

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
DECEMBER 19, 2006**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 19th day of December, 2006 at the hour of 6:33 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Fire Chief Dennis Groat led the pledge of Allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

06/1219.1 *Presentation of "There's No Place Like Manhattan Beach" Commendation to the Manhattan Beach Community Church in Recognition for their Extraordinary Contribution to the Community*

Representatives from the Manhattan Beach Community Church shared information about the numerous programs offered by the Church.

On behalf of the City Council, Mayor Tell presented the "There's No Place Like Manhattan Beach" plaque to the Manhattan Beach Community Church for their extraordinary contributions to the City of Manhattan Beach.

06/1219.2 *Annual City Recognition of Longstanding Local Businesses*

On behalf of the Council, Mayor Tell presented commendations to businesses serving Manhattan Beach continuously for 20 years or more. He further indicated that businesses serving the community for 10 years will receive certificates by mail.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 3 through 8), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Fahey, seconded by Councilmember Ward and passed by unanimous roll call vote with the exception of Item Nos. 3, 4, 5, 7 and 8, 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

06/1205.4-3 Approve Minutes of the City Council Regular Meeting of November 21, 2006
(Continued from the December 5, 2006 City Council Meeting)

Item No. 3 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

06/1219.4 Approve Minutes of the City Council Adjourned Regular and Regular Meeting
of December 5, 2006

Item No. 4 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

06/1219.5 Consideration of Financial Reports:
a) Ratification of Demands: December 14, 2006
b) Investment Portfolio for the Month Ending November 30, 2006

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

BOARDS AND COMMISSIONS

Cultural Arts Commission

06/1219.6 Consideration of Draft Minutes, Cultural Arts Commission Meeting of
November 14, 2006

The Council received and filed the subject draft minutes.

Parks and Recreation Commission

06/1219.7 Consideration of Draft Minutes, Parks and Recreation Commission Meeting of
December 4, 2006

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

Planning Commission

06/1219.8 Consideration of Action Minutes, Planning Commission Meeting of December
13, 2006

Item No. 8 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR"

COMMUNITY ANNOUNCEMENTS

06/1219.13 Patrick McBride Re Senior Activities

Patrick McBride, 5th Street and Peck Avenue, announced various upcoming activities for Senior Citizens.

06/1219.14 Barbara Heacox Re Neptunian Women's Club Activities

Barbara Heacox, No Address Provided, announced that the Neptunian Women's Club's will
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be having their annual “Holiday Wrap” at Manhattan Village and stated that all donations are to support scholarships.

Councilmember Montgomery thanked **Ms. Heacox** for hosting the recent 10th Street Fire Fund event last night

06/1219.15 Viet Ngo Re Corruption, Abuse of Power and Conspiracy

Viet Ngo, No Address Provided, wished every United States citizen a healthy and happy Holiday. He also related his continued invitation to the FBI and District Attorney’s office to come to Manhattan Beach to investigate corruption, abuse of power, conspiracy against the United States’ Government and conspiracy against children.

06/1219.16 Mayor Pro Tem Aldinger Re “Times’ Person of the Year”

Mayor Pro Tem Aldinger congratulated everyone on being awarded “Times Person of the Year.”

06/1219.17 Mayor Tell Re Happy Holidays

Mayor Tell wished everyone a Happy Hanukkah, a Merry Christmas and a Happy New Year.

06/1219.18 Councilmember Fahey Re Happy Birthday

Councilmember Fahey wished her daughter, Alexis, Happy Birthday!

06/1219.19 Councilmember Ward Re Happy Birthday

Councilmember Ward extended Birthday wishes to Councilmember Montgomery.

PUBLIC HEARINGS

None.

GENERAL BUSINESS

06/1219.9 Update of the City Council’s Work Plan Item for Staff to Look for Ways to Enhance Downtown Security, Including More Effectively Using the Office Space in the Metlox Parking Structure and Developing Cost Estimates for Installing Cameras in the Structure

Police Chief Rod Uyeda provided the staff report on possible ways to enhance security in Downtown Manhattan Beach. He advised that the Downtown area is very safe but also acknowledged that foot and bicycle Police patrols, electric personal assistive mobility devices (EPMAD), the Police Department occupying office space in the Metlox parking structure and installing a security telephone in the structure would increase security awareness. Police Chief Uyeda explained staff’s recommendation against installing security cameras in the structure.

