

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
JUNE 21, 2005**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 21st day of June, 2005, 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

Human Resources Director Marcie Scott led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL ITEMS

05/0621.1 *Presentation of Commendations to the Reinstein Family for Their "Extraordinary Citizenship" in Helping to Educate the Public on Mesothelioma*

Mayor Fahey announced that the Reinstein Family was unable to attend and will be rescheduled for a future City Council meeting.

05/0621.2 *Presentation of Commendations to Pacific Elementary and Pennekamp Elementary Schools for their Students' Extraordinary Citizenship in Participating in the Cans for Cash Recycling Event*

Senior Management Analyst Steve Didier introduced **Lisa Ryder** of Waste Management who facilitated the Cans for Cash Recycling Program in the schools.

Ms. Ryder first commended the City Council and the City of Manhattan Beach for their recycling efforts and acknowledged that the City had reached 53% diversion for the month of May. She then announced the winners of the Cans for Cash Recycling Program, first place to Pennekamp Elementary School and second place to Pacific Elementary.

Mayor Fahey, on behalf of the Council, presented certificates to **Susan Warshaw**, Pennekamp School PTA President and **Hilary Ellson** representing Pacific Elementary School.

05/0621.3 *Presentation of Certificates Recognizing the Manhattan Beach Academy Class of 2004-2005*

City Manager Geoff Dolan summarized the goals of the Manhattan Beach Academy and reported on the success of the third year graduates.

The Council presented a certificate of recognition to each member of the Manhattan Beach Academy Class of 2004-2005.

CONSENT CALENDAR

In response to Councilmember Aldinger’s question regarding the \$50,000 for the Strand Bench/Alcoves, City Manager Geoff Dolan clarified that the Cultural Arts Commission is developing a program with guidelines and a Request for Proposal (RFP) to be presented to the Council in August for their consideration.

The Consent Calendar (Item Nos. 4 through 15), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Mayor Pro Tem Ward, seconded by Councilmember Montgomery and passed by unanimous roll call vote with the exception of Item Nos. 12 and 15, which were considered later in the meeting under *Items Removed from the Consent Calendar*.

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

GENERAL CONSENT

05/0607.2-4 Approve Minutes of the City Council Regular Meeting of May 17, 2005 (Continued from the June 7, 2005 City Council Meeting)

The Council approved the subject minutes.

05/0621.5 Approve Minutes of the City Council Adjourned Regular and Regular Meeting of June 7, 2005

The Council approved the subject minutes.

05/0621.6 Consideration of a Certificate of Acceptance from Los Angeles County for a Portion of the Library Site for the Police & Fire Facility Project

The Council approved the certification of acceptance from the County of Los Angeles for a small portion of the Library property for construction of the below-grade parking structure associated with the Police & Fire Facility project.

05/0621.7 Consideration of Financial Reports:
a) Ratification of Demands: June 16, 2005
b) Investment Portfolio for the Month Ending May 31, 2005
c) Financial Reports for the Month Ending May 31, 2005

The Council approved with no exception Warrant Register No. 26B in the amount of \$4,110,271.40 in payment of ratification of demands and claims as prepared by the Director of Finance, together with the original demands and claims as prepared by said Warrant Register; received and filed the Investment Portfolio for the month ending May 31, 2005; and received and filed the Financial Reports for the month ending May 31, 2005.

05/0621.8 Approval of Three-Year Contract with Microsoft Corporation for Enterprise Agreement Software Licensing and Award of Order to CompuCom Systems to Obtain License (\$131,543)

The Council waived further bidding per Municipal Code Section 2.36.150 (Cooperative Purchasing); approved a three year contract with Microsoft Corporation for Enterprise

Agreement Software Licensing; and approved awarding an order to CompuCom Systems to obtain the licenses in the amount of \$131,543.

05/0621.9 Consideration to Award a Contract to Melad and Associates for Building Plan Review, Fire Protection Plan Review, Building Inspection, and Other Related Services

The Council approved the award of a contract to Melad and Associates to provide building plan review, fire protection plan review, building inspection, and other related services.

