

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
JULY 18, 2006**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 18th day of July, 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: Aldinger, Montgomery, Fahey, Tell and Mayor Ward.
Absent: None.
Clerk: Aliabadi (Acting).

CEREMONIAL CALENDAR

06/0718.1 Introduction of New Employees and Presentation of Service Awards

City Manager Geoff Dolan introduced Administrative Assistant Patricia Schilling.

Community Development Director Richard Thompson introduced Building Inspector Doug Atkisson and Residential Construction Officer Richard Larson.

Police Chief Rod Uyeda introduced Community Services Supervisor Verdesiah Nasralla and Management Analyst Julie Burris.

Police Chief Uyeda also presented Police Records Technician/Matron Theresa Gaitan and Police Officer Tim Hageman with Employee Service pins for their 15 years of service to the City.

Mayor Ward also recognized the following individuals, who were not able to attend, for their service to the City: Fire Captain Jeff Sanders (25 years); Maintenance Worker II Carl Summerville (25 years); Maintenance Worker II Richard Woods (15 years); Police Sergeant Steven Tobias (15 years); and Police Sergeant Nan Rados (20 years).

CONSENT CALENDAR

The Consent Calendar (Item Nos. 2 through 10), consisting of items under *General Consent and Boards and Commissions*, was approved by motion of Councilmember Fahey, seconded by Councilmember Aldinger and passed by unanimous roll call vote with the exception of Item No. 3, 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

06/0718.2 Approve Minutes of the City Council Adjourned Regular and Regular Meeting of July 5, 2006

The Council approved the subject minutes.

06/0705.13-3 Consideration of a Resolution Approving a Sign Exception for Installation of Two Electronic Changeable Copy Signs Above the Entrance of the American Martyrs Parking Garage, Located at 624 15th Street

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

06/0718.4 Consideration of Financial Reports: Ratification of Demands: July 13, 2006

The Council approved with no exception Warrant Register Nos. 28B & 2B in the amount of \$7,200,267.49 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.

06/0718.5 Ratification of Motor Fuel Purchase from Merrimac Energy Group in the Amount of \$20,648.65

The Council approved the purchase of fuel from Merrimac Energy Group in the amount of \$20,648.65.

06/0718.6 Award of Contract to PSI to Equip One Previously Purchased Public Works Vehicle Chassis with Work Body Including Pressure Washing and Effluent Recovery System in the Amount of \$31,685.25

The Council approved the award of RFB #688-06 to PSI for the budgeted outfitting of one previously purchased Public Works Vehicle in the amount of \$31,685.25

06/0718.7 Disbursement of Progress Payment No. 3 in the Net Amount of \$141,875.28 to Williams Pipeline Contractors, Inc. for the 2002-2003 Water Main and 2002-2004 Sewer Main Replacement Project

The Council approved the issuance of the subject progress payment.

BOARDS AND COMMISSIONS

Parking & Public Improvements Commission

06/0718.8 Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of June 22, 2006

The Council received and filed the subject action minutes.

06/0718.9 Uphold the Parking and Public Improvements Commission Recommendation to Implement Parking Modifications on the North Side of 45th Street Between Highland Avenue and Crest Drive

The Council approved the Parking and Public Improvements Commission recommendation to implement parallel parking on the north side of 45th Street between Highland Avenue and Crest Drive.

Planning Commission

06/0718.10 Consideration of Action Minutes, Planning Commission Meeting of July 12, 2006

The Council received and filed the subject action minutes.

COMMUNITY ANNOUNCEMENTS

06/0718.20 Senior Civil Engineer Stephanie Katsouleas Re Utility Undergrounding

Senior Civil Engineer Stephanie Katsouleas announced that the official bids are in for Utility Undergrounding Assessment Districts 2 and 6; that bids for District 6 came in the same; and that District 2 will realize a cost savings of approximately 20 percent. She added that property owners in District 2, that have already paid their assessments, will receive a refund after the bonds have been approved at the next Council meeting and those who will be bonding their assessments will go to bond at a lower rate.

06/0718.21 Councilmember Aldinger Re Area Code Change

Councilmember Aldinger reminded the community that beginning July 26, 2006 everyone will have to dial 1 plus the area code and phone number, even for local calls, and encouraged everyone to change their automated dialing equipment.

06/0718.22 Councilmember Fahey Re Congratulations

Councilmember Fahey congratulated Councilmember Montgomery on his election as Secretary to the Independent Cities Association adding that it is almost unheard of for a new Councilmember.

