

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
JANUARY 3, 2006**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 3rd day of January, 2006, at the hour of 6:36 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Alexis Fahey, a 5th Grade Student from Pennekamp Elementary School, led the pledge of allegiance.

ROLL CALL

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

REORGANIZATION

06/0103.1 City Council Reorganization:

a) Approve Minutes of the City Council Adjourned Regular and Regular Meeting of December 20, 2005

MOTION: Councilmember Aldinger moved to approve the subject minutes. The motion was seconded by Councilmember Montgomery and passed by the following unanimous roll call vote:

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

b) Recognition of Outgoing Mayor Joyce Fahey

The Council recognized outgoing Mayor Fahey and presented her with various mementos in appreciation of her service to the City.

c) Selection of Mayor and Mayor Pro Tem

MOTION: Councilmember Aldinger moved to appoint Mayor Pro Tem Ward to serve as Mayor. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote:

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

MOTION: Councilmember Fahey moved to appoint Councilmember Tell as Mayor Pro Tem. The motion was seconded by Councilmember Aldinger and passed by the following unanimous roll call vote:

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

06/0103.2 Ratification of New Council Assignments

Noting that Mayor Ward had removed him as delegate from the South Bay Cities Council of Governments (SBCCOG), Councilmember Aldinger expressed his wish to continue to serve on the committee.

After a brief discussion and explanation that Mayor Ward removed Councilmember Aldinger from the SBCCOG because he wanted more Councilmembers to serve on local oriented committees, Council concurred that Councilmember Aldinger would continue to serve as Delegate and Councilmember Montgomery would serve as Alternate.

MOTION: Councilmember Fahey moved to ratify the Council assignments with the one revision to the South Bay Cities Council of Governments appointing Councilmember Aldinger as Delegate and Councilmember Montgomery as Alternate. The motion was seconded by Mayor Pro Tem Tell and passed by the following unanimous roll call vote:

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

RECESS AND RECONVENE

At 7:06 p.m. the Council recessed and reconvened at 7:33 p.m. with all Councilmembers present.

CEREMONIAL CALENDAR

None.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 3 through 10), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Fahey, seconded by Mayor Pro Tem Tell and passed by the following unanimous roll call vote with the exception of Item No. 4 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

06/0103.3 Consideration of Financial Report: Ratification of Demands - December 29, 2005

The Council approved with no exception Warrant Register No. 14B in the amount of \$2,406,644.76 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.

06/0103.4 Approval of Replacement Vehicle Purchases and Replacement Equipment For Two Budgeted Police Vehicles in the Amount of \$50,021.77; Budgeted Replacement Equipment for Four Police Vehicles in the Amount of \$27,266.31; and One Budgeted Dial-A-Ride Bus in the Amount of \$61,583.88

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

06/0103.5 Consideration of a Resolution Implementing the Findings of Phase III of the Classification Study in the Miscellaneous Unit Covering the Police Department and Creation of a One-Time Retention Incentive Bonus for Police Services Officer

The Council adopted Resolution No. 6012.

RESOLUTION NO. 6012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING THE 2002-2006 TEAMSTERS MEMORANDUM OF UNDERSTANDING AND CREATING A ONE-TIME RETENTION INCENTIVE BONUS FOR THE POLICE SERVICES OFFICER

06/0103.6 Accept Street Right-of-Way Dedication for Rosecrans Avenue/Aviation Boulevard Intersection Improvement Project

The Council adopted Resolution No. 6011.

RESOLUTION NO. 6011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ACCEPTING A REAL PROPERTY DEDICATION AT 3601 AVIATION BOULEVARD

06/0103.7 Disbursement of Progress Payments:

- a) Progress Payment No. 2 in the Net Amount of \$212,919.68 to Alliance Streetworks, Inc. for the Civic Center/Metlox Street Improvement Project
- b) Progress Payment No. 8 in the Net Amount of \$170,405.90 to S.P. Pazargad Engineering Construction, Inc. for the Strand Improvement Project

The Council approved the issuance of the subject progress payments.

BOARDS AND COMMISSIONS

Cultural Arts Commission

06/0103.8 Consideration of Draft Minutes, Cultural Arts Commission Meeting of December 13, 2005

The Council received and filed the subject draft minutes.