- 05/0621.10 Disbursement of Progress Payments:
- a) Progress Payment No. 3 in the Net Amount of \$154,390.56 to S.P. Pazargad Engineering Construction, Inc. for the El Porto Retaining Wall Project
 - b) Progress Payment No. 1 in the Net Amount of \$177,750 to John T. Malloy, Inc. for the 2003-04 Water Main Replacement Project
 - c) Final Payment in the Net Amount of \$69,291 to Pavement Coatings; Formally Accept the Streetscape Slurry Seal Project as Complete; and Authorize Filing of the Appropriate Notice of Completion

The Council approved the issuance of the subject final payment and progress payments; formally accepted the Streetscape Slurry Seal Project as complete; and authorized the filing of the appropriate Notice of Completion.

BOARDS AND COMMISSIONS

Cultural Arts Commission

05/0621.11 Consideration of Draft Minutes, Cultural Arts Commission Special Meeting of May 25, 2005

The Council received and filed the subject draft minutes.

Parks and Recreation Commission

05/0621.12 Consideration of Draft Minutes, Parks and Recreation Commission Meeting of May 23, 2005

Item No. 12 was pulled from the “CONSENT CALENDAR”. Please refer to “ITEMS REMOVED FROM THE CONSENT CALENDAR.”

Parking & Public Improvements Commission

05/0621.13 Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of May 26, 2005

The Council received and filed the subject action minutes.

05/0621.14 Uphold the Parking and Public Improvements Commission Recommendation to Approve Extension of an Existing Red Zone on the South Side of Rosecrans Avenue, West of Flournoy Road

The Council approved the Parking and Public Improvements Commission recommendation to extend the existing red zone on the south side of Rosecrans Avenue, west of Flournoy Road,

eight feet to the west.

Planning Commission

05/0621.15 *Consideration of a Planning Commission Decision to Approve a Master Use Permit Amendment for Modifications to the Previously Approved Alcohol Sales and Special Events at the Shade Hotel, Metlox Site, 1221 North Valley Drive*

Item No. 15 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

COMMUNITY ANNOUNCEMENTS

05/0621.22 *Viet Ngo Re Alleged Council Conspiracy*

Viet Ngo, No Address Provided, spoke regarding alleged Council conspiracy.

Mayor Fahey explained that this was not a community announcement and requested that **Mr. Ngo** be seated.

05/0621.23 *Lynn Harris Re Support for AB 359*

Lynn Harris, 100 Block of 15th Place, explained that she was seeking support for AB 359, which is the bill for a dog park at Dockweiler Beach; that Senator Debra Bowen voted for the bill; that a "thank you" note to her would be appreciated; and that www.freeplay.com and www.fidonow.com can answer any questions about the issue.

05/0621.24 *Mayor Fahey Re Last Day of School*

Mayor Fahey commented that tomorrow is the last day of school and urged everyone to have a heightened awareness of pedestrian safety, bicycle safety, children in the neighborhoods and to please be careful.

PUBLIC HEARINGS

05/0517.23-16 *Consideration of an Ordinance to Adopt the Most Recent California Electrical Code and City Amendments*

City Manager Geoff Dolan stated that this item was previously presented at the May 17, 2005, City Council meeting; that there is no further Staff presentation; and that the item tonight is to consider the three year update of the Electrical Code.

Mayor Fahey opened the Public Hearing at 6:47 p.m.

Hearing no requests to speak, Mayor Fahey closed the Public Hearing at 6:48 p.m. and the following motion was made.

MOTION: Councilmember Aldinger moved to adopt Ordinance No. 2077 approving the most recent California electrical code and City amendments. 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.

ORDINANCE NO. 2077

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING CHAPTER 12 OF THE MANHATTAN BEACH MUNICIPAL CODE TO ADOPT BY REFERENCE THE RULES, REGULATIONS, PROVISIONS AND CONDITIONS SET FORTH IN THE MOST RECENT CALIFORNIA ELECTRICAL CODE AND CITY AMENDMENTS

GENERAL BUSINESS

05/0621.17 Receive Input Regarding the Upcoming City Council Work Plan Session

Mayor Fahey asked for comments regarding priorities or recommendations for the City Council to discuss at the upcoming City Council Work Plan Session.

