enhancement

Item No. 16 was pulled from the “CONSENT CALENDAR”. Please refer to “ITEMS REMOVED FROM THE CONSENT CALENDAR.”

07/0206.17 Uphold the Parking and Public Improvements Commission Recommendation to Deny an Appeal to Remove a Norfolk Island Pine Adjacent to 3404 The Strand

The Council approved the Parking and Public Improvements Commission recommendation to deny an appeal to remove a Norfolk Island pine adjacent to 3404 The Strand.

Planning Commission

07/0206.18 Consideration of Action Minutes, Planning Commission Meeting of January 24, 2007

The Council received and filed the subject action minutes.

COMMUNITY ANNOUNCEMENTS

07/0206.26 Lynne Carscallen Re Neptunian Women’s Club’s City Council Candidates’ Forum

Lynne Carscallen, President of the Manhattan Beach Neptunian Women’s Club, 10th Street & Highland Avenue, announced that the Neptunian Women’s Club is sponsoring a City Council Candidates’ Forum scheduled for February 12, 2007, at 12:30 p.m., at their clubhouse; that prior to the forum they will also be celebrating the 100th birthday of Evaline
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Gill; and that they will also be recognizing the winners of their 29th Annual Art School Contest on February 29, 2007.

07/0206.27 *Esther Besbris Re Manhattan Beach Residents' Association's City Council Candidates' Forum*

Esther Besbris, No Address Provided, announced that the Manhattan Beach Residents' Association is sponsoring a live City Council Candidates' Forum on Thursday, February 15, 2007, from 4:30 to 6:00 p.m., on Channel 8. She said that the Forum would also be replayed every Monday, Wednesday, Friday and Sunday at 10:00 a.m. and 6:00 p.m.

07/0206.28 *Mayor Pro Tem Aldinger Re League of Women Voters City Council Candidates' Forum*

Mayor Pro Tem Aldinger announced that the League of Women Voters' City Council Candidates' Forum will be held on Wednesday, February 21, 2007, from 7:00 to 9:00 p.m., in the City Council Chambers.

07/0206.29 *Councilmember Ward Re the Manhattan Beach Chamber of Commerce's City Council Candidates' Forum*

Councilmember Ward announced that the upcoming Chamber of Commerce's City Council Candidates' Forum will be held on Monday, February 26, 2007, at 6:00 p.m., at American Martyr's Church.

An unknown speaker from the Chamber of Commerce confirmed the information and added that the Forum will be held in the Blessed Kateri room.

07/0206.30 *Jon Chaykowski Re Bicycle Pledge Ride for the Manhattan Beach Education Foundation*

Jon Chaykowski, No Address Provided, distributed written material "From Sea to Shining Sea" about his bicycle pledge ride beginning on May 5, 2007 through the beginning of June, from Manhattan Beach to Charleston, South Carolina, to benefit the Manhattan Beach Education Foundation. He further stated that pledges can be made and information obtained at crazyguyonabike.com (ride for MBEF).

07/0206.31 *Viet Ngo Re Misuse of Public Funds*

Viet Ngo, No Address Provided, stated his continued concerns over the misuse of public funds by the City Manager and Council.

The Council advised **Mr. Ngo** that this portion of the meeting is set aside for community announcements and they invited him to discuss this matter during "Audience Participation."

07/0206.32 *April Halprin Wayland Re "No More Broken Hearts" Rally*

April Halprin Wayland, No Address Provided, announced that the "No More Broken Hearts" Rally is scheduled for Sunday, February 11, 2007, at Polliwog Park at 12:00 noon. She also announced that further information can be obtained at www.OurPeaceTeam.com.

07/0206.33 *Bev Morse Re Memorial Mural for Andy Blinn*

Bev Morse, No Address Provided, read aloud a recent newspaper article regarding a mural in memory of former Manhattan Beach resident Andy Blinn, who died of Cystic Fibrosis.

07/0206.34 *Mayor Pro Tem Aldinger Re Facilities Strategic Plan*

Mayor Pro Tem Aldinger announced that a Facilities Strategic Plan presentation will be held at American Martyrs' Church on Saturday, February 10, 2007, at 1:00 p.m.