Council held discussion with Police Chief Uyeda including the positive aspects of security cameras in deterring crime; the ideas of using office space in the Metlox parking structure as a data bank for security footage and installing security cameras at the entrances/exits to the Metlox structure, on the second level of the parking structure and in the stairwells, and the fact that the structure was wired during construction with the intent of installing security cameras when it was completed.

Police Chief Uyeda verified that the proposed security telephone in the Metlox parking structure could ring directly to either the Police Department or the South Bay Regional Public Communications Authority, which provides 9-1-1 emergency services to Manhattan Beach; that security cameras can be placed anywhere deemed necessary; that security cameras are good deterrents against criminal activity; and that, as the Metlox parking structure is discovered by more and more people, it is possible that crime could increase.

The following individuals spoke on this item:

- **Patrick McBride, 5th Street and Peck Avenue**
- **Viet Ngo, No Address Provided**
- **Steve Morse, 900 Block of 1st Street**
- **Barbara Heacox, VP of Manhattan Beach Property Owners Association**

In response to comments made by the above individuals, Police Chief Uyeda clarified that, according to State Law, video tapings must be stored for a minimum of one year.

Responding to a statement made by **Mr. Ngo**, City Attorney Wadden advised that the Metlox parking structure is City property and that Jonathon Tolkin, of Metlox LLC, has no obligation in their lease to pay for anything in the parking structure.

Following discussion, the Council received and filed the subject report and supported installing a limited number of security cameras on the second level, in the stairwells and at the ingress/egress of the Metlox parking structure and installing a security telephone on the outside of the first level of the structure to help deter crime.

City Manager Dolan reviewed the Council's decision. He advised that a contract award for this project will be provided for the Council's approval in the future.

Councilmember Fahey related her positive impression of the Segway EPMAD currently being utilized by an Officer.

06/1219.10 Presentation of the Comprehensive Annual Financial Report (CAFR) for June 30, 2006

Assistant Finance Director Russell Morreale presented an overview of the City's Comprehensive Annual Financial Report (CAFR) as of June 30, 2006 highlighting the City's continued attainment of an unqualified audit opinion.

On behalf of Lance Soll & Lunghard, Rich Kikuchi explained the procedures used in performing the CAFR.

Assistant Finance Director Morreale clarified that the insurance claim reserves for the year ending June 30, 2006, remained relatively flat when compared to the prior year. He indicated that the format of the financial notes for insurance, in which insurance liability information is

presented, was modified in the 2006 CAFR, and will be comparative and consistent in future years. Assistant Finance Director Morreale also clarified that the FY 2006-2007 budget includes a transfer of \$1,300,000 into the Insurance Fund in response to insurance liability levels. He also concurred with Mayor Tell that the \$1.3 million Insurance Fund transfer came from the existing General Fund reserve for pension stabilization and did not impact unreserved and available fund balances. Assistant Finance Director Morreale also clarified that a \$1,000,000 reserve was established for the undergrounding loan program.

City Manager Dolan clarified that the \$4,000,000 set aside for economic uncertainty was a discretionary decision by the City Council approximately five to six years ago due to concerns over the possibility of losing some of the City's ten major retail businesses.

The following individual spoke on this item:

- **Viet Ngo, No Address Provided**

City Manager Dolan verified that the new businesses in the Metlox Project are meeting or exceeding the projected revenues included in the public analysis for the Project. He commended the efforts of the City's Finance Department in helping to compile the CAFR.

Hearing no objections, the Council accepted the presentation and received and filed the Comprehensive Annual Financial Report for June 30, 2006.

Councilmembers expressed their appreciation of the City's Finance Department and City Treasurer in managing the City's finances and compiling the CAFR.

