

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

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 19th day of September, 2006, 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

Community Development Director Richard Thompson led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

06/0919.1 Presentation of Childhood Injury Prevention Week Proclamation to the County of Los Angeles, Department of Health Services

Mayor Ward presented a Proclamation to **Anne Whidney of the Los Angeles County Department of Public Health Services** proclaiming the week of September 22-28, 2006, as Childhood Injury Prevention Week in the City of Manhattan Beach.

06/0919.2 Update on Hurricane Katrina Relief Efforts and Presentation of Certificates to Local Manhattan Beach Businesses

Francey Seckinger and Councilmember Montgomery gave an update on the City of Pascagoula, Mississippi, which was devastated a year ago by Hurricane Katrina, and reviewed the significant efforts by several Manhattan Beach businesses, residents and churches that helped the community. Interested parties were encouraged to send gift cards in care of Rebecca Davis, P. O. Box Drawer 908, Pascagoula, or to call 310-251-4398 for more information.

Councilmember Montgomery and **Ms. Seckinger** presented certificates of appreciation, from the Mayor of Pascagoula, to representatives of the Girl Scouts of America, Tubula Rasa, Chevron USA, Sketchers USA, and All American Movers for their contributions.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 3 through 11), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Fahey, seconded by Councilmember Montgomery and passed by unanimous roll call vote with the exception of Item Nos. 5 and 8, which were considered later in the meeting under *Items Removed from the Consent Calendar*.

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

GENERAL CONSENT

06/0919.3 Approve Minutes of the City Council Adjourned Regular and Regular Meeting of September 5, 2006.

The Council approved the subject minutes.

06/0919.4 Adoption of a Resolution Implementing the National Incident Management System (NIMS) into the City's Emergency Management System

The Council adopted Resolution No. 6058.

RESOLUTION NO. 6058

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS), AND IMPLEMENTING IT INTO THE CITY'S EMERGENCY MANAGEMENT SYSTEM

06/0919.5 Consideration of Financial Reports:
a) Ratification of Demands: September 7, 2006
b) Investment Portfolio the Month Ending August 31, 2006

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

06/0919.6 Ratification of Motor Fuel Purchase from Merrimac Energy Group in the Amount of \$20,096.56

The Council approved the purchase of fuel from Merrimac Energy Group in the amount of \$20,096.56.

06/0919.7 Award of Three-Year Towing and Storage Service Contract to Van Lingen Towing, Inc.

The Council approved the award of RFP # 690-06 to Van Lingen Towing, Inc. for a three-year contract to provide towing and vehicle storage services.

06/0919.8 Authorize City Manager to Approve Expenditures Not-to-Exceed \$360,000 to Conduct Maintenance and Refurbishment of City Hall to Include Painting, Floor Coverings, Council Chamber Chair Replacement and Doorway Modifications

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

06/0919.9 Disbursement of Final Payment in the Net Amount of \$4,372.68 to Steiny and Company, Inc.; Formally Accept the 15th Street/Valley Drive Traffic Signal Modification Project as Complete; and Authorize the Filing of the Appropriate Notice of Completion

The City Council approved the issuance of the subject final payment; formerly accepted the 15th Street/Valley Drive Traffic Signal Modification Project as complete and authorized filing of the appropriate Notice of Completion.

BOARDS AND COMMISSIONS

Parking & Public Improvements Commission

06/0919.10 Consideration of Action Minutes, Parking and Public Improvements Meeting of August 24, 2006

The Council received and filed the subject action minutes.

Planning Commission

06/0919.11 Consideration of Action Minutes, Planning Commission Meeting of September 13, 2006

The Council received and filed the subject action minutes.

COMMUNITY ANNOUNCEMENTS

06/0919.16 Francey Seckinger Re Leadership Manhattan Beach

Francey Seckinger, President of Leadership Manhattan Beach, thanked Mayor Ward for attending this year's Leadership Manhattan Beach kickoff event and orientation; reported that the Leadership Class of 2007 retreat was interrupted by fire; and thanked Fire Battalion Chief Ken Shuck for helping the class through the event and for arranging transportation to get the class out of danger.

