

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
JANUARY 16, 2007**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 16th day of January, 2007 at the hour of 6:35 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Brooke Taylor, 5th Grade Student from Pennekamp Elementary School, led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

07/0116.1 Presentation of "There's No Place Like Manhattan Beach" Commendation to the Friendship Circle in Recognition of Their Extraordinary Contribution to the Community

Representatives from the Manhattan Beach Friendship Circle provided information on the establishment, as well as the numerous programs they offer, particularly those for special needs children.

On behalf of the Council, Mayor Tell presented a "There's No Place Like Manhattan Beach" plaque to the Manhattan Beach Friendship Circle in recognition of their extraordinary contributions to the community.

07/0116.2 Presentation of Commendations to the Mira Costa High School Girls Volleyball Team, The Division II CIF State Volleyball Champions

On behalf of the Council, Mayor Tell presented commendations to **Assistant Coach Lisa Arce-Zimmerman** and the Mira Costa High School Girls' Volleyball Team in recognition of their accomplishments, including the Division II CIF State Volleyball Champions for the third straight year.

07/0116.3 Introduction of Newly Promoted Assistant to the City Manager Lindy Coe-Juell

City Manager Dolan introduced newly promoted Assistant to the City Manager Lindy Coe-Juell.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 4 through 10), 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 with the exception of the following items: 6 and 7, 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

07/0102.2-4 Approve Minutes of the City Council Regular Meeting of December 19, 2006

The Council approved the subject minutes.

07/0116.5 Approve Minutes of the City Council Regular Meeting of January 2, 2007

The Council approved the subject minutes.

07/0116.6 Approve Minutes of the Joint City Council/Parks and Recreation Commission Meeting of January 9, 2007

Item No. 6 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

07/0116.7 Consideration of Financial Reports:

a) Ratification of Demands: January 11, 2007

b) Financial Reports for the Month Ending December 31, 2006

Item No. 7 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

07/0116.8 Authorize the Purchase of Two Replacement Police Vehicles From Cerritos Nissan in the Amount of \$50,925.26

The Council approved an award of RFB #708-07 to Cerritos Nissan in the amount of \$50,925.26 for the budgeted replacement of two Police Detective vehicles.

07/0116.9 Ratification of Payment to Trigger the Digger for Demolition Services for Fire Damaged Building in Downtown Manhattan Beach in the Amount of \$29,700.00 (Insurance Proceeds to Reimburse City)

The Council approved the purchase of demolition services from Trigger the Digger in the amount of \$29,700.

BOARDS AND COMMISSIONS

Parking and Public Improvements Commission

07/0116.10 Uphold the Parking and Public Improvements Commission Recommendation to Remove the Painted Crosswalk at Sepulveda Boulevard and 14th Street and Post Signs to Prohibit East/West Pedestrian Crossings at this Intersection

The Council approved the Parking and Public Improvements Commission recommendation to remove the painted crosswalk across Sepulveda Boulevard at 14th Street and post signs to prohibit east/west pedestrian crossings at this intersection.

COMMUNITY ANNOUNCEMENTS

07/0116.14 Bev Morse Re Dennis Prager

Bev Morse, 900 Block of 1st Street, announced that radio talk show host Dennis Prager will be speaking at the Jewish Community Center in Redondo Beach on Monday, January 22, 2007, at 7:00 p.m.

07/0116.15 Martha Andreani Re the MBRA's City Council Candidates' Forum

Martha Andreani, No Address Provided, highlighted the upcoming Manhattan Beach Resident's Association's Candidates' Forum on Wednesday, February 14, 2007, to be televised on Channel 8 from 4:30 p.m. to 6:00 p.m., and various other times prior to the election. She encouraged residents to submit questions by calling (310) 379-3277, e-mailing them to mbral@aol.com or mailing them to P.O. Box 1149, Manhattan Beach, CA, 90266.

07/0116.16 Steve Groves Re Concerns Over Street Improvements

Steve Groves, Pine Avenue, explained that 95% of the residents in the Pine Avenue area have signed a petition regarding concerns over the on-going street improvements. He announced that there will be a public meeting on this topic prior to the City Council meeting on Tuesday, February 6, at 5:30 p.m., in the City Hall Council Chambers and that for further information, interested parties should contact savethetreesection@yahoo.com. He asked that a notice about the public meeting be posted on the City's website.