Planning Commission

06/0103.9 Consideration of Planning Commission Approval of a Planned Development Permit to Allow a Reduction of On-Site Parking Spaces Due to Proposed Street Widening on Rosecrans Avenue for the Property Located at 3601 Aviation Boulevard

The Council received and filed the Planning Commission decision of approval.

06/0103.10 Consideration of Planning Commission Approval of a Use Permit and Vesting Tentative Parcel Map No. 062476 to Allow Construction of 3 Detached Residential Condominium Units, for the Property Located at 1114 2nd Street

The Council received and filed the Planning Commission decision of approval.

COMMUNITY ANNOUNCEMENTS

06/0103.14 Mayor Ward Re Utility Undergrounding

Mayor Ward announced that the City has received a lawsuit regarding the Utility Undergrounding causing further delay in Districts 2 and 6; that as a result of the lawsuit, the City will not be selling bonds as planned; that the collection process will be postponed until further notice; that if anyone has prepaid their assessment, a letter can be sent to Finance Director Bruce Moe to request a refund; and that anyone still wishing to pay their assessment now may still do so. He further indicated that the City will be sending out a detailed letter to property owners in Districts 2 and 6 regarding how their districts will be affected.

Councilmember Aldinger added that the City does plan on fighting the lawsuit; that the City does plan on moving forward to get the Districts to go through as planned; that the City doesn't believe there is validity to the lawsuit; and that the City will prevail in the end. Acknowledging that the process will be delayed, he encouraged those property owners who voted for the Undergrounding to "hold tight" and stated that he hopes that this issue will be resolved quickly.

PUBLIC HEARINGS

None.

GENERAL BUSINESS

05/0517.19-11 Consideration of Raising a Previously Established Reward from \$25,000 to \$50,000 for Information Leading to the Arrest and Conviction of Those Responsible for the Murder of Libia Cabrera in Manhattan Beach on April 11, 2005

Manhattan Beach Police Sergeant Steve Tobias addressed Council reviewing the background of the murder of Libia Cabrera in April of 2005 and how Council approved a \$25,000 reward for information leading to the arrest and conviction of the person(s) responsible for her murder. He explained that the Manhattan Beach Police Department has been working closely with the Los Angeles County Sheriff's Department on this case and that both agencies believe that increasing the reward to \$50,000 may renew interest and lead to a resolution of the case.

MOTION: Councilmember Aldinger moved to approve raising the previously established \$25,000 cash reward to \$50,000 for information leading to the arrest and conviction of the person or persons responsible for the murder of Libia Cabrera. The motion was seconded by Councilmember Fahey and passed by the following unanimous roll call vote:

Mayor Ward pointed out that the murder occurred in the 100 Block of 28th Street on April 11, 2005, and that any information may help to solve the crime.

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

Police Sergeant Tobias introduced Sergeant Randy Seymour of the Los Angeles County Sheriff's Homicide Bureau, who was in the audience, and thanked him for his help with this investigation.

06/0103.12 Consideration of Marketing Plan for Parking Meter Cash Keys

City Manager Geoff Dolan introduce this tem explaining that over the last few months all parking meters in the City have been retrofitted to accept cash keys.

Finance Director Bruce Moe addressed Council with a PowerPoint presentation—explaining that as part of the Council's 2005-2007 Work Plan staff was directed to work with the Chamber of Commerce (COC) and the Downtown Manhattan Beach Business and Professional Association (DMBBPA) to develop a proposed marketing plan for parking meter cash keys. He explained that cash keys are a programmable device which deducts 25 cents from the key balance for each insertion; that the City pays \$15 each for each key; that a \$10 deposit is collected; that there are 260 cash keys in circulation; and that they are rechargeable and recyclable. He reviewed the benefits to the user and to the City; the program objectives; the possible distribution points; and pointed out that the cash keys can be made available through the mail or on-line. He detailed the pros and cons and stated that Staff, the COC and DMBBPA are recommending a 3-phase approach. with Phase 1 beginning immediately, he explained that Phase I would consist of adding the COC as a distribution site, accepting orders through the mail and implementing the marketing outreach tools to "spread the word" as discussed earlier. He added that, as part of Phase II in the spring of 2006, staff will attempt to identify 2-3 retailers in the downtown area willing to distribute cash keys on a trial basis and develop an e-commerce module. He further indicated that, if Council agrees, Phase III would begin in Fiscal Year 2006-2007 and include remote recharging stations in high traffic areas. In conclusion, Finance Director Moe

emphasized that all City parking meters are cash key ready; that staff recommends a phased approach that would include the larger capital costs in the next budget process; and that staff will continue to work with the COC and DMBBPA to promote the use of cash keys.