06/0919.17 Dale Keldrauk Re 50th Anniversary of Pennycamp Elementary School

Dale Keldrauk, Principal of Pennekamp Elementary School, presented the Mayor with a certificate of appreciation for the City's assistance in the development of the school's "Growing Great" community garden and participation in the celebration of the school's 50th Anniversary.

06/0919.18 Patrick McBride Re Senior Activities

Patrick McBride, 5th Street & Peck Avenue, announced several Parks and Recreation Department events at the Joslyn Center including the movie "Maldonada Miracle" on Wednesday, September 20, 2006 and a Japanese Tea Ceremony on Tuesday, September 26, 2006. He added that questionnaires and senior resource newsletters are available in the foyer for all interested parties.

06/0919.19 Katie Freeman Re Breast Cancer Awareness Activities

Katie Freeman, of UNA in Manhattan Village, announced a kickoff fundraiser for Breast Cancer Awareness on Saturday, October 7, from 10:00 to 2:00 p.m., at UNA in the Manhattan Village mall, with proceeds going to the Susan G. Komen Breast Cancer Foundation. She encouraged interested parties to contact her at www.una-la.com or call 310-545-5570 and asked for the City's assistance and support in promoting the event in Manhattan Beach.

06/0919.20 Viet Ngo Re Allegations of Racketeering

Viet Ngo, No Address Provided, requested intervention of the District Attorney's office and the FBI to bring Jonathan Tolkin and various City officials to justice for corruption, extortion and racketeering.

06/0919.21 Councilmember Aldinger Re Facilities Strategic Plan

Councilmember Aldinger announced that the first meeting of the Facilities Strategic Plan Committee will take place on Wednesday, September 27, 2006, at 6:30 p.m. at the Joslyn Center and asked for participation by members of the community.

Mayor Pro Tem Tell added that this is the beginning stage of collecting information from members of the community and encouraged everyone to participate.

06/0919.22 Councilmember Montgomery Re Old Hometown Fair

Councilmember Montgomery encouraged everyone to come to the Old Hometown Fair on October 7-8, 2006.

06/0919.23 Mayor Ward Re Golf Tournament

Mayor Ward announced that the Mayor's Annual Golf Tournament will take place on October 9, 2006; that the tournament is sponsored by Skechers; and that it will benefit local schools and the Manhattan Beach Education Foundation.

06/0919.24 Councilmember Aldinger Re Manhattan Beach 10-K Run

Councilmember Aldinger encouraged the community to participate in the Manhattan Beach 10-K Run on October 7, 2006.

PUBLIC HEARINGS

None.

GENERAL BUSINESS

06/0919.12 Consideration of a View Obstruction Appeal for 3201 Bayview Drive

Management Analyst Rob Osborne explained to the Council that the complainant, **Larry Smalley**, has asked for a delay in order to look into an issue involving street trees on Highland Avenue which the complainant believes may change the outcome of Council's decision.

City Manager Geoff Dolan explained that the trees on Highland Avenue are an independent issue and not necessarily germane to the discussion this evening, therefore recommended that Council proceed with the appeal.

On behalf of the property owner, **Jana Hodges**, Management Analyst Osborne stated that while she is sympathetic to Mr. Smalley's complaint, it is her preference to resolve the issue this evening.

In response to Councilmember Fahey's inquiry whether the complainant could ask for reconsideration if the decision made tonight is affected by the removal of the tree on Highland Avenue in the future, City Attorney Robert Wadden stated that he would have to check the Code for a waiting period but that **Mr. Smalley** could ask for reconsideration.