The Council discussed that it could be very difficult to hold a meeting in the Council Chambers prior to the Council meeting on February 6th.

Councilmember Fahey suggested that the meeting be held in the Library.

Present in the audience was **Los Angeles County Community Library Manager Don Gould** who stated that the residents could use the library meeting room if it was available.

Councilmember Ward offered to facilitate the meeting.

07/0116.17 Viet Ngo Re New Assistant to the City Manager

Viet Ngo, No Address Provided, congratulated newly-promoted Assistant to the City Manager Lindy Coe-Juell. He asked her to contact the FBI should she discover any illegal activities on behalf of the City Manager.

PUBLIC HEARINGS

None.

GENERAL BUSINESS

07/0116.11 Consideration of a Resolution Endorsing the U.S. Mayors' Climate Protection Agreement

City Manager Geoff Dolan introduced the item, noting that it was placed on the agenda in response to a request from residents.

Background information on the proposed resolution to endorse the U.S. Mayors' Climate Protection Agreement was provided by Public Works Director Neil Miller. He explained that the Agreement is an outgrowth of the Kyoto Protocol and its main purpose is to help establish State and National policies to combat global warming. He outlined the proposed resolution; parameters of the Agreement; reviewed some of the energy-saving programs in which the City is already engaged; and cautioned that, as part of the Agreement, the City would be required to quantify its efforts against global warming (the cost of which is unknown at this time). Public Works Director Miller verified that, as recommended in the proposed resolution, Manhattan Beach City Hall has been retrofitted with energy efficient lighting.

After lengthy Council discussion, City Manager Dolan highlighted the importance of better understanding the implications of the Agreement, including the cost of quantifying what the City is already doing to fight global warming and further discussing this topic during the Work Plan or budget process.

Mayor Tell related his understanding that compliance with the Agreement and the proposed resolution endorsing it would not require significant efforts beyond what the City is already doing, anything beyond which would be at the Council's discretion.

The following individuals spoke on this item:

- **Bob Bohner, 1600 Block of 2nd Street**
- **Rebecca Tan, No Address Provided**
- **Lillian Light, Environmental Priorities Network**
- **Patrick McBride, 5th Street and Peck Avenue**
- **Jan Kidwell, North Hollywood**
- **Eric Mogul, Mira Costa High School Ecology Club**

Mayor Pro Tem Aldinger related his agreement with the proposed resolution.

Councilmember Fahey supported the concept of the proposed resolution. However, she voiced her concern that it urges the Federal and State Governments to reduce "global warming pollution levels to 7 percent below 1990 levels by 2012" (which is an unknown figure at this time) and to "Promote transportation options such as bicycle trails, commute trip reduction programs and incentives for car pooling and public transit," which the City already does.

Agreeing with Councilmember Fahey's opinion, Councilmember Ward said that he could not support the proposed resolution as it is currently worded due to the requirement to reduce global warming pollution levels 7% below 1990 levels by 2012.

Councilmember Montgomery stated his desire for additional information, such as associated costs and whether compliance with the Agreement is required or voluntary, prior to making a determination.

Mayor Tell voiced his hope that the Federal Government will follow the lead of State Government to reduce global warming. He supported the proposed resolution due to his belief that the Kyoto Protocol makes sense and that it is time to recognize this issue. It was Mayor Tell's understanding that compliance with the Agreement would be purely voluntary.

Councilmember Fahey supported educating children about what the City is doing to fight global warming, and what it plans to do in the future. It was her viewpoint that forming a task force to work on ways to reduce global warming would be much more effective than adopting

the proposed resolution.

City Manager Dolan affirmed that compliance with the Agreement would be purely voluntary. He recommended that a baseline of what the City is doing to combat global warming be developed and that, prior to taking another step, staff examine the implications of providing such a baseline.

The Council agreed that this topic should be included in the City Council Work Plan discussions and that the cost to quantify what the City is already doing to combat global warming should be examined.

MOTION: Mayor Pro Tem Aldinger moved to support the U.S. Mayors Climate Protection Agreement and adopt Resolution No. 6077. The motion was seconded by Councilmember Ward and passed by the following roll call vote:

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

RESOLUTION NO. 6077

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF MANHATTAN BEACH, CALIFORNIA, ENDORSING
THE US MAYORS CLIMATE PROTECTION
AGREEMENT**

07/0116.12 Presentation of Information Regarding the City Council Work Plan Item to
Minimize Stormwater Run-Off

City Manager Geoff Dolan introduced this item noting that implementing new development requirements to reduce storm water and urban runoff is part of the Council's 2005-2007 Work Plan.