06/0718.23 Mayor Ward Re Pet Appreciation Day

Mayor Ward announced that Pet Appreciation Day will take place on Saturday, September 30, 2006 from 11:00 a.m. to 4:00 p.m. and that applications for booths can be picked up at City Hall.

06/0718.24 Viet Ngo Re Deprivation of Rights

Viet Ngo, No Address Provided, handed out a copy of an FBI statute and relayed that the FBI encourages anyone who has had their civil rights violated to inform them by calling their office. He also offered to provide support and assistance to those in Utility Undergrounding Districts 2 and 6 who have been subjected to these violations.

06/0718.25 Bev Morse Re Next City Council Agenda

Bev Morse, No Address Provided, inquired whether Utility Undergrounding District 4a will be a separate item on the next City Council agenda.

City Manager Geoff Dolan assured Ms. Morse that it will be a separate item.

06/0718.26 Parks and Recreation Director Richard Gill Re Upcoming Events

Parks and Recreation Director Richard Gill announced that the Manhattan Beach Players will perform the play *Fantasticks* in the 13th Street square next to the Metlox Plaza starting this Friday; that the Farmer's Market will be held every Tuesday from noon to 4:00 p.m.; that the *Concerts in the Park* series will be held in Polliwog Park every Sunday from 5:00 – 7:00 p.m.; and that plans are underway for an entertainment variety series to be performed at the Metlox Plaza tentatively starting August 24, 2006.

06/0718.27 Bev Morse Re Bruce Beach

Bev Morse, No Address Provided, expressed appreciation for Council's action at the last meeting in renaming Parque Culican to Bruce's Beach.

PUBLIC HEARINGS

06/0718.11 Approval of a 5-Year Coastal Development Permit for the Manhattan Beach Open Volleyball Tournament and Authorization for the City Manager to Execute a 5-Year Agreement with the Association of Volleyball Professionals (AVP) to Co-Sponsor the 2006-2010 Manhattan Beach Open to be Held Each Summer

City Manager Geoff Dolan explained that although the staff report submitted was for a 5-year agreement with the Association of Volleyball Professionals (AVP) and Coastal Development Permit, additional discussions have taken place resulting in the revised recommendation of a one-year contract and Coastal Development Permit.

He introduced Recreation Services Manager Mark Leyman who reviewed the provisions of the agreement, noting that it basically contains the same conditions as last year, with the minor additions of a volleyball class and additional placement of a City banner on the Pier for the purpose of recruiting police officers. He pointed out that the speakers will face west; free seating will be clearly identified; a shuttle service will be provided; the reimbursement for direct costs will be approximately \$45,000; the AVP will retain all proceeds from the tournament; and the City has waived all fees for City permits and the use of the City's name.

In response to Councilmember Montgomery's inquiry regarding whether or not the parking information required in last year's contract was ever received and whether this is a condition of the proposed contract, Recreation Services Manager Leyman stated that he did not believe the information was ever received last year, adding that it is also a condition of this year's contract.

In response to Mayor Ward's inquiry regarding the reason for not charging a licensing fee for the use of the City's name, City Manager Dolan explained that past Council policy has been to cover the City's direct costs and, in exchange for their promotion of the City, no licensing fee is charged. He also noted that, if the Council wishes to change that, they should direct staff to pursue it for future years.

In response to Councilmember Aldinger's suggestion that the Council subcommittee review this licensing matter and determine what is fair, Councilmember Fahey stated that although she does not mind having the subcommittee review it, she believes the policy is legitimate based on what the City gets in return. She added that, although it does create traffic problems, the City benefits from this tournament more than any other event during the year and she would not want such a fee to be a sticking point.

Mayor Pro Tem Tell agreed, however, stated that now that the AVP is a public company, it would be helpful to see what the AVP is paying other cities.

Councilmember Montgomery requested that staff follow up and ensure receipt of the parking plan for this year's tournament.

Mayor Ward opened the Public Hearing at 7:09 p.m.

Hearing no objections, Mayor Ward closed the Public Hearing at 7:10 p.m.

MOTION: Councilmember Fahey moved to approve a 1-year Coastal Development Permit for the Manhattan Beach Open Volleyball Tournament; approve authorizing the City Manager to execute a 1-year agreement with the Association of Volleyball Professionals (AVP) to co-sponsor the 2006 Manhattan Beach Open to be held this summer; and adopt Resolution No. 6047. 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.