07/0206.35 *Mayor Pro Tem Aldinger Re Steering Committee Meeting*

Mayor Pro Tem Aldinger announced that a Steering Committee meeting will be held on Monday, February 11, 2007, at 6:30 p.m. at the new Police/Fire Facility.

07/0206.36 *Mayor Pro Tem Aldinger Re MTA Services*

Mayor Pro Tem Aldinger mentioned that there will be an MTA meeting on February 9, 2007, at 9:30 a.m., regarding the possibility of canceling some of the MTA bus routes in Manhattan Beach.

07/0206.37 *Mayor Pro Tem Aldinger Re Hazardous Waste Roundup*

Mayor Pro Tem Aldinger noted that the Household Hazardous Waste Roundup is scheduled for March 24, 2007, from 9:00 a.m. to 3:00 p.m., at Northrop Grumman, at the corner of Aviation Boulevard and Marine Avenue.

07/0206.38 *Councilmember Fahey Re March 6, 2007 General Municipal Election*

Councilmember Fahey encouraged residents to get to know the City Council candidates, study the issues, and vote in the upcoming election on Tuesday, March 6, 2007.

Mayor Pro Tem Aldinger also reminded the public that the scheduled City Council Meeting of March 6, 2007 is being postponed to Wednesday, March 7, 2007.

PUBLIC HEARINGS

07/0206.19 *Consideration of Proposed Exchange of Community Development Block Grant (CDBG) Funds Received by the City of Manhattan Beach to the City of Hawaiian Gardens and the Allocation of Funds for the 2007-2008 Fiscal Year*

Assistant Planner Angelica Ochoa explained the guidelines for the City's sale of Community Development Block Grant (CDBG) funds for Fiscal Year 2007-2008. She related the staff recommendation to conduct the public hearing, adopt Resolution No. 6078, authorize the City Manager to execute the draft Agreement with the City of Hawaiian Gardens and approve an allocation of general funds received to the public service agencies as identified in the staff report and read aloud during the meeting.

Mayor Tell opened the Public Hearing at 7:37 p.m.

Viet Ngo, No Address Provided, contended that the sale of CDBG funds would be a conspiracy to commit a Federal offense against the United States' Government, as well as a willful disregard for the Law.

Bev Morse, 900 Block of 1st Street, questioned the difference between the South Bay Family Health Care Center and the Beach Cities Health District.

On behalf of the Beach Cities Health District, Jan Buike, No Address Provided, clarified that the South Bay Family Health Care Center provides direct healthcare services and the Beach Cities Health District does not.

Mayor Tell closed the Public Hearing at 7:42 p.m.

Mayor Pro Tem Aldinger commended this program and the services provided by the CDBG funds.

Councilmember Ward pointed out that the allocation of the CDBG funds and the exchange with the City of Hawaiian Gardens helps to fund healthcare for some Senior Citizens living in Manhattan Beach.

Mayor Tell, along with Councilmembers Fahey and Montgomery made it unanimous also expressing support for this matter.

MOTION: Councilmember Fahey moved to approve authorizing the City Manager to execute the draft Agreement with the City of Hawaiian Gardens; approve an allocation of general funds received to the identified public service agencies, and adopt Resolution No. 6078. 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.

RESOLUTION NO. 6078

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING AN AGREEMENT BETWEEN THE CITY OF MANHATTAN BEACH AND THE CITY OF HAWAIIAN GARDENS REGARDING THE EXCHANGE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR THE FISCAL YEAR 2007-2008

07/0206.20 Consideration of Resolution Adjusting the Fiscal Year 2007-2008 Business License Tax by the Consumer Price Index

Revenue Services Specialist Steve Charelian provided background information on Resolution No. 6080, proposed to adjust the Fiscal Year 2007-2008 Business License Tax by the Consumer Price Index. He advised that, should the proposed increase be approved, the City's revenue will increase by approximately \$84,000.

Mayor Tell opened the Public Hearing at 7:45 p.m.

Hearing no requests to speak, Mayor Tell closed the Public Hearing at 7:46 p.m.

The Council briefly discussed procedures for notifying owners of businesses in Manhattan Beach, should the proposed increase be approved.