With the aid of a PowerPoint presentation, Assistant to the City Manager Lindy Coe-Juell presented information about how to minimize storm water and urban runoff. She presented background information on this topic; explained current development requirements pertaining to storm water and urban runoff, and outlined a possible course of action.

The Council discussed possible additional resources needed by the City to implement a program to minimize storm water and urban runoff, and directed staff to study the implications of developing such a program.

The following individual spoke on this item:

- **Bev Morse, 900 Block of 1st Street**

City Manager Dolan explained that synthetic turf minimizes storm water and urban runoff in that it is permeable. He clarified that any requirements adopted by the Council would apply only to new projects, they would not be retroactive.

Mayor Pro Tem Aldinger noted that, as part of the Facility Needs Assessment, the Council is examining ways to increase open space in the City.

Councilmember Montgomery agreed with the idea of implementing a program to require all future developments in Manhattan Beach to minimize storm water and urban runoff.

Councilmember Fahey related her concern over the possibility that additional requirements on builders could add to the already unaffordable cost of building in Manhattan Beach. She said she would be more in favor of directing staff to develop a program to minimize storm water and urban runoff and report back at a future City Council meeting.

Councilmember Ward favored the idea of newer developments carrying their weight to help reduce storm water and urban runoff in Manhattan Beach. He preferred the idea of staff developing a program, including how such requirements might place financial burdens on developers in the City, and reporting back to the Council.

Mayor Pro Tem Aldinger pointed out that this topic coincides with information obtained in the resident surveys in that storm water and urban runoff directly impact the quality of the water in the ocean.

In support of implementing requirements to reduce storm water and urban runoff in the City, Mayor Tell agreed with directing staff to develop a program and report back to the Council.

City Manager Dolan verified that staff will develop a proposed plan to reduce storm water and urban runoff, including estimated costs to the City and developers and an implementation schedule, and report back to the Council.

RECESS AND RECONVENE

At 8:13 p.m. the Council recessed and reconvened at 8:23 p.m. with all Councilmembers present.

07/0116.13 Consideration of the 2006 Resident Satisfaction Survey Results

Finance Director Bruce Moe provided a brief summary on the 2006 Resident Satisfaction Survey results.

Utilizing a PowerPoint presentation, **Dr. Timothy McLarney, True North Research**, explained the purpose of the survey, the excellent survey results and the methodology used in performing the survey. He pointed out that the majority of residents surveyed were unaware of the Community Facilities Strategic Plan and highlighted the importance of improving City-resident communications through such means as a City newsletter. He clarified the following: that the survey information about Utility Undergrounding should not be misconstrued as the residents being in favor or against it because they were not asked to provide their opinion, that City newsletters are typically mailed out on a quarterly basis; that the question of web casting the Council meetings was not part of the survey; and that there is a trend toward residents' increased use of the City's website.

The following individuals spoke on this item:

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

The Council clarified for the speakers that specific questions about Utility Undergrounding were not included in the resident survey because residents were previously surveyed about it.

City Attorney Robert Wadden confirmed that the survey complied with the law.

Councilmember Fahey stated her interest in the fact that City-resident communication continues to be such a difficult topic, especially since the Council has been trying to improve it, and she noted the continued need to make this a priority. She agreed that a City newsletter, independent of other publications, should be distributed to residents on a quarterly basis and suggested that the Council make presentations at Manhattan Beach schools to encourage children to become more involved in the community.

Mayor Pro Tem Aldinger also encouraged Council to consider making presentations at churches too.

City Manager Dolan related staff's intrigue with the idea of distributing three newsletters per year and expressed staff's willingness to report back with cost estimates to do so.

Councilmember Montgomery entertained the idea of sending newsletters electronically to residents who request them.

Mayor Pro Tem Aldinger voiced his gratification with the glowing report the City received through the Resident Survey and thanked staff and all who contributed. He observed that resident concerns over public safety lessened from last year's survey, possibly due to the raised awareness as a result of the new Public Safety Facility. He also stated the continued need to improve City-resident communication.