RESOLUTION NO. 6047

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING A COASTAL DEVELOPMENT PERMIT FOR THE 2006 MANHATTAN BEACH OPEN ON THE PROPERTY LOCATED AT THE SOUTH SIDE OF THE MANHATTAN BEACH PIER IN THE CITY OF MANHATTAN BEACH (Association of Volleyball Professionals)

06/0620.5-12 Renewal of the North End Business Improvement District (BID) for Fiscal Year 2006-2007

Finance Director Bruce Moe reviewed the recommendations for renewal of the North End Business Improvement District (BID), noting that the assessment is an 80% surcharge on the business license, up to a maximum of \$500; that the legal requirements for the Public Hearing has been met; and that staff recommends adoption of Resolution No. 6048 authorizing the collection of assessments and ratifying the BID Advisory Board Members for 2006-2007.

Finance Director Moe introduced **Marie Garvey, Resident of the North End**, who explained that the goal of the North End Business District is to meet with businesses to let them know what the plan consists of; receive input on the plan; and return to Council for support of their plan.

In response to Councilmember Fahey's inquiry regarding the make-up of the committee and comment that it is sad that nothing has come of the great ideas previously mentioned, **Ms. Garvey** explained that they are attempting to involve new members and that they will try to reach consensus and present options to the Council in the near future.

Mayor Ward opened the Public Hearing at 7:16 p.m.

Hearing no objections, Mayor Ward closed the Public Hearing at 7:17 p.m.

MOTION: Councilmember Fahey moved to adopt Resolution No. 6048 authorizing the collection of assessments and approve ratifying the BID Advisory Board Members for 2006-2007. 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.

RESOLUTION NO. 6048

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, OVERRULING PROTESTS AND PROVIDING FOR THE ANNUAL LEVY AND COLLECTING OF ASSESSMENTS FOR THE EXISTING NORTH END BUSINESS IMPROVEMENT DISTRICT, PURSUANT TO THE STREETS AND HIGHWAYS CODE SECTION 36500 ET. SEQ. (SB 1424 - PARKING & BUSINESS IMPROVEMENT LAW OF 1989, CHAPTER 2) OF THE STATE OF CALIFORNIA

05/0719.15-13 Consideration of Resolution Adopting Previously Approved Fees Associated with the Mira Costa Parking Permit Program

Finance Director Bruce Moe explained that on June 6, 2006, the City Council approved modifications to the existing Mira Costa Parking Permit Program which included changing the hang-tag to a two-year permit rather than one year, lowering the fees, and making the size of the tag smaller. He noted that a Public Hearing was required due to the fee change and that staff recommends that Council conduct the Public Hearing and adopt Resolution No. 6045 approving the revised fees associated with the Mira Costa Parking Permit Program.

Mayor Ward opened the Public Hearing at 7:18 p.m.

Hearing no objections, Mayor Ward closed the Public Hearing at 7:19 p.m.

MOTION: Councilmember Aldinger moved to adopt Resolution No. 6045 approving the revised fees associated with the Mira Costa Parking Permit Program. 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.

RESOLUTION NO. 6045

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING RESOLUTION NO. 5995, ESTABLISHING A FEE TO BE CHARGED FOR STAGGERED PARKING RESIDENT OVERRIDE PARKING HANGTAGS, SUPERSEDING ALL PRIOR APPLICABLE INCONSISTENT RESOLUTIONS OR ORDERS IN CONCERT THEREWITH

06/0718.14 *Adoption of an Urgency Ordinance of the City Council of the City of Manhattan Beach, California Imposing a Moratorium on Medical Marijuana Dispensaries in the City*

Referring to an article in the June issue of *California Lawyer*, City Attorney Robert Wadden reported on the reasons why staff believes imposing a moratorium on medical marijuana dispensaries is an appropriate action for Council to take at this time. He briefly detailed the article reporting that a dispensary in the San Francisco area had up to 300 customers per day (mostly young males under the age of 35 with no discernable handicaps or disabilities), did approximately \$45,000 per day in sales and, after many complaints from residents, was closed but ultimately reopened in another part of the city. He relayed staff's concern regarding possible negative impacts of such a dispensary in Manhattan Beach; noted that the state law authorizing the legal use of marijuana for medical purposes doesn't define 'which' medical purposes; reviewed the reasons a moratorium is the best strategy at this time; noted that an alternative strategy would be to adopt a Zoning Ordinance restricting their location, and voiced his concern about the immediate impact because there have already been three inquiries from interested parties. He added that the federal government considers this type of dispensary illegal; however, there isn't much enforcement. He concluded that a moratorium would help the City determine whether there is a federal pre-emption and allow time to prepare an adequate Zoning Ordinance; explained that the recommended moratorium would require a 4/5 vote and would go into effect immediately; and noted that, initially, it would be for a period of 45 days, with an extension allowed up to 24 months.