As small business owners, Councilmembers Montgomery and Ward clarified that the Business License Tax increase for small businesses will be only 2.2%.

MOTION: Mayor Pro Tem Aldinger moved to adopt Resolution No. 6080 approving an increase in the Business License Tax rate by 3.4% to adjust for the Consumer Price Index (CPI). 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. 6080

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, INCREASING THE BUSINESS LICENSE TAX BY CPI AND RESCINDING RESOLUTION NO. 6018 AND ALL RESOLUTIONS OR ORDERS IN CONCERT THEREWITH

GENERAL BUSINESS

07/0206.21 Discussion of Construction Issues for the 2002-2005 Street Improvement Project and Approve an Appropriation of \$54,000 for Change Order No. 1 to Griffith Company

City Manager Geoff Dolan explained that this item is before the Council this evening to review the 2002-2005 Street Improvement Project, to respond to questions from the community and to reinforce the City's commitment for the 2002-2005 Street Improvement Project to be one of which the City can be proud.

Public Works Director Neil Miller provided background information on the 2002-2005 Street Improvement Project. During a PowerPoint presentation, he reviewed the status of the Project; the staff recommendations to address resident concerns and become aware of new problems; the list of the streets included in the Project; the Project map; the work test sequencing; the typical street improvement design criteria; and the concerns expressed by residents. He also reviewed: typical street and rolled curb cross sections; sample pictures of the 1999-2001 and 2002-2005 Street Improvement Projects; and examples of the encroachment repairs to the Project. Public Works Director Miller affirmed that notices were sent to area residents prior to beginning the Project, and prior to each sequence, and he explained that saw cutting could be used to eliminate the need for the 2' paved brick area in some locations. He elaborated on the slip-form method compared to form-in-place construction and related staff's recommendation to switch to form-in-place construction at an additional cost of approximately \$54,000.

The Council discussed: the mismatched color and texture of the concrete installed in the 1999-2001 Street Improvement Project compared to existing concrete; the uneven construction of the driveways on Oak Avenue; the importance of informing residents who to contact with problems and the need to change the resident engineer's telephone number to a 310 prefix; the importance of notifying residents that some repairs will be made to already completed areas; the staff recommendation in favor of form-in-place construction; the survey line on Oak

Avenue; the revised plans for Elm Avenue; the yet-to-be completed plans for Pine Avenue; and the idea of having surveys performed by someone not affiliated with the design engineer. The Council also questioned whether the contractor would use his own employees or a subcontractor for form-in-place construction, should a decision be made in favor of it.

Senior Civil Engineer Mike Guerrero explained the differences between the 1999-2001 and the 2002-2005 Street Improvement Projects. He discussed the horizontal alignment on Oak Avenue and the difficulties created by utility poles, noting that any reductions were taken from the street, not the encroachment areas. He advised that another survey of Oak Avenue would cost approximately \$20,000 and that the time to perform such a survey is also of concern.

City Manager Dolan stated that the City's goal is to restore areas to their condition prior to the street improvements. He advised that the width of the rolled curb includes part of the gutter; that bricks installed by residents have been removed off of the City's property; and that a City employee was the liaison with residents during the 1999-2001 Project, whereas a contractor has been in charge of dealing with residents during the current Project. He also recalled the Council's previous direction after the completion of the 1999-2001 Street Improvement Project for staff to survey residents due to the large number of complaints received after completion.

City Engineer Dana Greenwood confirmed that the revised plans for Elm Avenue have been completed, but the plans for Pine Avenue are pending; and that the survey for Oak Avenue does not show a "shift" in the street.

RECESS AND RECONVENE

At 8:40 p.m., there was a recess until 8:55 p.m., when the meeting reconvened with all Councilmembers present.

After the recess, discussion continued with regard to Agenda item No. 21 (*Discussion of Construction Issues for the 2002-2005 Street Improvement Project and Approve Appropriation of \$54,000 for Change Order No. 1 to Griffith Company*).

Prior to receiving input from the public, there was a consensus of the Council in support of form-in-place construction. The Council suggested that the idea of mixing slip-form and form-in-place construction be explored.