The following individuals spoke on this item:

- **Helen Codron, No Address Provided**
- **Stephen Spiegel, Walnut Avenue**
- **Lynn Harris, 100 Block of 15th Place**
- **Esther Besbris, 2nd Street**
- **Sandra Seville-Jones, 6th Street**
- **Gerry O'Connor, No Address Provided**

In response to earlier comments Mayor Fahey explained that this meeting was the same as the Town Hall Meeting held last year.

Councilmember Aldinger asked the public for ideas that they would like to contribute for the Council to discuss at the Work Plan Meeting and thanked those who had already made comments.

Mayor Fahey also thanked everyone for their input.

05/0621.18 Consideration of a Marketing Plan for the Manhattan Beach Parks and Recreation Department Programs and Activities

Parks and Recreation Director Richard Gill announced that the **Blu Moon Group** was hired to develop a marketing plan for the department and then introduced **Judy Diethelm** and **Leslie Berliant** to explain the components of the **Blu Moon** Project.

Ms. Berliant acknowledged that the purpose of the marketing program is to create corporate partners for City events and presented a PowerPoint presentation identifying the components of the program.

Ms. Diethelm emphasized that the initial goals are to raise revenues; to formalize and package events to produce higher quality events; and to develop meaningful relationships with corporate partners so that they receive proper recognition.

Ms. Berliant summarized the process for developing customized sponsorship packages for all

levels of commitment and explained that by changing the approach of asking for donations or sponsorships, the relationship would be mutually beneficial for the City and the business.

In response to Councilmember Aldinger's question, **Ms. Diethelm** answered that it is an innovative program of the City and the Parks and Recreation Department and that many companies now have municipality marketing divisions.

Mayor Fahey explained that she was encouraged by the fact that **Ms. Diethelm** is a Manhattan Beach resident.

Council held a brief discussion with the **Blu Moon Group** and in response to Council questions **Ms. Diethelm** and **Ms. Berliant** clarified that companies are inundated with solicitations on a daily basis; that they often get little recognition in return; and that under the package program they are proposing, companies can budget for expenditures on an annual basis.

Mayor Fahey concurred, stating that when she was soliciting for the "Treasured Seniors", there were many other corresponding events; that it makes sense to package sponsorships; and that it would be beneficial to all.

In response to Councilmember Aldinger's concerns about "plastering ads" around town, **Ms. Berliant** explained that **Blu Moon** is looking for guidelines and parameters from the City; that the criteria for ads and logos would be determined by Staff or the City Council; and that these packages would be "works in progress".

City Manager Geoff Dolan acknowledged that anything permanent would have to be approved by the Council; and that initially, Council could give approval for the flexibility to start with non-permanent items such as advertising, brochures, t-shirts, etc.

In response to Council's questions, Parks & Recreation Director Gill conveyed that Staff is looking to enter into an agreement with **Blu Moon** to get started with the marketing packages; that prices have been raised for facilities and classes; that Staff has reached the maximum recovery of costs; and that Staff doesn't have the time or the expertise to accomplish these new goals.

Mayor Fahey echoed that it makes sense as a practical, professional way to rely on someone with marketing expertise.

The following individuals spoke on this item:

- **Sandra Seville-Jones, No Address Provided**
- **Lynn Harris, 100 Block of 15th Place**

Mayor Pro Tem Ward expressed concern with over commercialization; however, with strict direction and control by the City Council, that the proposed packages should be explored with the "market". He further indicated that he liked the family packages.

City Manager Dolan relayed that if Council is supportive of this project, that Staff would like authorization to sign a contract immediately; that if this is sent to a Commission, the downside is it could take a couple of months; that summer would be almost over and key marketing opportunities could be missed; however, the upside is a more thorough review and more discussion.

Councilmember Tell stated that if Council approves a contract, that he would like Parks and Recreation Director Gill to use Staff to provide more detail and guidance on some of these issues in terms of logos, signage, etc.

Mayor Fahey questioned the need for it to go to a Commission at all, explaining that how the presence of sponsors is accomplished is an issue for Council to decide.

Council held a brief discussion with Parks and Recreation Director Gill regarding the cost of this marketing project and how **Blu Moon** was selected. Parks and Recreation Director Gill communicated that **Blu Moon** was selected through the Request for Proposal (RFP) process and that other vendors were much more expensive.