Management Analyst Osborne addressed Council with a PowerPoint presentation reviewing the location and size of the trees that are either on or overhang the public property at the subject location of 3201 Bayview Drive, as well as the view from Mr. Smalley's property. He noted that the amount of obstruction from Mr. Smalley's property is difficult to quantify due to the street tree located on Highland Avenue that is also in the line of sight. He explained that the

Parking and Public Improvements Commission (PPIC) vote of 2-2 reverts back to the staff recommendation to uphold the appeal based on the lack of justification.

In response to Councilmember Fahey's inquiry regarding the term "substantial obstruction", Management Analyst Osborne explained that it refers to the obstruction of a scenic vista, not specifically an ocean or sand view.

Responding to Mayor Ward's inquiry regarding the existence of measures in place that require property owners to prune their trees on a regular basis, Management Analyst Osborne stated that there are no such requirements.

Responding to Mayor Ward's inquiry as to impact of his view if the tree on Highland Avenue were removed, **Mr. Smalley** explained his belief that if the tree were removed, staff may be more inclined to remain neutral as opposed to making a recommendation in favor of the appeal.

In response to **Mr. Smally's** comment that the Council is being reactive rather than proactive in regard to the View Obstruction Ordinance, Mayor Ward stated that Council is very proactive on tree issues but chooses not to overly legislate on some of these areas.

Councilmember Aldinger agreed, noting that the City intentionally utilizes a complaint driven process, noting that if the City were to require everything to be cut down to 42 inches, they would be changing things that people aren't complaining about.

Mayor Pro Tem Tell reiterated the fact that the statute itself talks about scenic vistas - not ocean views, and some neighbors believe that trees are scenic as well.

Responding to Council discussion regarding the fact that the complainant does not live within close proximity of the trees, Councilmember Fahey pointed out that the City's Code allows for a resident to complain regardless of their proximity to a tree.

City Manager Dolan pointed out that the question is whether the proximity is sufficient to warrant removal of the tree.

After further discussion, Council agreed that the tree in question has been there for a significant amount of time; has become part of the "scenic vista"; and does not obstruct the scenic vista of the complainant.

Councilmember Aldinger pointed out that the 42-inch height limit was put into effect in order to have consistency going forward, but he believes, on a complaint basis, existing trees are grandfathered in.

Mayor Ward agreed, noting that the City is pro-active in protecting trees and only reacts in some instances when people bring a complaint forward. He stated that he would support the appeal as long as the trees are trimmed on a regular basis.

MOTION: Councilmember Aldinger moved to approve the view obstruction appeal for 3201 Bayview Drive, therefore not requiring removal of trees from the public right of way. The motion was seconded by Councilmember Fahey and approved by the following unanimous roll call vote:

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

06/0919.13 Consideration of Ordinances Regulating the Term of Residential Rentals and Prohibiting Paid Admission or Commercial Parties

City Manager Geoff Dolan stated that the City Council has discussed this matter on several occasions and asked the City Attorney to review the item.

City Attorney Robert Wadden explained that the proposed ordinance regarding regulating the term of residential rentals would essentially outlaw property owners from renting their homes for less than 7-days/6-nights and the paid admission and commercial party ordinance outlaws any parties for which there is paid admission, where refreshments are sold, or for which there are handbills or pamphlets. He noted that the latter ordinance provides exemptions for charitable and political events put on by Political Action Committees (PACs). In response to questions from Council, City Attorney Wadden explained that he does not believe the language of the Hermosa Beach and Santa Barbara ordinances are sufficient for legal defense; that the proposed ordinance addresses any tenancy of less than 7 days; and that transient occupancy tax is supposed to be paid on rentals of less than 30 days, but has not been collected in the past. He reported that the hotels in town are very cooperative and make their monthly rental information available to the City but there is no mechanism in place for this type of residential rental.

Mayor Pro Tem Tell explained that the proposed ordinances came about as a result of concerns that potential rentals could be used as perpetual party houses and the need to restrict such use.

Police Chief Rod Uyeda explained that the proposed ordinance will provide a tool for the rare occasion when a violation occurs at the same location over and over but by different people.