The following individuals spoke on this item:

- **Unidentified Resident, No Address Provided**
- **Barry Forman, Pine Avenue**
- **Lillie Lee, 1200 Block of Oak Avenue**
- **Victoria Kohn, 1700 Block of Oak Avenue**
- **Stephan Wandel, 1800 Block of Oak Avenue**
- **Richard Baeuchler, 2000 Block of Oak Avenue**
- **Steve Alexander, 2100 Block of Oak Avenue**
- **Rich (Last Name Inaudible), No Address Provided**
- **Rachel Magner, 2200 Block of Pine Avenue**
- **Roger Williams, 1700 Block of Oak Avenue**
- **Fred Magner, 2200 Block of Pine Avenue**

Having received many comments regarding the unresponsiveness of individuals working on the Project, as well as City staff, the Council questioned with whom the responsibility for the 2002-2005 Street Improvement Project lies -- the contractor or City staff, as well as whether repairs will be made to Oak Avenue before beginning another portion of the Project. The Council discussed that the street improvement projects were begun to improve drainage in the entire Tree Section and Pine Avenue was included because it is in that area, not because it has drainage problems. The Council observed that the contractor apparently has not been closely supervised and continued with work that made no sense, apparently with the intent of fixing it at a later time; stressed that problems previously experienced must not occur in the future; and agreed that repairs to already completed problems on Oak Avenue should be made in a timely manner.

With regard to a comment made by a member of the public, Mayor Pro Tem Aldinger voiced his understanding that the 2002-2005 Street Improvement Project is not environmentally sensitive.

City Attorney Wadden advised that a categorical exemption for the 2002-2005 Street Improvement Project is very appropriate; that, when dealing with existing facilities, there is a presumption there is no environmental impact unless something very different is being done; and that the City is not obligated to record the notice of CEQA exemption, but it is a good procedure to file it with the State or the County, which the City normally does in land use decisions.

Public Works Director Miller commented on the difficulty of matching the existing grade, even with form-in-place construction. He indicated that the bottom of the gutter will be raised at least one inch; but, it cannot be raised too much or water will run onto properties; confirmed that City staff is in daily contact with the contractor; assured that each property will be examined to verify that the designs are correct; and that Elm Avenue is scheduled to begin in the near future, but the plans for Pine Avenue are pending. He cautioned that some of the items discussed by the Council this evening could add time to the Project and necessitate additional funds.

City Engineer Greenwood provided information about survey procedures, noting that the center line ties off of the street intersection, which ensures that the center line of the right-of-way does not change and, therefore, property lines will not change.

Councilmember Fahey voiced her opinion that the repairs on Oak Avenue should be completed prior to beginning another street to make sure there is an improvement. She emphasized the importance of independently verifying that the surveys are correct and having an individual with authority relevant to the Project return residents' telephone calls.

Councilmember Montgomery voiced his agreement with Councilmember Fahey's emphasis on the importance of independently verifying that the surveys are correct and completing repairs to Oak Avenue before proceeding on other streets.

Councilmember Ward related his experience with the severe flooding at the end of Pine Avenue. He stated his embarrassment over the poor quality of this Project thus far and the poor communication with residents. Councilmember Ward stressed that the contractor should be held more accountable. He supported lowering the curbs 3" or more and additional noticing to residents about the Project.

Mayor Tell favored slowing the Project down in order to get a better sense about it after meeting with the contractor.

Mayor Pro Tem Aldinger suggested holding meetings with residents on each street and the contractor prior to beginning construction; holding another meeting about Oak Avenue to make sure needed repairs are on the punch list; distributing flyers about the Project to area residents; and adding a link for the Project to the City's website.

Senior Civil Engineer Guerrero explained that Elm Avenue, Pine Avenue and 17th Street will be saw cut. He shared information about the process used to determine the curb heights, noting that the only issue would be the flow line, should the form-in-place method be used.

The Council recommended that meetings with residents on each street, the contractor, staff and a Council representative be held prior to construction. The Council also recommended that a link to the 2002-2005 Street Improvement Project be added to the City's website; that independent surveys be performed prior to continuing construction; and that repairs to Oak Avenue be made in a timely manner.