Councilmember Ward voiced his appreciation that, according to the survey results, staff is doing a great job. Following up to Councilmember Fahey's comments, he also stated that he would like to look at other ways to work on communication and make Council more accessible to the public.

Mayor Tell commented on the continued need for the Councilmembers to attend community meetings. He highlighted the importance of maintaining high resident survey results.

Hearing no objections, Council received and filed the subject report.

ITEMS REMOVED FROM THE CONSENT CALENDAR

07/0116.6 *Approve Minutes of the Joint City Council/Parks and Recreation Commission Meeting of January 9, 2007*

City Manager Dolan advised that the subject minutes be continued to the next City Council meeting.

Hearing no objection, the Council continued the subject minutes to the February 1, 2007 City Council meeting.

07/0116.7 Consideration of Financial Reports:

a) Ratification of Demands: January 11, 2007

b) Financial Reports 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**

MOTION: Councilmember Ward moved to approve with no exception Warrant Register No. 15B in the amount of \$2,228,765.55 in payment of ratification of demands and claims as prepared by the Director of Finance, together with the original demands and claims as prepared by said Warrant Register and received and filed the Financial Reports for the month ending December 31, 2006. The motion was seconded by Councilmember Fahey and passed by the following unanimous roll call vote:

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

Noes: None.

Absent: None.

Abstain: None.

AUDIENCE PARTICIPATION

07/0116.18 Robert Homan Re Verizon

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

Councilmember Ward voiced his interest in assisting **Mr. Homan** and suggested discussing this matter with him after the meeting.

Councilmember Fahey suggested that Verizon be asked to attend a City Council or Town Hall Meeting to discuss the effects of their fiber optic system on internet services.

City Manager Dolan explained that he has spoken with **Mr. Homan** and that there are two issues being addressed: 1) that Verizon has made a marketing decision to bundle their services and 2) is Verizon marketing fairly and accurately. In regard to the fair and accurate marketing, City Manager Dolan reported that **Mr. Homan** has already spoken with a police detective and Police Captain Leaf. He also stated that in conversations with City Attorney Wadden, Verizon is within their franchise, so other than acting as a facilitator, staff is unsure as to what else they can do.

Councilmember Ward reiterated that in order to understand the situation, he would like to meet with **Mr. Homan** after the meeting.

The Council directed staff to agendize this matter on a future City Council agenda.

07/0116.19 *Bev Morse Re Verizon and Utility Undergrounding*

Bev Morse, No Address Provided, provided a copy of a newspaper article for Councilmember Ward in regard to the issue with Verizon.

Referencing the City Council minutes of December 19, 2006 or January 2, 2007, **Ms. Morse**, pointed out a comment made by Councilmember Fahey stating that if opponents of undergrounding in 1986 hadn't opposed it, it would have been much more affordable then. **Ms. Morse** continued to explain that in 1986, the bill of \$3,000 - \$5,000 was at that time the same as \$50,000 - \$60,000 now.

Councilmember Fahey stated that there was a difference because back then the city and the utilities were splitting the costs with the residents.

Ms. Morse further stated that in 1986 residents were only given "guesstimates" and not actual prices.

07/0116.20 *Steve Groves Re Street Improvements*

Steve Groves, Pine Avenue, presented a petition signed by 37 Pine Avenue residents concerned over the Pine Avenue Street Improvement Project. He asked that this topic be placed on a future City Council agenda; that a moratorium be placed on the project until after it is discussed by the Council; and that the City's Risk Manager examine safety issues associated with the Project.

Mayor Tell supported placing the Pine Avenue Street Improvement Project on the next City Council Meeting agenda to better understand the status of the Project and make sure it is progressing.

Councilmember Fahey agreed with placing this topic on the next City Council meeting agenda and recommended that, since they have experience in matters such as this, Oak Avenue residents be invited to participate in the discussion.

Mayor Pro Tem Aldinger commented on the need to make sure that the project is done right; however, questioned the need to place this topic on a City Council agenda.

Councilmember Ward favored placing the Pine Avenue Street Improvement Project on a future meeting agenda, in that this would be a good opportunity to discuss mistakes and help prevent them in the future. He cautioned that the discussion should include the importance of avoiding mistakes, not whether the Project should be done.