RECESS AND RECONVENE

At 8:02 p.m. the Council recessed and reconvened at 8:14 p.m. with all Councilmembers present.

06/1219.11 Presentation on the Status of the "9-11 Memorial" Project at the New Police and Fire Facility by the Memorial Project Team

Utilizing a PowerPoint presentation, Parks & Recreation Director Richard Gill introduced this item and provided a brief summary of the subject project.

Referring to a model and renderings of the Project, **Architect Patrick Killen** explained the layout of the Project, its relationship to the new Police and Fire Facility and the materials to be used. He described how the Project is being designed to assist passersby in realizing that it is a memorial to 9-11; the design and placement of a bench that will allow for individuals to sit and reflect on the events of 9-11; the assistance provided by various contractors and members of the community in helping to achieve the Project; and the Project lighting. **Mr. Killen** affirmed that the scale of the Project model is accurate and that the Project is scheduled to be completed in March 2007.

Hearing no public comments, Council accepted the presentation.

Mayor Pro Tem Aldinger voiced his appreciation of the Project design.

City Manager Dolan thanked the Memorial Project Team for taking time out of their busy schedules to be present at the meeting this evening.

Councilmember Fahey suggested that an invitation to the Project unveiling be extended to **Jeff Neu**, the Manhattan Beach resident who donated the “beams” from the New York World Trade Center for the subject memorial.

06/1219.12 Consideration of City Website Redesign Options

City Manager Dolan introduced this item.

With the aid of a Power Point presentation, Information Systems Manager Leilani Emnace gave the staff report on the status of the City’s website redesign options. She shared information on the history of the City’s website, the various phases of the website redesign process and residents’ increased use of the website. Information Systems Manager Emnace reviewed the two website design options, pointing out that, while the information content in both designs are the same, the differences lie in the graphical display (images, fonts, color, layout, etc.).

During Council discussion, Information Systems Manager Emnace confirmed that the format of the “Resident Services” section coincides with the “Live, Work, Play” theme currently used by many cities and that the “Community Updates” section will include traffic information, such as road construction, etc.

The Council discussed that it might be somewhat difficult to locate various topics, such as class registration, under the “Resident Services” section; that volunteer opportunities could be listed under the “Resident Services” section, which could be entitled “Services;” that the Website Redesign Subcommittee preferred Design 1; that Vision Internet very much tailored the designs to the City; and that the events on the website calendar could be organized according to type (i.e., Civic, Cultural Arts, Downtown, etc.).

William Iek, Project Manager from Vision Internet, offered input regarding the search engine on the website, as well as the fading page rotation format.

Finance Director Bruce Moe clarified that the list of contractors on the City’s website shows the contractors who have a license to work in Manhattan Beach -- it is not a referral list.

City Manager Dolan explained how volunteer information can be accessed on the website.

The following individuals spoke on this item:

- **Steve Morse, No Address Provided**
- **Bev Morse, 900 Block of First Street**
- **Viet Ngo, No Address Provided**
- **Wayne Powell, 100 Block of 36th Street**

Councilmember Ward stated his preference for Design 1 which, he said, is easy to navigate and a good representation of Manhattan Beach.

Councilmember Montgomery voiced his agreement with Design 1, particularly because it is easy to use, contains increased content and will reduce vehicle traffic since the number of individuals traveling to City Hall will be less.

Councilmember Fahey favored Design 1. She commented on the importance of providing links to School District information, especially in the “About Us” and “Residents” sections.

Mayor Pro Tem Aldinger observed that the pictures are part of what makes Design 1 so good and he noted the importance of representing all parts of the City by changing some of the pictures fairly often.

Mayor Tell related his support of Design 1. However, he observed that the section headings in Design 2 are softer in appearance and recommended that, if it would not adversely affect the ease of use, the section headings in Design 1 be modified to more closely resemble Design 2.

William Iek, Project Manager from Vision Internet, verified that the underlining of the section headings in Design 1 could be eliminated for a softer appearance.

Hearing no objections, Council accepted the presentation and supported Design 1 with modifications as previously identified.