City Manager Dolan agreed that **Blu Moon** had the best skills for the least amount of money.

Council then further discussed the issues of: sending the matter to a commission; which commission would be appropriate, taking a hybrid approach, or forming a sub-committee.

Council concurred that they would like to form a subcommittee with Councilmember Tell and Councilmember Aldinger representing the City Council and asked the Cultural Arts Commission and the Parks and Recreation Commission to each appoint a member.

Hearing no objections, it was so ordered.

City Manager Dolan clarified that, because of the makeup of the subcommittee, all meetings will have to comply with the Brown Act and be noticed and open to the public.

In response to Councilmember Aldinger, City Attorney Robert Wadden confirmed that all meetings need to comply with the Brown Act.

MOTION: Mayor Pro Tem Ward moved to approve the Marketing Plan for the Manhattan Beach Parks and Recreation Department programs and activities and approve authorizing the City Manager to negotiate an agreement with Blu Moon Marketing Corporation. 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.

RECESS AND RECONVENE

At 8:08 p.m. the Council recessed and reconvened at 8:21 p.m. with all Councilmembers present.

05/0621.19 Information and Discussion Regarding the 2005 City of Manhattan Beach Annual Arts Festival

Parks and Recreation Director Richard Gill explained that, faced with losing their marketing person for the annual Arts Festival, Staff thought it appropriate to bring to Councils' attention that revenues were declining and that it might be advantageous to move the Arts Festival to Polliwog Park for cost saving purposes. He clarified that, now with the hiring of the **Blu Moon Group** (which took place earlier in the meeting), the consideration to relocate the Arts Festival might not be necessary and that this item was informational.

In response to Councilmember Aldinger's remarks about moving the Arts Festival to the Metlox Plaza, City Manager Geoff Dolan stated that it is a possibility and that after the opening of the Plaza this fall, many possibilities could be explored.

Parks and Recreation Director Gill agreed with Councilmember Ward's statement that it was not the quality of the event causing declining revenues, but rather a lack of sponsorship. He further added that as sponsorships declined, the number of booths decreased; however, last year there was an excellent turnout.

City Manager Dolan acknowledged that Staff's recommendation is to receive and file.

Mayor Fahey moved to receive and file the subject report.

Hearing no objections, it was so ordered.

05/0621.20 Consideration of the Police & Fire Facility / Metlox / Public Improvements Project Status Report, Disbursement of Progress Payment #15 in the Net Amount of \$1,349,616 to Swinerton Builders, Authorization to Purchase Parking Meters and Related Parts and Accessories for an Amount Not-to-Exceed \$63,250, Appropriation of Funds and Approval of Text Panel Language for the Plaza

Deputy City Manager Sherilyn Lombos presented an update on the Police & Fire Facility / Metlox / Public Improvements construction projects noting the various means for the community to obtain information regarding the construction projects and also commented that the new facility will be very energy efficient.

Jonathon Tolkin, Metlox LLC, (developer of the Metlox Project) shared with the Council an update of the project, stating that schedules have been delayed because of the weather; that the project could be finished by the end of September, but the grand opening would more likely be in October. **Mr. Tolkin** acknowledged many of the tenants and stated that by the opening of the project, it would be 100% leased; that as the commercial projects are being finished, the features of the plaza are being implemented such as the fountains, landscaping and graphic designs for the parking garage which will integrate the history of Metlox.

Council held a brief discussion with **Mr. Tolkin** regarding the development determining that while some materials have been delayed, progress continues in new areas and that tenants are building out store fronts.

In response to Mayor Pro Tem Ward's questions concerning the graphics brochure, **Mr. Tolkin** clarified that the purpose of the graphics is to identify the stairwells; integrate part of the history of Metlox using actual chards of pottery in the images; and that it would not be painted but inlaid with chards of the Metlox Pottery and other tile pieces in a very abstract way.

Council held a brief discussion regarding the proposed rooster graphics and determined that it

might be too abstract and that the art around the exit signs and the trash cans was suitable.

There was no public comment on this item.

