

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
SEPTEMBER 5, 2006**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 5th day of September, 2006, at the hour of 6:30 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Parks and Recreation Director Richard Gill led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

None.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 1 through 14), consisting of items under *General Consent, Boards and Commissions* and the addendum to the minutes of August 18, 2006, was approved by motion of Councilmember Fahey, seconded by Councilmember Aldinger and passed by unanimous roll call vote with the exception of Item Nos. 5 and 7, which was 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

06/0905.1 Approve Minutes of the City Council Adjourned Regular and Regular Meeting of August 15, 2006

The Council approved the subject minutes.

06/0815.14-2 Adoption of an Ordinance Amending the Contract Between the City of Manhattan Beach and the Board of Administration of the California Public Employees' Retirement System (PERS) to Provide Section 20965 (Credit for Unused Sick Leave) for Local Miscellaneous Members as Authorized in the 2006 – 2011 MOU Between the City of Manhattan Beach and California Teamsters Local 911

The Council adopted Ordinance No. 2090.

ORDINANCE NO. 2090

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE SECTION 20965, CREDIT FOR UNUSED SICK LEAVE FOR LOCAL MISCELLANEOUS MEMBERS

06/0815.15-3 Adoption of Ordinance No. 2089 Implementing A City Council Work Plan Item To Create A Recognition Process For Culturally Significant Landmarks

The Council adopted Ordinance No. 2089.

ORDINANCE NO. 2089

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA ADDING A NEW CHAPTER 10.86 TO TITLE 10 OF THE MANHATTAN BEACH MUNICIPAL CODE REGARDING DESIGNATION OF CULTURALLY SIGNIFICANT LANDMARKS

06/0815.16-4 Adoption of an Ordinance Regarding the Prohibition of Luge and Destructive Skateboarding Throughout the City

The Council adopted Ordinance No. 2091.

ORDINANCE NO. 2091

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING SECTION 14.28.160 OF CHAPTER 14.28 OF TITLE 14 OF THE MANHATTAN BEACH MUNICIPAL CODE TO PROHIBIT LUGE AND OTHER DESTRUCTIVE SKATEBOARDING

06/0905.5 Consideration of Compensation Adjustments for City Manager and City Attorney

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

06/0905.6 Consideration of a Resolution Adopting the 2006 Conflict of Interest Code for the City of Manhattan Beach

The Council adopted Resolution No. 6057.

RESOLUTION NO. 6057

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ADOPTING THE 2006 CONFLICT OF INTEREST CODE OF THE CITY OF MANHATTAN BEACH

- 06/0905.7 Consideration of Financial Reports
a) Ratification of Demands: August 24, 2006
b) Financial Reports for the Month Ending July 31, 2006

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

- 06/0905.8 Consideration of the State Budget and Legislative Update

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

- 06/0905.9 Award a Contract (\$1,397,575.00) for the 2002-2005 Street Improvement Project to Griffith Company and a Professional Engineering Services Contract (\$95,000) to Psomas and Associates for Construction Management/Inspection Services

The Council approved an award of contract in the net amount of \$1,397,575 for the 2002-2005 Street Improvement Project to Griffith Company; approved a supplemental appropriation (\$300,000) from Gas Tax Reserves; approved authorizing the Director of Public Works to approve additional work in an amount not-to-exceed \$75,000, if required; and approved an award of a Professional Engineering Services contract to Psomas and Associates for Construction/Management/Inspection in an amount not-to-exceed \$95,000.

- 06/0905.10 Disbursement of Progress Payment No. 16 in the Net Amount of \$165,268.80 to S.P. Pazargad Engineering Construction, Inc. for the Strand Improvement Project

The Council approved the issuance of the subject progress payment.

- 06/0905.11 Approval of a Contract (Not-to-Exceed \$40,000) to Sterndahl Enterprises Inc. to Assist with Various City Traffic Painting Projects

The Council waived formal bidding per Municipal Code Section 2.36.150 (Cooperative Purchasing) and approved a contract through the cooperative use of an existing City of Los Angeles contract to permit Sterndahl Enterprises Inc. to assist with various City traffic painting projects.

- 06/0905.12 Disbursement of Progress Payment No. 29 in the Net Amount of \$865,122 to Swinerton Builders

The Council approved issuance of progress payment # 29 for \$865,122 to Swinerton Builders.

BOARDS AND COMMISSIONS

Cultural Arts Commission

06/0905.13 Consideration of Draft Minutes, Cultural Arts Commission Meeting of August 8, 2006

The Council received and filed the subject draft minutes.

Planning Commission

06/0905.14 Consideration of Planning Commission Approval of an Amendment to a Variance to Allow an Addition and Remodel to Existing 3-Story Single Family Residence and to Allow a 5'6" Setback for a Building Wall, Located at 214 21st Street

The Council received and filed the subject report.