In response to Councilmember Montgomery's inquiry as to whether there is a proven cause and effect between these dispensaries and increased crime, City Attorney Wadden stated that there are cities that believe they can demonstrate a correlation; that the general feeling among cities is that there is a significant negative impact; and that these types of businesses ultimately cause legitimate businesses to move out.

Mayor Ward opened the Public Hearing at 7:24 p.m.

Viet Ngo, No Address Provided, spoke of a raid on the Los Angeles Cannabis Resource Center in West Hollywood and the "crack down" on drug manufacturing labs. He urged the Council to modify the current request and totally prohibit medical marijuana dispensaries in the City.

Patrick McBride, 5th Street & Peck Avenue, stated that while he found City Attorney Wadden's presentation interesting, there was no mention of any studies proving that these dispensaries increase crime. He voiced his opinion that medical marijuana is beneficial to many people; that bars and cigarettes are more dangerous than marijuana; and that these dispensaries are part of a State law passed by the people.

Mayor Ward closed the Public Hearing at 7:30 p.m.

Councilmember Fahey shared that one of the most troubling trends in the courts is the number of juveniles being picked up for marijuana and possessing bogus prescriptions; that the relationship between marijuana and juvenile probationers who re-offend is 85%; that there is a legitimate reason for this type of Ordinance; and cited her strong belief that this type of establishment would be a nuisance to the community and urged adoption of the Ordinance.

Urging adoption of this Ordinance, Councilmember Aldinger stated that the 45 days will allow staff time to draft the proper Ordinance.

Mayor Ward conveyed his belief that a moratorium is appropriate, noting that no one wants to see children have access to drugs; agreed that the moratorium will give staff time to study how it can be further regulated or banned; and suggested contacting West Hollywood for statistical information on their plan.

MOTION: Councilmember Aldinger moved to adopt Urgency Ordinance No. 2086 establishing a moratorium on medical marijuana dispensaries. 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.

ORDINANCE NO. 2086

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA IMPOSING A MORATORIUM ON MEDICAL MARIJUANA DISPENSARIES IN THE CITY

GENERAL BUSINESS

06/0718.15 Consideration of Initial Recommendations for the Grandview Elementary School Traffic and Parking Study

Traffic Engineer Erik Zandvliet addressed Council with a PowerPoint presentation explaining the initial recommendations for the Grand View Elementary School Traffic Parking Study, which is the third management program area in the neighborhood Traffic Management Plan. He reviewed the proposed plan including general area-wide recommendations and specific recommendations as well as additional recommendations which were the result of meetings with some Councilmembers and the school Principal.

In response to Mayor Pro Tem Tell's comment that the lack of drop-off and pick-up space causes the traffic congestion problem, Traffic Engineer Zandvliet agreed that getting the loading zone to work efficiently is the most important factor and will require a cooperative agreement between the School District and City.

In response to Councilmember Fahey's concern regarding potential traffic flow issues if left-turns are prohibited into the school from eastbound traffic on 24th Street, Traffic Engineer Zandvliet explained that staff believes that the greater safety issue was to relieve congestion at 24th Street and Manor Drive.

Councilmember Montgomery urged that no parking be allowed on 24th Place and that, unless there is a dual lane pick-up area, nothing will work.

The following individuals spoke on this item:

- **Louis LeRoy, 500 Block of 27th Street**
- **Mark Spraght, 500 Block of 24th Street**
- **Rhonda Steinberg, Principal of Grandview Elementary School**
- **Jeff Modisett, 500 Block of 24th Street**
- **Paki Wolfe, PTA President**
- **Nancy Madden, No Address Provided**
- **Marty Friedman, 24th Street & Vista Drive**
- **Faith Lyons, No Address Provided**
- **Diane White, Director of Montessori School**
- **Sue Koenig, 500 Block of 24th Street**
- **Veronica Zelle, 500 Block of 24th Street**

In response to Councilmember Fahey's suggestion that the Montessori School consider moving to the old middle school, City Manager Geoff Dolan commented that the School District already leased the site to the Southern California Regional Occupational Center (SCROC).