Information Systems Manager Emnace related her appreciation of the photographs that were used in the website design provided by the *Beach Reporter*. Also, in response to a comment made by a speaker, Information Systems Manager Emnace advised that the capability for pod casts of the Council meetings is currently being examined.

At 9:28 p.m. the City Council Adjourned the City Council Meeting of December 19, 2006 to the Annual Meeting of the Manhattan Beach Capital Improvements Corporation.

**ADJOURN CITY COUNCIL MEETING TO A MEETING OF THE
MANHATTAN BEACH CAPITAL IMPROVEMENTS CORPORATION**

MOTION: Mayor Pro Tem Aldinger moved to adjourn the City Council Meeting of December 19, 2006 and convene a meeting of the Manhattan Beach Capital Improvements Corporation. 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.

06/1219.A Annual Meeting of the Board of Directors of the Manhattan Beach Capital Improvements Corporation

Finance Director Bruce Moe provided background information about the Manhattan Beach Capital Improvements Corporation (CIC). He stated that the Manhattan Beach Capital Improvements Corporation was formed in 1996 to facilitate the issuance of Certificates of Participation (COP's) for improvements to the water and wastewater systems. As the CIC exists as a legal structure which allows the City to directly issue long term debt such as the utility revenue bonds or COP's by Council action, he identified that since 1996, the CIC has been used as the conduit for the financing of the Marine Avenue Sports Fields, the Metlox Parking Structure and the new Police & Fire Facility. He suggested that the Board of Directors consider this night as their annual meeting and take action to elect a new Corporation President and Vice-President.

MOTION: Mayor Pro Tem Aldinger moved to elect Mayor Tell as President of the Manhattan Beach Capital Improvements Corporation. 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.
Abstain: None.
Absent: None.

MOTION: Councilmember Ward moved to elect Mayor Pro Tem Aldinger as Vice President of the Manhattan Beach Capital Improvements Corporation. 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.

MOTION: Mayor Pro Tem Aldinger moved to adjourn the Manhattan Beach Capital Improvements Corporation meeting and convene the Regular Meeting of the December 19, 2006 City Council Meeting. 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.
Abstain: None.
Absent: None.

**ADJOURN MANHATTAN BEACH CAPITAL IMPROVEMENTS CORPORATION
MEETING AND RECONVENE TO THE CITY COUNCIL MEETING**

At 9:31 p.m., the Annual meeting of the Manhattan Beach Capital Improvements Corporation adjourned, at which time the December 19, 2006 Regular Meeting of the City Council reconvened with all Councilmembers present.

ITEMS REMOVED FROM THE CONSENT CALENDAR

Agenda Item Nos. 3 and 4 were considered together.

06/1205.4-3 Approve Minutes of the City Council Regular Meeting of November 21, 2006
(Continued from the December 5, 2006 City Council Meeting)

06/1219.4 Approve Minutes of the City Council Adjourned Regular and Regular Meeting
of December 5, 2006

A member of the audience pulled these items from the Consent Calendar for Council discussion.

The following individual spoke on this item:

- **Bev Morse, No Address Provided**

MOTION: Mayor Pro Tem Aldinger moved to approve the subject minutes of November 21, 2006 and December 5, 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.

06/1219.5 Consideration of Financial Reports:
a) Ratification of Demands: December 14, 2006
b) Investment Portfolio for the Month Ending November 30, 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**

Councilmember Fahey related her understanding that the Council's practice has been for interested parties to put such requests in writing.

City Manager Dolan advised that both checks referred to by **Mr. Ngo** are payments associated with the City's contract with Metlox.

MOTION: Councilmember Ward moved to approve with no exception Warrant Register No. 13B in the amount of \$3,067,878.33 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 November 30, 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.
Abstain: None.
Absent: None.

06/1219.7 Consideration of Draft Minutes, Parks and Recreation Commission Meeting of December 4, 2006

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 and Peck Avenue**

In that **Mr. McBride's** speaking time allotment expired, Mayor Tell suggested that **Mr. McBride** further discuss his concerns with the Council after the meeting.