Mayor Pro Tem Tell spoke of the need to be pro-active rather than reactive, but, at the same time, be careful not to create a problem for responsible property owners who are renting their homes out for short-term usage.

The following individual spoke on this item:

- **Michele McGary, No Address Provided**
- **David Kissinger, President, So. Bay Association of Realtors**
- **Jill Rigler, No Address Provided, (read into the record a letter from Robert Jaylan)**
- **Steve Shaw, No Address Provided**
- **Mike Quagletti, No Address Provided**
- **Alan Selner, No Address Provided**
- **David Lessman, No Address Provided**
- **Anna Collier, No Address Provided**
- **Peter Boone, No Address Provided**
- **Viet Ngo, No Address Provided**
- **David Salsman, No Address Provided**
- **Roger Thomas, No Address Provided**

Councilmember Fahey expressed disappointment that those residents who brought this issue to the forefront through Neighborhood Watch are not present tonight and explained why the issue was raised in the first place. She emphasized that some renters simply don't care who they rent to; that the only recourse available is to close down the party; and that there needs to be consequences to property owners who rent to irresponsible renters thereby creating a danger to the neighborhood. She also pointed out that, while it was never the goal of the City to collect transient occupancy taxes on these rentals, now that the Council knows that the taxes are supposed to be collected, it is appropriate to collect it.

Councilmember Aldinger commented that the ordinance doesn't do what he would like to see done; argued that enforcement by the Police Department is the appropriate method to pursue; recommended that problems be resolved through enforcement of the City's current noise ordinance; and that he is undecided on whether to enforce collection of the transient occupancy tax in these situations. With regard to commercial parties, he spoke of the difficulty in differentiating a fundraiser from a private party and that he is not in favor of that ordinance either.

Mayor Pro Tem Tell emphasized that the City is not against parties, it is against abusive behavior by people who don't care whom they rent to. He expressed concern that the ordinance goes too far but does not accomplish the objective and that there is a need to legitimize these businesses either by permits or business licenses so they can be regulated and so recourse is available when there are issues.

Councilmember Montgomery expressed support for the ordinance to prohibit paid admission parties; however, emphasized that unless there are concerns regarding building, safety or zoning issues, he cannot support any idea of government intervention with property rights. He said while the proposed residential rental ordinance is well intentioned, it will not do anything to enforce compliance and he cannot support it.

Mayor Ward reiterated that Council is not interested in limited property rights or banning parties; it is an attempt to put some type of controls in place to regulate irresponsible property owners. He expressed his desire to see property owners legitimize their business and pay their fair share of the taxes.

Responding to Councilmember Aldinger's inquiry as to how the business license issue could be addressed, City Attorney Wadden explained that it is a regulatory permit and needs to be dealt with separately.

City Manger Dolan suggested that Council direct staff to address the issues discussed this evening and also to discuss them with the Finance Subcommittee.

In response to Councilmember Montgomery's inquiry regarding the possibility of requiring property owners to hire a local property manager to administer the rental of their property, City Attorney Wadden explained that it would require a court issuance of a warrant in the state in which the property owner resides and that other civil remedies are available that could tie up the property.

MOTION: Councilmember Fahey moved to waive further reading and introduce Ordinance No. 2092 prohibiting paid admission or commercial parties. The motion was seconded by Councilmember Aldinger and approved by the following unanimous roll call vote:

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

City Attorney Robert Wadden read aloud Ordinance No. 2092.

Councilmember Aldinger asked for Council concurrence that staff be directed to address issues related to business licenses for short-term rentals with the Finance Subcommittee.

RECESS AND RECONVENE

At 8:46 p.m. the Council recessed and reconvened at 8:58 p.m. with all Councilmembers present.

06/0919.14 Presentation of a Proposed Scope of Work and \$110,000 Budget for the Downtown Parking Management Study

City Manager Geoff Dolan explained that the item has been on the Council Work Plan for more than a year and that staff committed to proposing a Work Plan and study for downtown parking following completion of the Police/Fire and Metlox projects.