Councilmember Aldinger stated that the recommendations are good, convenient, simple and should be implemented. He emphasized that the two-lane loading zone is key to making everything work.

Mayor Pro Tem Tell agreed with Councilmember Aldinger that the problems with the loading zone and cars parking in front of garages need to be addressed or frustrations will continue. He recommended implementing the extension of the drop-off and bypass lane as recommended by Principal Steinberg.

Councilmember Fahey acknowledged the importance of cost considerations but stressed that the safety of the children overrides the cost and that, when it comes to drop-off and pick up congestion, there is no comparison with other schools. She emphasized that the congestion problem also affects residents in the area; voiced her opinion that the City needs to step up and take the lead to resolve this problem; that any construction or redesigning should be done by the City because the School District does not have the funding; stated that she would like to hold hearings to consider making 23rd and 24th streets one-way; reiterated her desire to add crossing guards where needed without conducting a study; urged Council to consider making Manor Drive a pedestrian walkway; and recommended talking to residents about possibly removing some of the landscaping to improve traffic flow and safety.

In response to Councilmember Fahey's concern regarding street sweeping on Wednesdays, City Manager Dolan stated that if it can be rearranged, it will be.

In response to Councilmember Aldinger's suggestion that Manor Drive be made one-way, utilizing rubber wheel stops to delineate half of the street for pedestrians and half for vehicles, Traffic Engineer Zandvliet stated that rubber wheel stops are considered unsafe and suggested the installation of candlestick markers at key locations to help delineate the areas for pedestrians and vehicles.

Councilmember Aldinger suggested, and Council agreed, that items 6 (no left-turns from 24th Street between 2:00 p.m. and 3:30 p.m.) and 7 (prohibit parking on Manor Drive during School hours and paint a white edge line) be studied prior to implementation.

Councilmember Montgomery voiced his opinion that parking on 24th Place should be prohibited as well as diagonal parking on Bell Avenue; that curb parking on the north side of 24th Street should be allowed; that a 10-15 foot red zone should be installed eastbound on 24th Street at Vista Drive; that Council should delay making 23rd and 24th Streets one-way until input is received from residents and increased enforcement of parking regulations is provided; and that vehicles should be prohibited from an “idle and wait” mode.

In response to Mayor Pro Tem Tell’s inquiry regarding the reason Grandview Avenue is not listed as a safety walk zone as opposed to Manor Drive, Traffic Engineer Zandvliet pointed out that Grandview Avenue doesn’t connect with the school, there is no cross walk at this location and that Manor Drive is a natural for pedestrians.

Traffic Engineer Zandvliet reiterated the three items that were added to the possible actions tonight, which include alternatives for loading zones, 10-12 additional parking spaces, and one-way streets, which will require Public Hearings.

City Manager Dolan suggested that Council authorize the use of City staff to extend the loading zone along the chain link fence; consider approval of other recommendations for implementation; perform a general study of one-way streets in the area; and come back with recommendations. He also suggested that item 21 (installation of a curb and sidewalk at an estimated cost of \$20,000) be deferred for further evaluation by staff.

Mayor Ward summarized the Council’s actions as: directing staff to study designating 23rd Street, 24th Street, Grandview Avenue and Manor Drive as one-way streets following implementation of the recommended changes; authorizing additional funding for one crossing guard, as recommended; delaying removal of any landscaping until a review can take place; and denying installation of a “no stopping” zone at this time.

Police Chief Rod Uyeda recommended installation of the white stripe on the east side of Manor Drive stating that it is better than nothing. He also noted that, with the hiring of a second School Resource Officer, there will be more enforcement over the entire school year and that he anticipates it to be safer.

Mayor Ward expressed appreciation for the comprehensive nature of all the testimony and input noting that implementation of the physical aspects will be on a step-by-step basis.

RECESS AND RECONVENE

At 9:18 p.m. the Council recessed and reconvened at 9:30 p.m. with all Councilmembers present.

06/0606.19-16 Consideration of Issues Regarding Regulation of Residential Rentals and Paid Admission Parties

City Manager Geoff Dolan explained that this issue addresses the potential problems caused by homes being rented out for one-night, against which there is no current regulation. He conveyed that staff is looking for guidance from Council as to whether they wish to regulate the minimum number of nights a home could be rented.