Council held discussion with Finance Director Moe regarding tracking of cash keys, other possible distribution locations, using the cash keys as give-a-ways, the cost and capabilities of vending machines for cash keys and appropriating the necessary money from the Parking Fund.

There was no public comment on this item.

Following additional discussion Council concurred to direct staff to implement Phase I of the Marketing Plan and to bring the issue back to Council for approval once staff has determined the appropriate location(s) and whether one machine can provide both services (dispensing and charging or the keys).

05/1101.15-13 Consideration of a Request for Proposals for Providing a Fixed Route Weekend and Summer Public Trolley Service

City Manager Geoff Dolan introduced this item explaining that Council was intrigued by the initial presentation and directed Staff to develop a Request for Proposal (RFP).

Management Analyst Rob Osborne addressed Council reviewing the details of the RFP including that the service would only be in operation during the summer and weekends and that the hours would be from 11:00 a.m. to 7:00 p.m. He explained that an outside operator would probably need to be brought on board; that some operators may not be interested due to the seasonal nature of the service; that only one vehicle would be used; that a one loop route would be approximately 45 minutes long; and that additional buses could be added. He pointed out that some potential operators, using grant fund monies, may have to charge a fee to qualify and that while customization is available, it would add to the cost. In conclusion, Management Analyst Osborne reported that Staff's next step is to release the RFP, review the bids that come in and then bring the results back before the Council.

Council held discussion with Management Analyst Osborne after Councilmember Fahey informed Council that a similar service was provided by the City in the mid 1980s and that the service was not very successful. Council continued to discuss the possible route through the City, the possibility of adding additional vehicles to make it more convenient; the issue of reserve vehicles including the possibility of using the Dial-A-Ride bus as a backup; and whether a minimum fare amount is required of those potential operators using grant funds.

Council concurred to add the requirement that an alternative fuel vehicle be used in the RFP.

The following individuals spoke in this item:

- **Esther Besbris, 2nd Street**
- **Patrick McBride, 5th Street and Peck Avenue**
- **Gary Osterhout, 500 Block of 31st Street**
- **Bill Victor, No Address Provided**

Councilmember Aldinger stressed that his intention of the service was to improve the quality of life for residents and to provide a method for residents to get back and forth, across Sepulveda Boulevard, to the downtown area without having to drive and find a parking place. Expressing concern that the part-time October through May operating hours may not generate enough use, Councilmember Aldinger suggested either making it a summer only service with hours beginning at 8:30 or 9:00 a.m. or providing the service on a daily basis to help kids get to school. Commenting that it could be a big mistake to ignore history, Councilmember Fahey stressed the

need to talk to past Councilmembers and residents and find out why the previous transportation service failed; that, realistically, more than one bus would be needed; that she is strongly opposed to the idea of the City providing transportation service for children to get to school, citing liability and scheduling issues; and that residents should be surveyed to find out whether there is an interest in the service.

Asserting that his intention for the service was for residents, not commercial ventures, Councilmember Montgomery emphasized that, as a former east side resident, he is interested in a service allowing residents to get from the east side of town to the beach area; that further research needs to be conducted regarding what happened with the previous transportation service and that the schedule, number of vehicles and route need to be decided first before any money is spent.

Mayor Pro Tem Tell suggested broadening the RFP to encompass suggestions from other successful operators and stated that it sounds like the previous service's mistake was that of a convenience issue, which could be solved, but will cost more money. Mayor Pro Tem Tell voiced support to go forward with the RFP (with the understanding of all the associated issues); bring it back for public input; and then survey residents once it is more specifically defined.

Mayor Ward observed that it appears that the Council has concurred to gather additional information while still going forward with the RFP which will include some additional specifics; and then, at that point, possibly a survey will need to be conducted to provide more information. He voiced his concern regarding the City's prior transportation service, stating that he was not aware that the City had attempted it before, and that he would like to have all the specifics on why it was not successful. He also concurred that his intention was to transport residents, not visitors, to and from the downtown and beach; agreed with Councilmember Aldinger that the shuttle should start earlier; and agreed with Councilmember Fahey that the service should not include transporting students to school. In conclusion, Mayor Ward, with Council consensus, directed staff to issue the RFP and return to Council for additional discussion after they have been reviewed.