COMMUNITY ANNOUNCEMENTS

06/0905.16 Cultural Arts Manager Re Arts Festival

Cultural Arts Manager Juanita Purner invited the community to attend the Arts Festival this Sunday, September 10, 2006 from 11:00 a.m. to 4:00 p.m. She pointed out that there will be more than a dozen art workshops this year and an art gallery to display participant's works of art for the day.

06/0905.17 Viet Ngo Re Alleged Misuse of Public Funds

Viet Ngo, No Address Provided, requested the intervention of the District Attorney, FBI and the United States Attorney's Office to bring City Manager Geoff Dolan and all City Councilmembers to justice for their alleged misuse of public funds.

06/0905.18 Los Angeles County Librarian Re New Position

Leticia Tan, Los Angeles County Librarian, announced that she had accepted a new position with the City of Carson, California and thanked the residents of Manhattan Beach for the opportunity to work here.

Council thanked Ms. Tan for her service to the City, expressed how much she had become a part of the community and how much everyone will miss her.

City Manager Geoff Dolan spoke of the tremendous working relationship that City staff has had with Ms. Tan and wished her good luck in her new position.

06/0905.19 Bev Morse Re Meeting on Solar Power Energy

Bev Morse, 1st Street, announced that a handful of residents are putting together a meeting on solar power and invited the Council to attend.

06/0905.20 Steve Morse Re Utility Wires

Steve Morse, No Address Provided, commented on how ugly the utility wires have become and pointed out that other communities provide wireless cell and Wi-Fi services and that the City could own its own solar system and electricity for free.

06/0905.21 Mayor Ward Re Manhattan Beach Youth Recognition Awards

Mayor Ward encouraged high school students from Mira Costa High School and surrounding Los Angeles County to e-mail him at mward@citymb.info to apply for a 2006 Manhattan Beach Youth Recognition Award, which is a financial scholarship.

06/0905.22 Mayor Pro Tem Tell Regarding Birthday

Mayor Pro Tem Tell wished his son a Happy 6th Birthday.

GENERAL BUSINESS

06/0815.17-15 Consideration of the Appointment of a Community Facility Strategic Plan Steering Committee

City Manager Geoff Dolan briefly commented that this project will involve a year long process to assess the City's current facilities, look at the community's needs and plan for future facility needs. He explained that the consultant hired by the City (MDA Johnson Favaro) has asked staff to put together a steering committee to meet once a month and provide feedback and that over 60 applicants applied to be a part of this committee. He further explained that Mayor Pro Tem Tell and Councilmember Aldinger, as the Council sub-committee members, have recommended 17 individuals for the Facility Strategic Plan (FSP) Steering Committee.

Councilmember Aldinger explained the process by which the sub-committee narrowed the list of applicants down to 17 and emphasized that it was very difficult because of the quality of the applicants.

Mayor Pro Tem Tell spoke of how blessed the City of Manhattan Beach is to have so many residents willing to take on the responsibility of this lengthy process. He explained that while the sub-committee had to limit the number of participants on the steering committee to a manageable number, he still encouraged the community to participate in the process by attending the community meetings, the first of which will be held on September 27, 2006.

Councilmember Aldinger added that existing City Board and Commission members were not chosen to be on the steering committee because they will be involved in the process through their Board/Commission. He also commented that it was important to him to choose individuals who had experience in and/or would help in the financial process of paying for these facilities.

Mayor Ward thanked everyone who applied and suggested that the steering committee share their recommendations with the entire list of applicants to get their feedback before bringing the recommendations to Council.

City Manager Dolan concurred that the entire list of applicants will be a part of the Community Facility Strategic Plan e-mail distribution list and will officially be invited to the first FSP meeting at the end of the month.

Mayor Pro Tem Tell emphasized that while the steering committee will not be an official decision making body, they will help to obtain the broadest amount of input.

Mayor Ward read aloud the 17 names recommended by the sub-committee and congratulated them on their nomination. The 17 applicants include: Susan Adams, Councilmember Aldinger (City Council representative), Lisa Baronsky, Ken Deemer, Joe Franklin, Amy Howorth (School Board representative), Sherry Kramer, Bruce Kuch, Russ Lesser, Jim McCaverty, Ed Stearns, Nick Tell (City Council representative), Ida VanderPoorte (School Board representative), Karol Wahlberg, Gary Wayland, Larry Wolf and Alison Wright.

In response to Councilmember Montgomery's question as to why School Board members were chosen, Councilmembers Tell and Aldinger explained that the School Board is obligated to offer any surplus land that they want to sell to the City, first, and that by having them on the FSP committee, the City will know what properties they want and what to do with them.