In response to Mayor Ward’s inquiry regarding how similar cities handle parties associated with nightly or weekend rentals, City Attorney Robert Wadden explained that Hermosa Beach, Santa Barbara, Carmel, Imperial Beach and Monterey all have specific prohibitions that limit the amount of time you can rent to a minimum of 30 days, while Mendocino County limits the number of vacation rentals allowed in the city. He pointed out that enforcement is difficult and mostly on a complaint basis.

The following individuals spoke on this item:

- **Lance Wedegaertner, No Address Provided**
- **Susan Matt, 1500 Block of 6th Street**
- **Wayne Partridge, No Address Provided**
- **Karol Wahlberg, No Address Provided**
- **Jacque May, No Address Provided**

Councilmember Fahey commented that this problem surfaced when a recent incident involving gang members occurred and that the problem is with absentee-property owners who rent out houses for very short periods of time. She stated that she has no objection to the 30-day minimum but suggested a fair balance would be to prohibit rentals for less than a week in order to allow legitimate weekly rentals of beach homes. She stressed that the police do respond when they are called; that enforcement will be complaint-driven, but, it will give residents the ability to take action against a nuisance property owner; and pointed out that a regulation needs to be implemented that strikes a reasonable balance between property owners' rights and neighborhood rights.

Councilmember Aldinger expressed a desire for an enforceable ordinance that can be effective on a complaint-driven basis while not preventing legitimate weekly rentals. He argued that once the City receives a complaint letter, the property owner will be put on notice; police response should be increased with aggressive enforcement; and that property owners need to understand that renting to unacceptable users is not appropriate.

In response to Mayor Pro Tem Tell's assertion that it is not simply the length of time of the rental but rather what the house is being used for that can cause problems, Police Chief Rod Uyeda clarified that current laws are sufficient to handle problem parties; that no incident is too small to call the police; and that an unruly party can be shut down immediately without additional warnings.

In response to an inquiry regarding habitual violators, City Attorney Wadden stated that it is possible to treat the house as a public nuisance and go after the owner, but there have to be multiple incidences. He also clarified that the City can prohibit paid parties while exempting fundraisers for non-profit organizations.

Councilmember Montgomery expressed support for a law against paid admission parties in residential zones for the entire City.

Mayor Ward argued that the minimum rental should be at least 30 days; that the likelihood of a two-week renter holding a "big-bang" party is small; and that it is a good idea to have a law on the books in case it is needed.

In response to City Manager Dolan's inquiry regarding Council's enforcement expectation if the restriction is limited to one week, City Attorney Wadden stated that the violation would be a misdemeanor and provide some leverage against the property owner.

It was the consensus of Council that City Attorney Wadden be directed to draft an ordinance implementing a restriction on residential rentals of less than one week and include the prohibition of paid admission parties except for non-profit 501C.3 organizations.

06/0718.17 Consideration of the City Council's 2005-2007 Work Plan Item to Purchase and Install Emergency Lifesaving Rings on the Manhattan Beach Pier, and an Appropriation Not-to-Exceed \$1,400 from the City's "State Pier and Parking Lot Fund" For Their Purchase

Fire Chief Dennis Groat explained that there are significant periods of "after-hours" time throughout the year when the lifeguard station on the Pier is not staffed and the first responders are often Fire and Police Departments. He reported that at least three people have drowned over the past ten years as a result of jumping from the Pier that could possibly have been saved with the lifesaving rings. He reviewed staff's recommendation for Council to approve the installation of three lifesaving rings on the Manhattan Beach Pier at a cost not-to-exceed \$1,400. He described the proposed locations for the three rings and recommended installation of tamper-resistant cabinets to help deter vandalism and theft while not impeding emergency access. He also noted that local lifeguards are fully supportive of the City's desire to place the lifesaving rings and cabinets on the Pier.

In response to questions from Council, Fire Chief Groat explained that the cabinet could be marked with specific wording to make it clear that the contents are to be used for emergencies only; that the color of the ring is "international orange"; that the life ring includes a throw rope to enable the rescuer to continue throwing the ring until reaching the person in distress; and that the cabinet would protect the life ring and rope from being easily vandalized.

Council discussed the various proposed locations for the life rings and agreed to purchase one ring to be placed at the end of the Pier in order to determine the necessity for more life rings at other locations on the Pier.

There was no public comment on this item.

MOTION: Councilmember Aldinger moved to approve the purchase and installation of one emergency life saving ring with throw a throw rope to be installed at the end of the Manhattan Beach Pier, to be funded from the City's "State Pier and Parking Lot Fund." 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.