Following brief Council discussion regarding whether or not to include the Saturday and Sunday service during the non-summer months, City Manager Dolan suggested that the RFP include a separate bid for both and a per-hour quote in case the program is expanded in the future.

Councilmember Fahey also added that if kids are part of the target ridership, scheduling would need to be readdressed due to the fact that the Manhattan Beach Unified School District will be changing the start date and some vacation dates for school next year.

Councilmember Montgomery requested clarification that a low emission vehicle would be required in the RFP to which Management Analyst Osborne answered that it would.

In response to Councilmember Aldinger's comment that he would like to have the service in place by June, Mayor Ward stressed that while he would also like for the service to be in place by June, the City owes it to the residents to research this issue, not hurry the process along and not be pressured to start by a specific date.

Acknowledging that he and the current Council were not with the City of Manhattan Beach in the mid 1980s, City Manager Dolan appealed to the public for anyone having any information on the previous trolley system to contact City Hall.

ITEMS REMOVED FROM THE CONSENT CALENDAR

06/0103.4 Approval of Replacement Vehicle Purchases and Replacement Equipment For Two Budgeted Police Vehicles in the Amount of \$50,021.77; Budgeted Replacement Equipment for Four Police Vehicles in the Amount of \$27,266.31; and One Budgeted Dial-A-Ride Bus in the Amount of \$61,583.88

A member of the audience pulled this item from the Consent Calendar for Council discussion.

The following individual spoke on this item:

- **Bill Victor, No Address Provided**

Mayor Ward briefly explained for the public what the subject matter being discussed is about.

In response to **Mr. Victor's** questions regarding this item, City Manager Geoff Dolan emphasized that all of **Mr. Victor's** questions are addressed in the staff report; that they are all budgeted replacement vehicles; that they are low bid items; and that the vehicles need to be replaced because they are beyond their useful life.

MOTION: Councilmember Aldinger moved to approve the award of RFB# 676-06 to Villa Ford in the amount of \$50,021.77 for the budgeted replacement of two police undercover investigation vehicles; waive formal bidding per Municipal Code Section 2.36.140 (waivers); approve an award of order to South Bay Regional Public Communications Authority for the budgeted replacement of equipment for four police patrol vehicles in the amount of \$27,266.31; waive formal bidding per Municipal Code Section 2.36.150 (cooperative purchasing) and approve an award of order to A-Z Bus Sales for the purchase of a Dial-A-Ride vehicle in the amount of \$61,583.88 using current year budgeted Proposition A Local Transportation Funds. The motion was seconded by Councilmember Fahey 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

06/0103.15 Dave Wachtfogel Re Proposed Trolley System

Dave Wachtfogel, No Address Provided, suggested that staff contact former Councilmembers who were in office in the mid 1980s to try and obtain information on the former trolley service.

06/0103.16 Patrick McBride Re Dial-A-Ride Bus Service

Patrick McBride, No Address Provided, informed Council that the City's Dial-A-Ride service, which is great for many things, does not work well for doctor appointments. He explained that because the length of a doctor appointment can vary from a few minutes to several hours, it is very hard to use the Dial-A-Ride service. He explained that cities such as Hermosa Beach issue taxi vouchers which work very well for trips of unknown length and suggested that the City consider adding them.

06/0103.17 Alice Priboy Re Utility Undergrounding

Alice Priboy, No Address Provided, commented that she is losing sleep over the cost of Utility Undergrounding and that several of her friends never received information on it. She also began to comment on an article in the Easy Reader newspaper regarding Councilmember Aldinger and questioned why he is still a City Councilmember.

Mayor Ward interjected and informed **Ms. Priboy** that she must refrain from any further personal attacks.

06/0103.18 Steven Robins Re Suggested to the Municipal Code

Steven Robins, 1800 Block of Herrin Avenue, addressed Council regarding some of the language in Section 5.01 of the City's Municipal Code regarding dogs and urged them to change it. He spoke of this particular language as being subjective and that enforcement of the Code by this qualitative information does not ensure fair and equitable enforcement – it ensures that the least tolerant resident will set the standard. He requested that Council make mediation mandatory for this type of issue and to refine the Code to include definitive measures based on normal canine behavior.