Public Works Director Neil Miller presented an update on the recommendations of the Police & Fire Facility Sub-committee for the Civic Center parking encompassing five different areas including free spaces, handicap, metered and staff parking for a total of 210 spaces; and that additionally there would be 126 secured parking spaces for the Police & Fire in-service and employee vehicles. Public Works Director Miller emphasized that there will be some trial parking spaces; that there could be changes in the future; and that tonight Staff is seeking approval for the purchase of the parking meters and related parts and accessories.

Responding to Mayor Fahey's comments about Cash Key meters, Public Works Director Miller noted that all meters purchased in the future would be Cash Key ready.

Mayor Fahey suggested that when Metlox opens, the City hold another promotion for 50% off on the Cash Key Program.

There was no public comment on this item.

MOTION: Councilmember Tell moved to waive formal bidding per Municipal Code Section 2.36.140 (waivers); approve awarding an order to Duncan Parking Systems for an amount not-to-exceed \$51,000; and appropriate \$63,250 from the Parking Fund. The motion was seconded by Councilmember Aldinger and passed by the following unanimous roll call vote:

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

Deputy City Manager Lombos gave a brief presentation on text panels to be located in the plaza near the Emergency Operation Center (EOC) Training Room. She explained that the panels would be 20 feet long; that the lettering would be stainless steel, flush with the concrete; and that they would be approximately 4 to 6 inches wide in a sweeping motion. She clarified that it was envisioned by the designers that these panels be an enhancement to the plaza and that the Police & Fire Facility Sub-committee decided that civic quotes, that might be seen in a courtroom or a library, would be appropriate.

Mayor Pro Tem Ward conveyed his agreement for the selected quotes, citing that they seemed to convey Manhattan Beach.

The following individual spoke on this item:

• **Karol Wahlberg, No Address Provided**

Council held a brief discussion on the merits of the various quotes and decided that the following three quotes would be appropriate:

1. *“Government of the people, by the people, for the people, shall not perish from the Earth.”*
~Abraham Lincoln

2. *“The government is us; we are the government, you and I.”*
~Theodore Roosevelt
3. *“For what avail the plough or sail, or land or life, if freedom fail?”*
~Ralph Waldo Emerson

MOTION: Councilmember Tell moved to approve the three quotes for the text panels in the Plaza. 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.

City Manager Geoff Dolan gave a brief presentation on the preliminary “look-ahead” analysis of the Police / Fire Facility, stating that this is a projection as to how the City is doing at this point of the project and it is necessary to respond to requests to add some items back in that were cut out through value engineering.

City Manager Dolan commented that there is \$500,000 of project add-backs being considered; that the Police & Fire Facility Sub-committee had approved the solid surface change, which is changing from Formica to Corian, and the built-in casework, which is cabinetry and shelving. He communicated that the other add-back items are a conference room wall and a simulator room for Police and a break room for Fire Administration; and that these items are each under \$100,000 and can be approved by the Police & Fire Facility Sub-committee. City Manager Dolan clarified that the \$700,000 estimated for project tie-ins to City Hall / Civic Center were items which would come back to the entire Council for consideration. He reported that the money could be used to revamp a 40 year old lobby that has orange tile, the Council Chambers with chairs that nobody likes and walls that need painting. City Manager Dolan further added that some preliminary estimates had been received for a new roof, paint, and landscaping so that everything “ties-in” and emphasized that all of these items would be brought to Council for approval. He concluded his presentation by stating that Staff still feels comfortable with the budget and that if projections are accurate, (\$500,000 spent on add-backs and \$700,000 on project tie-ins) the project can still be completed \$600,000-\$700,000 under budget. He restated that the bottom line is “assuming no unforeseen things happen, we should be very comfortable with the budget amount.”

In response to Councilmember Tell’s question about the timing issue, City Manager Dolan stated that the add-backs need to be implemented now and the Civic Center tie-ins would possibly be coming back to the Police & Fire Facility Sub-committee and then the Council in the next month.

Councilmember Aldinger stated that he was not comfortable with the Police & Fire Facility Sub-committee authorizing \$500,000 of add-backs; that he thought the intention was to save the money for possible Capitol Improvement Projects (CIP) in the future; and that he was hoping for the contingencies to come back to the General Fund .