06/0620.19-18 Consideration of a Process for Recruiting, Selecting and Appointing a Steering Committee for the Community Facility Strategic Plan

City Manager Geoff Dolan addressed Council regarding the recommendation from the Community Facility Strategic Plan Sub-committee (consisting of Councilmember Aldinger and Mayor Pro Tem Tell) to recruit members for a Steering Committee.

Councilmember Aldinger explained the importance of recruiting members from a cross section of the community and getting people involved as soon as possible.

Councilmember Fahey recommended using a different term for "development community," including a high school student and former Commissioners and not limiting the eligibility of applicants to the proposed list of titles.

City Manager Dolan explained that, through discussions with the consultant, it was decided that current Commissioner should not be selected because the work will ultimately involve the commissions. He added that he will try to change the wording in this week's advertisement in order not to limit the categories of applicants.

In response to Councilmember Montgomery's expressed desire to make the process more open, allow "at large" Commissioners to apply, and give Councilmembers the opportunity to interview all of the applicants, Councilmember Aldinger stated that while he does not have a problem with Councilmembers interviewing each of the applicants, he does not want to see it become a competitive process among the applicants.

Councilmember Fahey agreed with excluding current Commissioners and those who have a particular agenda. She announced that she will not be present at the August 15, 2006 meeting when the committee will be chosen and asked if the selection could be delayed two weeks.

City Manager Dolan explained that the consultant has been hired for one year and any delays will end up adding time and additional cost to the project. He suggested that Councilmember Fahey review the applications prior to her departure and provide her comments to another Councilmember for inclusion in the decision-making process.

Mayor Pro Tem Tell explained the importance of getting school groups involved to identify people from various cross-sections in the community and suggested that the subcommittee narrow the list down and make recommendations of approximately 15 people to the full Council.

Mayor Ward emphasized that it is the job of the subcommittee to take the list of applicants and make recommendations to the Council who will reduce them down to 15-25.

In response to Councilmember Montgomery's inquiry as to whether there is a requirement for residency, it was the consensus of the Council that although the application does not specifically state the requirement, it is important that applicants be residents of the City.

There was no public comment on this item.

06/0718.19 Consideration of Voting Delegate and Alternate Delegate for the League of California Cities' Annual Conference

City Manager Geoff Dolan explained the requirement for notifying the League of California Cities of the City's Voting Delegate and Alternate Delegate for the League of California Cities' Annual Conference. He explained that typically the Mayor is appointed as the Delegate and the Mayor Pro Tem as the Alternate, if they are attending.

There was no public comment on this item.

MOTION: Councilmember Aldinger moved to appoint Mayor Ward as Delegate and Mayor Pro Tem Tell as the Alternate Voting Delegate for the League of California Cities' Annual Conference. The motion was seconded by Montgomery 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

06/0705.13-3 Consideration of a Resolution Approving a Sign Exception for Installation of Two Electronic Changeable Copy Signs Above the Entrance of the American Martyrs Parking Garage, Located at 624 15th Street

Pointing out that the individual who pulled this item off the Consent Calendar was no longer present at the meeting; Councilmember Fahey made the following motion:

MOTION: Councilmember Fahey moved to adopt Resolution No. 6046. The motion was seconded by Councilmember Montgomery and passed by the following roll call vote

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

RESOLUTION NO. 6046

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MANHATTAN BEACH, CALIFORNIA, APPROVING A SIGN
EXCEPTION FOR THE PROPERTY LOCATED AT 624 15th
STREET (American Martyrs Church)**

AUDIENCE PARTICIPATION

06/0718.28 Jon Chaykowski Re Utility Undergrounding

Jon Chaykowski, 200 Block of John Street, spoke regarding his past testimony before Council regarding undergrounding and his belief that he has been treated unfairly and with bias in the past. He asked Council to give the requests to opt out of District 2 a fair chance by placing it on a future agenda and to direct City staff to investigate options for the lower John Street request to opt out while still allowing the rest of District 2 to go forward, allowing everyone to win.

06/0718.29 Patrick McBride Re Utility Undergrounding

Patrick McBride, 5th Street & Peck Avenue, stated that gerrymandering of undergrounding districts is a serious problem; that the information should remain secret; and argued that there should be minimum requirements for a District (such as a minimum number of houses). He reported that his past suggestions of alternatives for Districts 2, 4 and 6 were not well received and asked Council to fight for the people, not for the utility companies.