Traffic Engineer Eric Zandvliet, addressed Council with a PowerPoint presentation reviewing the preliminary scope of work for Council to determine if this is the direction it wishes to pursue. He explained that the scope of work includes: holding public workshops and stakeholder meetings to collect concerns from affected parties; summarizing prior history; reviewing the goals and objectives from a General Plan standpoint; providing a parking inventory; prioritizing deficiencies; looking at future needs; discussing strategies to determine a list of recommendations to present to the Parking and Public Improvements Commission (PPIC) and Council; revising the report to meet everyone's concerns, and providing a plan of action that will be a dynamic, living document that can be changed and revised to adapt to changing conditions. He conveyed that the schedule will consist of data collection at varying times of the year; analysis (August to September 2007) and a presentation of a draft report by the end of summer 2007, with findings presented to the PPIC and Council by December 2007. Traffic Engineer Zandvliet further reviewed suggestions made at the PPIC meeting as outlined in the staff report.

Management Analyst Rob Osborne explained that the proposed cost of \$110,000 includes \$50,000 for data collection and \$60,000 to conduct analysis and research. He suggested that a Request for Proposals (RFP) be sought for the data collection contract; however, staff recommends utilizing the City's Contract Traffic Engineer, Erik Zandvliet, for the analysis and research. He concluded by reviewing the recommended actions necessary to approve the proposed project scope for the Downtown Parking Management Study.

In response to Mayor Pro Tem Tell's inquiry regarding the method used to derive at \$50,000 for data collection and \$60,000 for analysis and research, Management Analyst Osborne explained that, while staff may be able to do some of the work to save money, the figures are based on an estimate of how many hours it will take to do the work and on hourly rates.

In response to Councilmember Aldinger's suggestion that the study include the possibility of allowing low emission vehicles to have discounted or preferred parking status and a review of signage directing vehicles into the Metlox parking structure, Traffic Engineer Zandvliet pointed out that the PPIC agreed with these comments and that a master plan has been designed that could be implemented prior to completion of the remainder of the study.

In response to Mayor Pro Tem Tell's suggestion that the issues regarding parking overflow in residential neighborhoods and how current configurations affect traffic flows be expedited prior to the main study evaluation, Traffic Engineer Zandvliet noted that this will be part of the recommendations in the Management Plan.

Councilmember Fahey suggested offering discounted parking keys to merchants so their

employees will use the parking structure rather than neighborhood streets.

Councilmember Montgomery suggested using different colors, similar to the map used in the Facilities Strategic Plan to show pedestrian traffic flow.

The following individual spoke on this item:

- **Chris Griffin, 225 8th Street**
- **Nate Hubbard, 1300 Ardmore**
- **Don Murphy, 625 11th Street**
- **Stephanie Chais, 633 11th Street**
- **Mike Marino, 1216 Fisher Avenue**
- **Edna Murphy, 625 11th Street**
- **Bill Trump, 520 13th Street**
- **Viet Ngo, No Address Provided**
- **Jim Murray, 2500 Palm Avenue**
- **Joan Mueller, 1220 Ardmore Avenue**
- **Andy Fouch, 616 11th Street**
- **Brent Taylor, 500 12th Street**
- **Michael Amiri, 625 13th Street**

Councilmember Fahey pointed out that the intent was, first, to put in place as many solutions as possible (such as the Metlox parking structure) and then conduct a study to help identify the solutions to the remaining problems. She explained that permit parking for the downtown area would be different from that at Mira Costa and expressed support for not going out to bid and granting the second part of the contract to Willdan because they already have the historical perspective to start the study. She also asked that the project scope include disabled parking.

Councilmember Montgomery agreed that residents east of Metlox suffer the brunt of the problem but emphasized that the study will involve all of the downtown area. He concurred with Councilmember Fahey to hire Willdan for the second part of the study.