City Manager Dolan explained saw cutting procedures, which causes little disruption to residents until the cut portions are removed. He clarified staff's recommendation for the Council to approve an additional \$54,000 for the form-in-place construction and authorize the City Manager/Public Works Director to spend an additional maximum of 5% of the Project cost, or \$75,000, if needed. He affirmed that a link for the 2002-2005 Street Improvement Project will be added to the City's website; that staff will meet with the contractor to discuss the Oak Avenue repairs etc.; and that independent surveys will be performed and meetings with residents on each street will be held prior to beginning construction; and that flyers about the Project will be distributed throughout the neighborhood.

MOTION: Mayor Pro Tem Aldinger moved to receive and file the subject presentation; approve Change Order No. 1 to Griffith Company in the net amount of \$54,000 for the form-in-place construction; approve an additional appropriation of \$75,000; and approve additional appropriations, if required, to be at the discretion of the Finance Subcommittee. The motion was seconded by Councilmember Montgomery and passed by unanimous roll call vote.

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

07/0206.22 Presentation of the Proposed 2007 Leadership Manhattan Beach Project to Refurbish the Exterior of the Lifeguard Tower on the Pier Including Replacement of the Clock

As a member of the 2007 Leadership Manhattan Beach Class, Assistant to the City Manager Lindy Coe-Juell shared information about the purpose of Leadership Manhattan Beach.

JJ Turkmany, No Address Provided, Leadership Manhattan Beach, gave a PowerPoint presentation on the proposed Project, which would revolve around improving the appearance of the lifeguard tower building at the entrance of the Manhattan Beach Pier. He outlined the four phases of the Project, which would include: repairing structural damage to the building; painting/cleaning the structure; replacing the clock; and replacing the "Lifeguard Operations" sign.

Ashlea Raymond, No Address Provided, Leadership Manhattan Beach, also provided a PowerPoint presentation announcing Leadership Manhattan Beach's plans to hold a "Rock the Clock" fundraising event on Sunday, March 11, 2007, from 6:00 to 9:00 p.m., at Towne Restaurant, and also reported on the dedication of the clock scheduled for Saturday, April 28, 2007, at 3:00 p.m., at the Manhattan Beach Pier.

The following individual spoke on this item:

- **Viet Ngo, No Address Provided**

The Council commended the proposed 2007 Leadership Manhattan Beach Project and accepted the presentation.

06/1108.21-23 Consideration of Water Tower Status Report and Authorization of Supplemental Appropriation of \$160,000 from the Water Fund Reserves for Maintenance of Tower

During his introduction of Agenda Item No. 23, City Manager Geoff Dolan advised that, during discussion of this topic at a previous meeting, the Council asked staff to research some questions and report back.

With the aid of a PowerPoint presentation, City Engineer Dana Greenwood presented the staff report. He outlined the repairs recommended to maintain the water tower, at an estimated cost of \$400,000, which would require a supplemental appropriation of \$160,000 from the Water Fund Reserves. He also noted that it would cost approximately \$7,800 to paint "Manhattan Beach" along two sides of the tank.

Council discussion included: the need to complete some of the recommended repairs in order to make the tank safe; the funding of the proposed repairs out of the City's Water Fund; the additional life expectancy of approximately 50 years on the tank, should the recommended repairs be made; the importance of inspecting the water tower annually, what that would include and what it would cost;

The following individuals spoke on this item:

- **Herb Harger, 1200 Block of 6th Street**
- **Patrick McBride, 5th Street and Peck Avenue**
- **George Cohn, 1400 Block of 8th Street**

City Engineer Greenwood related information as to the cost of annual water tower inspections and what they would include.

City Manager Dolan assured the Council that the water tower is safe; that staff will make certain it continues to be safe; and that he recommends the Council allow staff to determine through the budgetary process that these issues will be addressed. City Manager Dolan related staff's recommendation that the Council proceed with the staff recommendation to authorize a supplemental appropriation of \$160,000 from the Water Fund Reserves for the maintenance of the water tower.

MOTION: Councilmember Fahey moved to approve authorizing a supplemental appropriation of \$160,000 from the Water Fund Reserves for the maintenance of the water tower. The motion was seconded by Councilmember Ward.