City Manager Dolan advised that the topic of AstroTurf at Manhattan Village Field is scheduled for the Council's consideration at the first regular meeting in January 2007.

MOTION: Councilmember Ward moved to receive and file the subject minutes. 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.

06/1219.8 Consideration of Action Minutes, Planning Commission Meeting of December 13, 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**

Mayor Tell advised **Mr. Ngo** that Agenda Item No. 8 is to receive and file action minutes for the Planning Commission meeting and does not pertain to **Mr. Ngo's** current comments for Petros Restaurant.

Mayor Pro Tem Aldinger explained that the Planning Commission's decisions can be appealed to the City Council.

MOTION: Councilmember Ward moved to receive and file the subject minutes. 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.
Abstain: None.
Absent: None.

AUDIENCE PARTICIPATION

06/1219.20 David Hennessy Re Notice from City Re Parcel Consolidation

David Hennessy, 36th Place near the Strand, related his concern that a notice from the City regarding a proposed parcel consolidation contained inaccurate information. He asked that the a decision on the parcel consolidation be delayed until information about development plans on the properties is available.

Community Development Director Richard Thompson advised that the notice to which the speaker referred is a request to merge two and one-half lots which are fully developed; that the Minor Exception Permit request pertains to the existing buildings on the lots; that lot mergers can be approved over the counter, but the request includes substandard side setbacks which require a Minor Exception Permit and staff is evaluating the idea of taking this request directly to the Planning Commission; that additional time requested by the neighbors prior to a decision on this case was granted; and that the applicant would like to eventually have one large lot. He offered to discuss this issue with the speaker at a later date.

Mayor Tell advised that, should staff be unable to come to a determination on this request by January 8, 2007, it will be referred to the Planning Commission and ultimately come before the Council on the Consent Calendar or on appeal.

06/1219.21 Patrick McBride Re Verizon and the Use of Sand on Soccer Fields

Patrick McBride, 5th Street and Peck Avenue, voiced his concern over the non-competitive attitude of Verizon and he asked the City to look into it. He also suggested the idea of using sand on the soccer fields instead of installing Astroturf at Manhattan Village Field.

06/1219.22 Viet Ngo Re Misuses of Public Funds, Fraud and Public Corruption

Viet Ngo, No Address Provided, related his continued concern over the misuse of public funds, fraud and public corruption in the City, particularly as they relate to Metlox LLC.

06/1219.23 Scott Gobble Re Recent Power Outages in Tree Section

Scott Gobble, Southern California Edison (SCE), offered information about the recent power outages in the Tree Section of Manhattan Beach, as well as **SCE's** efforts to eliminate them. He explained that the outages were caused by increased use of electricity during the Holidays and the increased development in the area. **Mr. Gobble** encouraged residents to conserve electricity and participate in the air conditioning cycling program.

In answer to questions from the Council, **Mr. Gobble** provided information on recent power outage in El Porto, which was related to equipment failure. He noted the excessive power used by flat screen televisions and verified that **SCE** plans to examine other areas in Manhattan Beach, as well as other South Bay communities, in an effort to review power outages similar to those that occurred in the Tree Section and he indicated his intent to report back to the Council on this matter early in 2007.

Mayor Pro Tem Aldinger also mentioned that the South Bay Cities' Council of Governments' has a program to exchange old fashioned Christmas lights for LED lights.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

06/1219.24 Mayor Pro Tem Aldinger Re National League of Cities' Conference

Mayor Pro Tem Aldinger reported on discussions at the recent National League of Cities' Conference.

ADJOURNMENT

At 10:09 p.m., the meeting was adjourned in memory of Manhattan Beach Police Department Crossing Guard Delmer Denny, to the 5:30 p.m. Adjourned Regular Meeting to be followed by the 6:30 p.m. Regular City Council Meeting on Tuesday, January 2, 2007, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Wendy Weeks
Recording Secretary

ATTEST:

Nicholas W. Tell, Jr.
Mayor

Liza Tamura
City Clerk