Mayor Pro Tem Tell emphasized that this will be an attempt to monitor the various parking lots to determine who is using them and to help with the parking problems in the City. He remarked that the problem in the neighborhoods is known and that an answer is needed immediately by creating incentives and responsibilities of business owners to ensure their employees use the parking structures. He suggested finding out what other cities have done in similar situations and expressed support of expediting the review of the employee parking issue.

Councilmember Aldinger stated that while the parking study is necessary and will take time, he is sensitive to the residents in the area around Metlox and agrees that something needs to be done to get merchants and their employees to use the parking structures.

Responding to Councilmember Aldinger's inquiry regarding methods other than permit parking to increase merchant parking utilization, City Manager Dolan noted that other options might include time limits on streets or permit parking. He agreed to look into matter and return with suggestions for the Council's consideration.

Mayor Ward agreed with comments by Council, specifically emphasized the immediacy of the problem and the need to lessen employee parking in neighborhoods. He agreed that staff should review the Merchant Parking Permit Program to make it more attractive for employees to park in the lots, giving the residents in the area close to Metlox some kind of immediate relief.

In response to Councilmember Aldinger's concern that funding for this study is being taken out

of the Council Contingency Fund and request that it be a line item to facilitate tracking of the project, City Manager Dolan explained that because the project was not in the budget, it will initially be funded from the Council Contingency Fund and reallocated to the Community Development Department budget for tracking purposes.

MOTION: Councilmember Aldinger moved to approve the proposed project scope for the Downtown Parking Management Study; approve directing staff to evaluate the short-term measures suggested by the PPIC; approve authorizing staff to solicit bids for the data collection portion of the study; and approve authorizing staff to conduct the research and analysis portions of the study utilizing the City's contract Traffic Engineer. The motion was seconded by Councilmember Montgomery and approved by the following unanimous roll call vote:

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

06/0919.15 Discussion Regarding Electric Personal Assistive Mobility Devices (EPAMD) in the City of Manhattan Beach

Police Chief Rod Uyeda addressed Council utilizing a PowerPoint presentation regarding the use of Electric Personal Assistive Mobility Devices (EPAMD), commonly referred to as Segways. He explained that while in 2002 the State of California legally defined these devices as "pedestrians"; that they can go anywhere a pedestrian can go; and that the California Vehicle Code gives local jurisdictions the ability to regulate these devices to assure safety. He described the device in detail and relayed that they are used quite extensively by law enforcement, postal departments, cruise ships and other security agencies. Pointing out that the Shade Hotel recently started renting these devices to their patrons, he expressed his opinion that they are potentially dangerous due to the narrow and frequently crowded sidewalks and significant concern that a collision could occur with people exiting businesses. Police Chief Uyeda listed the several cities that have banned or restricted their use and suggested that Manhattan Beach also adopt an ordinance to restrict them in the downtown area while allowing for an exemption for public safety, government and disabled users.

In response to questions regarding the lack of a minimum age requirement for riders, Police Chief Uyeda responded that the proposed ordinance could require an age restriction.

In response to an inquiry regarding the use of the device on the Strand and bike path, City Attorney Robert Wadden added that besides imposing an age restriction, a helmet requirement could be added, and locations where they can be ridden could be limited.

Council held a brief discussion regarding what restrictions and limitations Council would like to see for these devices.

City Manager Dolan explained that the proposed ordinance could also delegate authority to the Chief of Police to determine the use of the vehicles.

The following individual spoke on this item:

- **Viet Ngo, No Address Provided**
- **Patrick McBride, 5th Street & Peck Avenue**

After additional discussion regarding the requirement that riders must obey the same laws as pedestrians, Council agreed to direct staff to draft an ordinance and return to Council for

approval.