Prior to roll call vote, Council discussion continued with regard to the following: that it is important to maintain the water tower from a fire fighting standpoint; that the painting of the water tower should come back to the Council for design; and that the painting of the water tower should be forwarded to the Cultural Arts Commission for review.

City Manager Dolan advised that the design for the painting of the water tower will be brought back for the Council's consideration. He suggested that the water tower be painted as soon as possible, with the idea of adding wording/designs at a later time.

MOTION: Councilmember Fahey moved to approve authorizing a supplemental appropriation of \$160,000 from the Water Fund Reserves for the maintenance of the water tower. 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.

06/0919.15-24 Consideration of an Ordinance to Prohibit and Regulate Electric Personal Assistive Mobility Devices (EPAMD) Throughout the City

City Manager Dolan asked the Council to review the proposed ordinance prohibiting and regulating Electric Personal Assistance Mobility Devices (EPAMDs) and provide direction related thereto.

Police Chief Rod Uyeda offered background information on this item; outlined the specifics of the proposed ordinance; recommended the Council introduce and waive further reading of the ordinance; and clarified where EPAMDs would be prohibited, should the proposed ordinance be adopted.

Should the proposed ordinance be approved, the Council suggested that maps be provided with EPAMD rentals, particularly at Shade Hotel, to assist users in knowing where they would be prohibited, and that it should be made very clear that they would be prohibited in the courtyard and on the Metlox property.

City Attorney Robert Wadden read aloud the title of Ordinance No. 2095.

MOTION: Councilmember Ward moved to waive further reading and introduce Ordinance No. 2095 prohibiting and regulating Electric Personal Assistive Mobility Devices (EPAMDs) throughout the City. 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.

06/1108.23-25 Consideration 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

Police Chief Rod Uyeda related information about an incident that occurred subsequent to the Council's consideration of this topic at a previous meeting whereby the host of a party could have been cited immediately if the proposed Social Host Ordinance had been in effect.

Police Captain Randy Leaf explained that the proposed Ordinance was drafted at the Council's direction. He provided specific input about the Ordinance and related staff's recommendation that the Council introduce and waive further reading.

Council discussion included: that the proposed Ordinance should be amended to clarify that husband and wife property owners would be held responsible for one fine per incident and that property owners should be responsible for transporting a minor to the hospital.

City Attorney Robert Wadden clarified that husband and wife property owners would be responsible for one fine per incident and the proposed Ordinance could be amended to make this clearer; that property owners would be responsible for the cost of transporting minors to the hospital; that more than one person could be held accountable for an incident; and that the proposed Ordinance is civil in nature.

City Attorney Wadden read aloud the title of Ordinance No. 2096.

MOTION: Councilmember Montgomery moved to waive further reading and introduce Ordinance No. 2096. 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.

ITEMS REMOVED FROM THE CONSENT CALENDAR

07/0116.6-5 Approve Minutes of the Joint City Council/Parks and Recreation Commission Meeting of January 9, 2007 (Continued from the January 16, 2007 City Council Meeting)

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

The following individual spoke on this item:

- **Patrick McBride, 5th Street & Peck Avenue**

City Manager Geoff Dolan explained that joint meetings between the Council and City Commissions are usually of an informative nature; that detailed accounts of those meetings are not usually kept; that City Clerk Liza Tamura does not attend these meetings; that the minutes in question were prepared by Parks and Recreation Director Richard Gill; and that the items brought up by **Mr. McBride** were discussed through other forums.

The Council discussed: the "Napolitano Memo" and the parameters for individuals serving on City commissions; the idea of recording meetings that take place in venues other than Council Chambers; the idea of providing training information to all City Commissioners, the

informative nature of the majority of the joint meetings between the Council and City commissions; and the idea of continuing the subject minutes to add some narrative about the discussion during the meeting.

City Manager Dolan confirmed that the subject minutes could be continued to add some narrative with regard to the discussion at the meeting and that staff will ensure that actions at the joint meetings between the Council and City Commissions are documented.

MOTION: Councilmember Montgomery moved to continue the minutes of the Joint City Council/Parks and Recreation Commission meeting of January 9, 2007 to the City Council meeting of February 20, 2007. 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.