06/0103.19 Esther Besbris Re Utility Undergrounding

Esther Besbris, No Address Provided, questioned the comment “we shall prevail” made by one of the Councilmembers in response to the lawsuit filed on Utility Undergrounding emphasizing that it was her understanding that the City is a neutral partner in the Utility Undergrounding. She inquired why local newspapers were not notified about the extension of the cash collection period, which was announced at the last City Council meeting, and shared that it was only in the *Easy Reader* newspaper as a result of their call to her to verify the announcement. She stated that she therefore called the City's Finance Department and verified that anyone coming in to pay their assessments would be told about the extension; however, she knows that not everyone was given this information. **Ms. Besbris** further added that there are too many unanswered questions and anxiety and not enough response.

Mayor Ward emphasized that Utility Undergrounding is a resident driven issue; that the Council has always taken a “back seat” trying to facilitate whenever Council could; and while the statement made, “we shall prevail” was in reference to prevailing over the lawsuit, it was a statement made only because now the City Council is being sued.

06/0103.20 Bev Morris Re Utility Undergrounding

Bev Morris, No Address Provided, questioned who was responsible for “getting the word out” to residents of Districts 2 and 6 regarding the extension. She referred to a letter sent out in August of 2005 estimating that the assessments would be between \$8,000 - \$10,000, yet, when the ballots came out the price was 3-4 times these amounts. She also commented that some may have been under the impression that to not vote would count as a “no” vote and that it is important to make sure residents understand that they need to cast either a “yes” or “no” vote.

City Manager Dolan apologized for any misunderstandings and if more could have been done; however, going forward refunds can be issued, payments can be delayed until the lawsuit is settled; and letters will be sent out to every property owner in Districts 2 and 6, within the next few days outlining the status of the Districts, the litigation and the financing.

In response to Councilmember Fahey's question regarding who would receive the letters and a commitment, City Manager Dolan responded that only property owners in Districts 2 and 6 would receive the letter and that he knows that the City's Controller, Henry Mitzner, personally

spoke to many of those coming to pay their assessments and spoke highly of his integrity.

Council and City Manager Dolan assured the community that going forward everyone will be told that they are not required to pay right now.

06/0103.21 Jon Chaykowski Re Utility Undergrounding

Jon Chaykowski, 200 Block of John Street, emphasized that the final costs for Utility Undergrounding were four times what the original estimates were; that a moratorium on Undergrounding should take place; and that the City added to the general misinformation by estimating the costs to be from \$10,000 - \$18,000. He also pointed out that sections of the Streets and Highway Code and the United States Constitution allow for the petition presented to the City by the lower John Street residents in November of 2005 to be considered; therefore, he requested that the petition be placed on the January 17, 2006 City Council agenda.

Mayor Ward clarified that, although previous Undergrounding Districts were more reasonably priced, the letters from the City regarding the estimated Undergrounding costs were based upon calculations from the utility companies prior to Hurricane Katrina and various other factors.

06/0103.22 Bill Victor Re Utility Undergrounding

Bill Victor, No Address Provided, stated that the City had a duty to emphasize that the initial figures for Undergrounding were only estimates; that there are those that believe that Proposition 13 residents are being forced out of town in order to gain revenue for the City; and emphasized that the wires were there when residents purchased their properties.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS & COMMITTEE REPORTS

06/0103.23 Councilmember Montgomery Re Presentation to Councilmember Fahey

Councilmember Montgomery presented flowers to Councilmember Fahey upon her leaving the office of Mayor.

06/0103.24 Councilmember Aldinger Re Changes to Municipal Code

In response to Councilmember Aldinger's question as to whether changes are needed to the Municipal Code regarding the issues discussed by **Mr. Robins**, City Attorney Robert Wadden explained the process for how complaints of this nature are handled and that it works well. He further added that **Mr. Robins** has been convicted of a misdemeanor in regard to his dogs.

ADJOURNMENT

At 9:10 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, January 17, 2006, in said City.

TERRRI ALIABADI
Recording Secretary

MITCH WARD
Mayor

ATTEST:

LIZA TAMURA
City Clerk

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR MEETING
JANUARY 3, 2006**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 3rd day of January, 2006, at the hour of 5:36 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

ROLL CALL

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

CLOSED SESSION

The Council recessed into Closed Session at 5:36 p.m. and moved to open session at 6:22 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:22 p.m.

ROBERT V. WADDEN, JR.
Recording Secretary

JOYCE FAHEY
Mayor

ATTEST:

LIZA TAMURA
City Clerk