The following individuals spoke on this item:

- **Bev Morse, 900 Block of 1st Street**
- **Esther Besbris, 2nd Street**
- **Viet Ngo, No Address Provided**

In response to audience comments, the Council explained that the list of priorities developed by the steering committee will be more extensive than the previous Resident Satisfaction Surveys and that Council did not solicit additional applicants after the application due date.

Council briefly discussed that although the qualifications were not listed for each individual applicant, all fell within at least 2 of the 3 categories that the sub-committee was looking for.

Councilmember Fahey conveyed that she would like to add Miles Turpin to the list of 17 recommended applicants as he has represented the business community on several other City committees.

Councilmember Montgomery stated that he would like to add Carol Glover, President of the Manhattan Beach Chamber of Commerce, to the list adding that she meets all 3 categories.

Mayor Ward indicated that he would like to add Delpha Flad because of her past involvement with various City committees.

Councilmembers Tell and Aldinger concurred with all 3 additions.

MOTION: Councilmember Fahey moved to appoint the identified 17 residents plus the 3 additional nominations to the Community Facility Strategic Plan Steering Committee. 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.

ITEMS REMOVED FROM THE CONSENT CALENDAR

06/0905.5 *Consideration of Compensation Adjustments for City Manager and City Attorney*

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**
- **Jody Leventhal, 100 Block of 13th Street**
- **Karol Wahlberg, No Address Provided**

In response to questions from the audience and Councilmember Aldinger, the sub-committee, consisting of Mayor Ward and Mayor Pro Tem Tell, explained that in lieu of a one time bonus, they recommended that a five year service credit be applied to City Manager Dolan's retirement. They further detailed that the service credit would remain in place as long as City Manager Dolan remains employed by the City; that future City Council's can choose not to continue the service credit; that it is mutually beneficial to City Manager Dolan and the City; that in contrast to the 10-12 cities that are used for comparison, City Manager Dolan's new 2006 salary is slightly below market average; and that it will provide an incentive for City Manager Dolan to remain with the City for another 10 years.

Councilmember Fahey clarified that the City Manager and City Attorney's compensation agreements have been on the Consent Calendar as long as she has been on Council; that their performance evaluations are carried out in Closed Session which then transfers into specific recommendations by the subcommittee; and that it was a very laborious process this year. She also emphasized that one of the most important factors of a City Manager is the innate ability to hire and retain good employees, which City Manager Dolan has done.

Council continued further discussion regarding the recommended compensation adjustment for City Manager Dolan.

City Manager Dolan emphasized that he is giving up over \$50,000 in current income; that the recommendation works well for both he and the City; that he is at the point in his career where he is more concerned about his retirement and that is why he negotiated a trade off of current income for future security.

MOTION: Councilmember Fahey moved to approve the compensation adjustments for the City Manager and City Attorney, effective January 1, 2006. 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.

Mayor Pro Tem Tell pointed out, and Council concurred, that City Attorney Wadden also had an exceptional year and deserves the recommended bonus and increase.

06/0905.7 Consideration of Financial Reports
a) Ratification of Demands: August 24, 2006
b) Financial Reports for the Month Ending July 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. 31B & 5B in the amount of \$4,714,373.70 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 July 31, 2006. The motion as 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

06/0905.23 Steve Morse Re Underground Utility Assessment Districts (UUADs)

Steve Morse, 1st Street, questioned whether the UUADs that were voted down by Council could be redistricted at any time; inquired as to how much money was spent for each of these Districts and how the Council plans on recouping that money.

Mayor Pro Tem Tell replied that the staff report presented at the Council meeting of August 1, 2006 explained how much was spent on each District.

Councilmember Fahey added that, at this point, she is not aware of any new petitions; however, there is no ban on new petitions.

06/0905.24 Re Alleged Misuse of Public Funds

Viet Ngo, No Address Provided, asked that a DVD of this evenings meeting be provided to the District Attorney, FBI, the United States Attorney's Office and head of the Public Integrity in the Deputy District Attorney's Office in order that an investigation be conducted into what has been going on in the City of Manhattan Beach. He appealed to the government offices listed above to protect residents of Manhattan Beach from being victimized.

06/0905.25 Bev Morse Re Various Questions

Bev Morse, 1st Street, inquired about the use of the City Council Chambers for an alternative energy Town Hall meeting; questioned what can be done to get rid of the crows in the City; and asked if, within the UUAD Districts that failed, the one year waiting period would apply.

In response to Ms. Morse's questions, Councilmember Fahey suggested that another location might be more appropriate than the Council Chambers for an alternative energy meeting.

Mayor Ward implied that there is not much that can be done about the crows.

Council concurred that a discussion regarding the one year waiting period would have to be put off until it can be agendized.