07/0206.9 Consideration of Financial Reports:
a) Ratification of Demands: January 25, 2007
b) Investment Portfolio for the Month Ending December 31, 2006

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

The following individual spoke on this item:

- **Viet Ngo, No Address Provided**

City Manager Dolan advised that the funds referred to by **Mr. Ngo** pertain to all City employees, not solely the City Manager.

MOTION: Councilmember Fahey moved to approve with no exception Warrant Register No. 16B in the amount of \$2,862,568.66 in payment of ratification of demands and claims as prepared by the Director of Finance, together with the original demands and claims as prepared by said Warrant Register and receive and file the Investment Portfolio for the Month Ending December 31, 2006. 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.

07/0206.16 Ratification of Parking & Public Improvement Commission Decision to Uphold Existing Policy Prohibiting Removal of Streetscape Trees for View Enhancement

Chris Griffin, 200 Block of 8th Street, distributed written material illustrating why he is requesting the removal of a Carrotwood Tree that blocks views of the ocean in his neighborhood.

City Manager Dolan noted the difficulty of dealing with public trees. He advised that the Manhattan Beach City Council has consistently denied resident requests to remove public trees. Due to the late hour, he encouraged the Council to consider this matter at a future meeting and he cautioned against piecemeal approvals to remove trees for purposes of view enhancement.

The Council discussed the maintenance of the tree to which **Mr. Griffin** referred; the idea of narrowing the tree removal for view enhancement discussion down to the walk streets; and the Code requirements for removing trees in the public right-of-way.

City Manager Dolan indicated that staff could support future discussion of a new landscaping plan in the Downtown area. However, he noted that this would be very expensive.

Council held discussions with Public Works Director Neil Miller and Maintenance Superintendent Juan Price who provided information about the maintenance schedule of the trees to which **Mr. Griffin** referred. Noting that the City has an unfunded project to redo the streetscape, Public Works Director Miller encouraged the Council not to address this issue on a piecemeal basis.

The Council agreed to address the topic of tree removals for purposes of view enhancement during Work Plan discussions.

MOTION: Councilmember Ward moved to approve ratifying the Parking & Public Improvement Commission's decision to uphold the existing policy prohibiting the removal of streetscape trees for view enhancements. 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.

AUDIENCE PARTICIPATION

07/0206.39 Esther Besbris Re Resident Satisfaction Survey

Referring to the Resident Satisfaction Survey discussed during the Council meeting of January 16, 2007, **Esther Besbris, No Address Provided**, related her concern over the inaccuracy of the information obtained through the Survey, particularly regarding utility undergrounding.

07/0206.40 Robert Homan Re Verizon

Robert Homan, 500 Block of 17th Street, elaborated on the negative impacts of Verizon's fiber optics on his internet services.

The Council related concerns over Verizon's apparent misrepresentation of the services they are offering, and that other residents, especially Senior Citizens, might be having problems with Verizon similar to those experienced by **Mr. Homan**. The Council discussed that a Verizon representative could be invited to a Council meeting to address this issue and that residents should be notified of such a meeting date via the *Beach Reporter* and the City's website.

City Attorney Robert Wadden advised that cable franchise laws have nothing that deal with marketing; that the Police Department could deal with fraud/misrepresentation issues; that, where there are repeated violations, processes in the franchise agreement require Verizon to deal with State Fraud Law, but State Law gives them the opportunity to provide a service anyway.

City Manager Dolan advised that the Manhattan Beach Police Department is evaluating the situation with Verizon.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

07/0206.41 Councilmember Montgomery Re ICA Conference

Councilmembers Montgomery and Ward and Mayor Pro Tem Aldinger shared information about informative information obtained at the recent ICA Conference, attended by all Manhattan Beach Councilmembers, Police Chief Rod Uyeda and City Manager Geoff Dolan.

ADJOURNMENT

At 12:00 a.m., the meeting was adjourned in memory of former Manhattan Beach Mayor and City Councilmember Joan Dontanville, to the 5:30 p.m. Adjourned Regular Meeting to be followed by the 6:30 p.m. Regular City Council Meeting on Tuesday, February 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