The majority of the Council agreed to place the topic of the Pine Avenue Street Improvement Project on the next City Council agenda.

City Manager Dolan affirmed that the Pine Avenue Street Improvement Project will be placed on the next City Council agenda, at which time staff will provide a status report and answer questions about the project.

07/0116.21 Rachel Wagner Re Concern over Pine Avenue Street Improvement Project

Rachel Wagner, Pine Avenue, related her concern over additional cuts made by an extruding machine as part of the Pine Avenue Street Improvement Project.

Input regarding the process to which **Ms. Wagner** referred was provided by Public Works Director Neil Miller and City Engineer Dana Greenwood.

City Manager Dolan indicated that photographs and other information will be provided at the next City Council meeting to compare this project to the one on the south side of Pine Avenue approximately five years ago. He explained that it is the Project contractor's obligation to make certain the cuts are properly repaired.

07/0116.22 Viet Ngo Re Financial Concerns

Viet Ngo, No Address Provided, commented on the misuse of public funds by the City Manager, the Councilmembers' illegal receipt of funds over and above their monthly allowance and the financial damage caused by Jonathan Tolkin. He asked the Manhattan Beach Police Department to work with the FBI to protect the finances and integrity of Manhattan Beach.

CITY MANAGER REPORT(S)

07/0116.23 City Manager Dolan Re Joint Meeting

City Manager Geoff Dolan reminded the City Council about the Joint City Council/All Boards & Commissions meeting on Tuesday, January 23, 2007, at 6:30 p.m., in the Public Safety Facility conference room.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

07/0116.24 Councilmember Ward Re City's Banner Policy

Relating his objection to a banner currently displayed at Sepulveda Boulevard and Marine Avenue for an event to take place outside of Manhattan Beach, Councilmember Ward requested that the City's banner policy be reviewed and that this topic be placed on a future City Council agenda.

Mayor Pro Tem Aldinger expressed his hesitation to discuss the City's Banner Policy to which Councilmember Ward referred, in that it is owned by a non-profit organization and its removal could be misinterpreted as censorship.

City Attorney Robert Wadden advised that individuals featured on banners displayed in Manhattan Beach cannot be discriminated against and that banners displayed by certain non-profit organizations could be limited, but their point of view cannot be censored.

Mayor Tell stated his impression that the sponsor of events featured on banners displayed in the City could be more clear.

Noting that a number of organizations would like to display banners in Manhattan Beach, Councilmember Fahey suggested that the Council should discuss whether it is appropriate for the City to allow banners for events that are not in the City, and whether priority should be given to banners sponsored by organizations in Manhattan Beach.

City Manager Geoff Dolan advised that that a review of the City's Banner Policy can be placed on a future City Council Meeting agenda. He added that the City's Banner Policy was previously adopted by the Council; that it is administered by the Parks & Recreation Department; that organizations displaying banners in Manhattan Beach must be non-profit; and that the topic advertised on the banner must be an issue of local interest.

07/0116.25 Mayor Pro Tem Aldinger Re Chamber Board Meeting

Mayor Pro Tem Aldinger provided input about a recent Chamber of Commerce Board meeting regarding the collection of money for the victims of the recent fire in the Downtown area.

Mayor Tell clarified by stating that the Downtown Business and Professionals Association created a policy for the Downtown fire fund and he suggested that the Chamber of Commerce also model the policy re the collection and distribution of funds.

07/0116.26 Councilmember Montgomery Re Hermosa Beach 100th Celebration

Councilmember Montgomery congratulated the City of Hermosa Beach on their centennial and mentioned the events that will take place during the celebration.

07/0116.27 Councilmember Aldinger Re Carpeting

Councilmember Aldinger questioned how the new carpet in City Hall and the Council Chambers was selected. He suggested that in the future the Council be allowed to provide input with regard to the re-decorating of the City Council Chambers.

City Manager Dolan provided clarification as to how the selection and purchase of the carpet and chairs were made.

ADJOURNMENT

At 10:10 p.m. the meeting was duly adjourned to the 6:30 p.m. Adjourned Regular Joint City Council/All Boards & Commissions Meeting on Tuesday, January 23, 2006, at the Police/Fire Conference Room, in said City.

Wendy Weeks
Recording Secretary

ATTEST:

Nicholas W. Tell, Jr.
Mayor

Liza Tamura
City Clerk