Council held a brief discussion about the add-backs and Mayor Pro Tem Ward expressed that he was comfortable with these items and felt it was an excellent opportunity to add quality to the project.

Councilmember Tell conveyed that “contingencies” are expected to be spent; that items were

removed to reduce the budget; and that if the plan was to add-back at some time, it is probably cheaper to do it now.

There was no public comment on this item.

MOTION: Mayor Pro Tem Ward moved to receive and file the subject report on the Police & Fire Facility / Metlox / Public Improvements projects and approve issuance of Progress Payment #15 in the Net Amount of \$1,349,616 to Swinerton Builders. 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.

ITEMS REMOVED FROM THE CONSENT CALENDAR

05/0621.12 Consideration of Draft Minutes, Parks and Recreation Commission Meeting of May 23, 2005

Councilmember Tell explained that he pulled this item because of a comment in the minutes directed to the City Council from Commissioner Lear, regarding standards for reappointment of Commissioners. He remarked that there is a concern among current Commissioners as to what they need to do to be reappointed; and that Council might think about establishing procedures or “norms” to be incorporated as guidelines for new Councilmembers coming on board.

Mayor Fahey relayed that Council might agree to have “norms” and questioned, “Does it vary from Council to Council?”.

Councilmember Aldinger commented that every individual Councilmember has a right to vote in any way on each Commissioner.

Mayor Fahey emphasized that the air needed to be cleared regarding the comment by Commissioner Weber, suggesting retribution because of running for Council. She further added that she is very satisfied that “it did not happen” and that one way to overcome that perception would be to comment on why a person was being nominated.

Councilmember Aldinger responded that Council races do enter into Commission appointments. He explained that after he ran for Council and lost, he applied for a Commission and was not appointed.

MOTION: Councilmember Tell moved to receive and file the subject report. The motion was seconded by Councilmember Aldinger and passed by the following unanimous roll call vote:

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

Noting that this item had not been opened for public discussion Mayor Fahey reopened the item.

The following individual spoke on this item:

- **Gerry O'Connor, No Address Provided**

In response to **Mr. O'Connor's** comments, Mayor Fahey stated that Council learned at a conference, that it is fairly common in other cities to develop a set of "norms" or guidelines for new Councilmembers that come on board, to see what the past practices have been, including commission appointments and other issues; and that this may be a discussion at the Work Plan Meeting.

Indicating that a sub-committee had been formed with Mayor Fahey and Councilmember Aldinger, City Manager Geoff Dolan stated that his assignment was to write down existing "norms", look at other cities guidelines and provide them as a starting point for the sub-committee by the end of the summer.

Council held a brief discussion about whether or not the sub-committee had been formed.

In response to Mayor Fahey, City Attorney Robert Wadden clarified that the forming of a sub-committee does not have to be agendized because it is an organizational matter.

MOTION: Councilmember Tell moved to approve forming a sub-committee with Mayor Fahey and Councilmember Aldinger to review implementing a set of "norms". 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.

05/0621.15 Consideration of a Planning Commission Decision to Approve a Master Use Permit Amendment for Modifications to the Previously Approved Alcohol Sales and Special Events at the Shade Hotel, Metlox Site, 1221 North Valley Drive

Councilmember Aldinger stated that he pulled this item because of his concern regarding parking, noting that events could be increased from 60 to 99 people; and a smaller concern about the "portable cart" causing a more robust party, due to full service liquor, rather than the original plan for wine and beer only.

Mayor Pro Tem Ward echoed some of Councilmember Aldinger's comments, explaining that the number of people was somewhat of a concern, but that the "flexibility of hours" for the Wine Bar in the lobby needed some clarification for him. He further added that it was his impression that it is an "unwritten rule" that an entity "try out" for a period of several years before it would be given a full service liquor license.

Councilmember Aldinger added that he thought a full liquor license was necessary to be able to provide in-room liquor, but questioned having the "portable carts" and how can they be regulated.

City Attorney Robert Wadden clarified that Council can either approve the Planning Commission decision or appeal this matter and schedule a Public Hearing where modifications would have to be introduced.

In response to Councilmember Montgomery's question, Councilmember Aldinger replied that portable carts are the same as a portable bar.