06/0718.30 Viet Ngo Re Utility Undergrounding and Metlox

Viet Ngo, No Address Provided, stated for the record, that there is evidence that the microphone was turned off when he tried to report past actions to the federal agencies, interfering with his duty and causing an obstruction of justice. He accused the Council of violating the constitutional rights of property owners in District 2 and 6 and stated that he has contacted the FBI for assistance in prosecuting the Council for this. He said he believes that the U. S. Department of Justice will prosecute Jonathan Tolkin, Metlox LLC and others for committing federal offenses, and stated his belief that some day the Metlox building will belong to the federal government, following the prosecution of Jonathan Tolkin for conspiracy and money laundering.

06/0718.31 Sharon Bush Re Utility Undergrounding

Sharon Bush, No Address Provided, spoke in opposition to the Utility Undergrounding, which she said was forced on many residents who don't want it and can't afford it. She stated that many of the residents of Districts 2 and 6 feel they were blind-sighted by the high cost; are trapped to pay the expensive cost of the undergrounding project; and are being forced to take out large loans or sell their homes. She added that it is disturbing that the Council would continue to push for Undergrounding against the wishes of the residents. She further added that Undergrounding should provide equal safety and aesthetics for the entire city; that it should be paid for by the utility companies and residents (not only the residents) and that it should be ethical, fair, moral and proceed in a democratic manner.

06/0718.32 Robert Bush Re Utility Undergrounding

Robert Bush, No Address Provided, spoke regarding above ground utility poles versus Undergrounding. He said there are those who don't want or need undergrounding and those who have been deceived into thinking there will be improved aesthetics and safety. He argued against the claims of the proponents, including safety, enhanced views, aesthetics, increased property values and more reliability and analyzed each of these claims to dispute them. He asked Council to place the Undergrounding issue at the beginning of the August 1st agenda and expressed appreciation to Council for dealing with this in an ethical manner.

In response to comments by Mr. Bush, Councilmember Montgomery stated that for the 20+ years that utilities have been undergrounded in Manhattan Village, there has not been one Undergrounding issue.

CITY MANAGER REPORT(S)

06/0718.33 City Manager Geoff Dolan Re Next City Council Agenda

City Manager Geoff Dolan reiterated that Utility Undergrounding is on the next agenda; that District 4 will be a separate item; and that it should start by approximately 7 p.m.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

06/0718.34 Councilmember Fahey Re Reporting Attendance at Conferences & Closed Session

Councilmember Fahey reminded Council that anyone who recently attended a conference needs to report it.

She also stated that the Council will be adjourning to a Closed Session at the end of this meeting.

06/0718.35 Councilmember Montgomery Re Attendance at Conference

Councilmember Montgomery announced that he had attended the Independent Cities Association (ICA) Conference over the past weekend and thanked Finance Director Bruce Moe for his presentation at the meeting.

06/0718.36 Councilmember Aldinger Re Attendance at Conference

Councilmember Aldinger announced that he also attended the Independent Cities Association Conference last weekend; that Finance Director Moe's presentation was on filming in different cities; and that he always learns a lot at these conferences.

06/0718.37 Mayor Ward Re Attendance at Conference

Mayor Ward announced that he also attended the Independent Cities Association Conference and reiterated his congratulations to Councilmember Montgomery for being elected Secretary of the ICA Board.

RECESS AND RECONVENE

At 11:20 p.m. the Council recessed into Closed Session.

At 11:50 p.m. the Council returned to Open Session announcing that no actions were taken.

ADJOURNMENT

At 11:50 p.m. the meeting was duly adjourned with the City Council adjourning to the 5:30 p.m. Adjourned Regular Meeting to be followed by the 6:30 p.m. Regular City Council Meeting on Tuesday, August 1, 2006, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

MERNA MARSHALL
Recording Secretary

MITCH WARD
Mayor

ATTEST:

TERRI ALIABADI
City Clerk (Acting)

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR MEETING
JULY 18, 2006**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 18th day of July, 2006, at the hour of 6:33 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 5:34 p.m. and moved to open session at 6:32 p.m.

RECESS AND RECONVENE

At 11:20 p.m. the Council recessed into Closed Session.

At 11:50 p.m. the Council returned to Open Session announcing that no action was taken.

ADJOURNMENT

The meeting was duly adjourned at 11:50 p.m.

ROBERT V. WADDEN, JR.
Recording Secretary

MITCH WARD
Mayor

ATTEST:

TERRI ALIABADI
Acting City Clerk