06/0905.26 Jon Chaykowski Re Utility Undergrounding Assessment Districts (UUADs)

Jon Chaykowski, No Address Provided, spoke of the awakening of citizens of Manhattan Beach and the great news regarding those Districts that have been dissolved. He commented that it would have been better if there had been more time to combat Undergrounding in his District and reiterated that his District was not properly informed. He stated that a sub group was allowed to form District 4a, which he believes demonstrates that the Council is pro Undergrounding, yet a sub group of District 2 filed a petition to opt out before the vote and it was ignored.

06/0905.27 Robert Bush Re Utility Undergrounding Assessment Districts (UUADs)

Robert Bush, No Address Provided, urged the Council to dissolve UUADs 8, 12, 13 and 14 and remarked that the Council could have notified residents of Districts 2, 4 and 6 that they were in a District before the vote since not everyone were notified during the petition process. He spoke about the 40% of residents being forced to pay for something they don't want; reviewed the Council's discussion regarding the 60% of household's threshold issue; and urged the Council not to give in to the proponents demands to change the threshold to 60% of the total vote.

06/0905.28 Sharon Bush Re Utility Undergrounding Assessment Districts (UUADs)

Sharon Bush, No Address Provided, thanked the Council for dissolving UUADs 7, 9 10 and 11 and urged them to dissolve Districts 8, 12, 13 and 14 and stop Utility Undergrounding. She spoke of how District 4a has divided the City and stressed that Councilmembers are elected to serve the entire City equally. In regard to Councilmembers agreeing to meet with residents in their homes, she remarked that City business is more equally and fairly performed in the Council Chambers than in someone's home. She voiced her opinion that questions asked by those at the podium are rarely answered and if answered are evasive and concluded by stating that it was disappointing that Mayor Pro Tem Tell did not dismiss himself from the discussion on UUAD 4a earlier than he did.

Councilmember Fahey stressed that City Attorney Robert Wadden confirmed that Mayor Pro Tem Tell did not have a Conflict of Interest and he took it upon himself to recuse himself. She also pointed out that some people are not comfortable speaking in public and this is one of the reasons that she and Mayor Pro Tem Tell agreed to meet with residents in their homes.

06/0905.29 Esther Besbris Re Mayor Pro Tem Tell Participating in Discussion

Ether Besbris, No Address Provided, spoke of the appearance of impropriety and communicated that she and others believe that, possibly, if Mayor Pro Tem Tell had not participated in the original discussion of UUAD 4a, it might not have been approved. She added that even though he recused himself from the vote, many believe he should not have been involved in the discussion.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

06/0905.30 Councilmember Montgomery Re Old Hometown Fair

Councilmember Montgomery reminded the community that the Old Hometown Fair will be held on October 7 and 8, 2006 and encouraged everyone to attend.

06/0905.31 Councilmember Aldinger Re 10k Race

Councilmember Aldinger added that the Old Hometown Fair 10k Race will take place on Saturday, October 7, 2006.

06/0905.32 Councilmember Aldinger Re South Bay Council of Governments

Councilmember Aldinger invited the community to attend the South Bay Council of Governments meetings which will be held the 4th Thursday of every month at 7:00 p.m. in the conference room of the new Police/Fire Facility.

06/0905.30 Mayor Ward Re Coastal Commission Request

Mayor Ward reported that the Coastal Commission contacted him regarding the possibility of meeting in Manhattan Beach some time in the coming year and that he thought it would be a good idea for residents to be able to participate in a Coastal Commission meeting.

City Manager Geoff Dolan indicated that he would look into the matter.

06/0905.31 Mayor Ward Re Mayor's Golf Tournament

Mayor Ward reminded the community the Manhattan Beach Mayor's Golf Tournament will take place on October 9, 2006 at the Candlewood Country Club in Whittier and that it will benefit the Manhattan Beach Education Foundation.

NATIONAL INCIDENT MANAGEMENT SYSTEMS (NIMS) TRAINING

At 8:31 p.m. the Council relocated to the Emergency Operation Center at the new Police/Fire Facility for National Incident Management Systems (NIMS) Training.

ADJOURNMENT

At 10:35 p.m. the meeting was duly adjourned to the 5:30 p.m. Adjourned Regular Meeting to be followed by the 6:30 p.m. Regular City Council Meeting on Tuesday, September 19, 2006, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

TERRI ALIABADI
Recording Secretary

MITCH WARD
Mayor

ATTEST:

TERRI ALIABADI
Acting City Clerk

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR MEETING
SEPTEMBER 5, 2006**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 5th day of September, 2006, at the hour of 6:00 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: Dolan (Acting).

CLOSED SESSION

The Council recessed into Closed Session at 6:00 p.m. and moved to open session at 6:25 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:25 p.m.

GEOFF DOLAN.
Recording Secretary

MITCH WARD
Mayor

ATTEST:

TERRI ALIABADI
Acting City Clerk