ITEMS REMOVED FROM THE CONSENT CALENDAR

06/0919.5 Consideration of Financial Reports:
a) Ratification of Demands: September 7, 2006
b) Investment Portfolio the Month Ending August 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 Fahey moved to approve with no exception Warrant Register No. 6B in the amount of \$1,812,743.14 in payment of ratification of demands and claims as prepared by the Director of Finance, together with the original demands and claims as prepared by said Warrant Register; received and filed the Investment Portfolio for the month ending August 31, 2006. The motion was seconded by Councilmember Aldinger and passed by the following unanimous roll call vote:

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

06/0919.8 Authorize City Manager to Approve Expenditures Not-to-Exceed \$360,000 to Conduct Maintenance and Refurbishment of City Hall to Include Painting, Floor Coverings, Council Chamber Chair Replacement and Doorway Modifications

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**
- **Patrick McBride, 5th and Peck**

In response to **Mr. McBride's** comments, Councilmember Fahey reported that the Facilities Strategic Plan will incorporate the consideration of refurbishment of the Joslyn Center to include a 99-seat theatre.

MOTION: Councilmember Fahey moved to approve authorizing the City Manager to approve expenditures not-to-exceed \$360,000 to conduct repairs, maintenance and refurbishment of portions of City Hall. The motion was seconded by Councilmember Montgomery and passed by the following unanimous roll call vote:

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

AUDIENCE PARTICIPATION

06/0918.25 Stephanie Hubbard Re Street Lights, Landscaping and Banner at Metlox and

Police and Fire Projects

Stephanie Hubbard, 1300 Block of Ardmore Avenue, addressed Council regarding the impact of the Metlox and Police/Fire developments on nearby neighborhoods, including bright street lights on 13th Street; the over-use of lights and lack of greenery at the Police/Fire Facility; and her opposition to the proposed banners at 13th Street and Morningside Drive to advertise the Farmer's Market. She urged the Council to turn down the lights on the Police and Fire buildings, as well as on 13th Street, and to refrain from putting up banners on 13th Street for any reason.

In response to **Ms. Hubbard's** concern, Councilmember Fahey agreed that the lights should be re-evaluated from the residents' perspective to determine how many are needed; reminded Council that a commitment was made to residents to not install things that will block their view; and asked that the banners be re-located to Sepulveda Boulevard.

Mayor Ward agreed with Councilmember Fahey's suggestion regarding the relocation of the banner to Sepulveda Boulevard; asked staff to determine what can be done to reduce any excessive amount of lighting; and agreed that the concrete in the plaza needs to be broken up by using giant pots with plants to provide foliage and shade, as well as installing greenery on the Valley Drive side.

06/0918.26 Robert Bush Re Undergrounding

Robert Bush, No Address Provided, asked Council to halt and dissolve undergrounding throughout the City.

06/0918.27 Joan Mueller Re Banners at Metlox Project

Joan Mueller, 13th Street and Ardmore Avenue, encouraged the Council to prohibit banners in the Metlox area, noting that it will take away what is left of her ocean view already obstructed by The Shade Hotel.

06/0918.28 Viet Ngo Re Undergrounding

Viet Ngo, No Address Provided, requested that the Police Chief Rod Uyeda provide a DVD copy of tonight's meeting to the U. S. District Attorney's Office and the head of the Los Angeles County District Attorney's office; cited several cases whereby City Councilmembers in other cities were convicted of extortion; and accused the Manhattan Beach City Council of a federal offense that should be prosecuted under various laws. He also asked Council to stop victimizing thousands of property owners in Manhattan Beach by taking their money for Undergrounding.

06/0918.29 Patrick McBride Re Facilities Strategic Plan

Patrick McBride, 5th and Peck, addressed Council regarding the need to address the inability of some seniors and handicapped individuals to attend the evening meetings of the Facilities Strategic Plan Steering Committee and asked that the meetings be televised.

In response to **Mr. McBride's** comments, Mayor Pro Tem Tell and Councilmember Aldinger agreed to ask the consultants to include seniors and handicapped individuals in their community outreach and to consider taping some of the meetings for broadcast in tape delay.

06/0918.30 Arnold Sachs Re Undergrounding and Cable TV Franchise

Arnold Sachs, No Address Provided, questioned who the City will represent when subcontractors, hired by the City, go on private property to underground utility wires. He also

inquired about a proposed Senate Bill by Senator Nunez to franchise cable television.

Responding to his concerns, City Manager Dolan offered to speak with **Mr. Sachs** after the meeting to answer his questions.

06/0918.31 Barbara Woodard Re Undergrounding

Barbara Woodard, Coordinator of Undergrounding District 13, reminded Council that there are people who are still very much in favor of undergrounding in Manhattan Beach; explained that a majority of the property owners in her district responded to the initial survey; pointed out that the Council has set a higher bar than the initial response; and noted that while the cost is higher than originally thought, it is not as high as the \$40,000 amount that had been reported by some. She also expressed her frustration on the difficulty encountered in getting people out to vote and said it would be in the best interest of the City to proceed with the elections.

In response to **Ms. Woodard's** comments, Mayor Ward emphasized the intent of Council to have a clear sense that the majority of the people in the neighborhoods want undergrounding before implementing it.

06/0918.32 Jon Chaykowski Re Undergrounding

Jon Chaykowski, No Address Provided, complimented City Staff regarding the help they provided in creating a sub-section in Undergrounding District 4 and urged Council to help the sub-section in District 2 that are asking to opt out of Undergrounding. He reminded Council and staff that the key to success is to not dwell on the negatives and obstacles, but to find a solution, and he urged them to help this sub-section of District 2.

CITY MANAGER REPORT(S)

06/0918.33 City Manager Dolan Re Various Meeting

City Manager Dolan reminded Council about several upcoming meetings, including the Leadership Manhattan Beach program on Monday, September 25; the Joint City Council/Parking and Public Improvements Commission meeting on Tuesday, September 26; the Facility Strategic Plan Meeting on Wednesday, September 27; and the South Bay Cities Council of Governments on Thursday, September 28.

06/0918.34 City Manager Dolan Re Facility Strategic Plan Steering Committee Tour

City Manager Geoff Dolan invited Councilmembers to participate in tours of various facilities in conjunction with the Facility Strategic Plan Steering Committee on Thursday and Friday, September 21 and 22, 2006.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

06/0918.35 Councilmember Aldinger Re Facilities Strategic Plan Subcommittee Meeting

Councilmember Aldinger reported on a very successful first meeting of the Facilities Needs Assessment Committee meeting at which time the consultant disbursed a significant amount of data to a very energetic group.

In response to Mayor Ward's inquiry whether a mechanism is in place to replace committee members who may end up being unable to attend several meetings, Councilmembers Aldinger and Tell said while they do not believe this will be a problem, a method will be put into place.

06/0918.36 Councilmember Aldinger Re Council Attendance at League of California Cities Conference

Councilmember Aldinger reported that all Councilmembers attended the League of California Cities Annual Conference in San Diego.

Councilmember Montgomery added that materials collected from various conferences will be made available through the City Clerk's office for review by members of the community.

06/0918.37 Mayor Ward Re U. S. Conference of Mayors

Mayor Ward reported on his attendance at the U.S. Conference of Mayors in Santa Barbara, California noting that he received invaluable information from other mayors on how we can improve our response during emergencies and disaster preparedness.

ADJOURNMENT

At 11:14 p.m. the meeting was duly adjourned to the 6:30 p.m. Adjourned Regular Joint City Council/Parking and Public Improvements Meeting on Tuesday, September 26, 2006, in the Police/Fire Conference Room, 400/420 15th Street, in said City.

MERNA MARSHALL
Recording Secretary

MITCH WARD
Mayor

ATTEST:

TERRI ALIABADI
Acting City Clerk

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

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 19th day of September, 2006, at the hour of 6:02 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

ROLL CALL

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

CLOSED SESSION

The Council recessed into Closed Session at 6:02 p.m. and moved to open session at 6:24 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:24 p.m.

ROBERT V. WADDEN, JR.
Recording Secretary

MITCH WARD
Mayor

ATTEST:

TERRI ALIABADI
Acting City Clerk