Community Development Director Richard Thompson explained that nothing in the amendment changes the size of events; it only changes when Temporary Use Permits, which are approved administratively, are required for events, and that it will not have an impact on the parking. He added that the other control measure that the City has is the Annual Entertainment Permit and that evaluations of what have transpired in the past allow for restrictions to be placed on an event-by-event basis. He further explained that, in terms of hours of operation, the permit is even more restrictive than the rest of the downtown.

Mayor Fahey emphasized that the flexibility of hours for the Wine Bar would possibly be for an afternoon wedding and the ability to serve liquor for the event.

Responding to Councilmember Aldinger's questions about the original approval, Community Development Director Thompson stated that the original approval was for beer and wine in the hotel and liquor in the mini bars in the rooms.

Councilmember Montgomery and Councilmember Tell added that the flexibility being requested in the Wine Bar was for earlier hours based on the desires of the customers.

Senior Planner Laurie Jester explained that the original approval was for beer and wine, for guests only, with no restrictions on hours. She clarified that the concept of the "evening only Wine Bar" in the lobby is that it would be for the general public; that flexibility would come in if there was a demand from the guests to open the bar at 4:00 p.m. rather than 5:00 p.m.; and that weddings and events would be serviced by the portable bars. She further clarified that the original services approved were not matched to the Alcoholic Beverage Control (ABC) licenses that are available.

In response to Councils' questions, **Mike Zislis**, owner of the Shade Hotel, emphasized that a full liquor license was necessary in order to have mini bars in the rooms; that he was successful in winning a license in the state lottery; that the liquor carts have to be licensed by the ABC; and that there is an extra fee for the cart. He explained that the cart is only for events in the courtyard or meeting rooms; that in fourteen years of business in Manhattan Beach, he has never had a "happy hour"; that the wine bar will only be open from 5:00 -10:00 p.m. on weekdays and 5:00 - 11:00 p.m. on weekends (hours set by him); that a liquor license is necessary as a normal function of a hotel; that it is necessary to book events such as weddings or class reunions; and that in conclusion, in fourteen years of business, he has never violated an ABC law and has proven that he is a responsible business owner.

Councilmember Tell asked for clarification regarding if full liquor service is available at the wine bar, not just on the portable liquor carts to which **Mr. Zislis** responded that liquor is available at the wine bar.

Council held a brief discussion on the "flexibility of hours" for the Wine Bar and concurred that it reflected the ability to have liquor earlier in the day than 5:00 p.m.

The following individuals spoke on this item:

- **Gerry O'Connor, No Address Provided**
- **Esther Besbris, No Address Provided**
- **Viet Ngo, No Address Provided**
- **Karol Wahlberg, No Address Provided**
- **Jackie May, No Address Provided**

Responding to Councilmember Aldinger's question, Community Development Director Thompson stated that there is a roof top spa and that a third story was denied by the Coastal Commission.

City Manager Dolan also replied that the spa is shielded from the residents to the east.

Mayor Fahey emphasized that nothing has changed about this project and the roof deck.

Councilmember Aldinger reiterated that the real reason for pulling this item was the parking and the increase from 60 to 99 participants at events.

Community Development Director Thompson responded that he couldn't imagine having a parking problem for an event with 99 participants and that these were the numbers (the maximum number of people using the hotel) that were used for the Environmental Impact Report. He added that the number "60" came from the group originally planning to become the owners; that raising the number only changes the threshold for needing a Temporary Use Permit; that the City would be looking at two evaluations (the Entertainment Permit and Temporary Use Permits), and that this would allow Staff to prevent negative impacts to the City including parking and noise.

Councilmember Tell voiced his concerns regarding the change from wine and beer to a full liquor license.

Community Development Director Thompson reported that reviews are generally complaint driven; that from a regulatory point of view, he feels confident that they have the measures necessary to prevent a negative impact; and that regulating and monitoring the Entertainment Permit is an important element to prevent impacts.

Councilmember Aldinger emphasized that he felt confident, previously, because the license was only beer and wine.

Mayor Fahey stressed that people should be able to have a drink at a nice hotel and that she doesn't see a problem with it.

City Manager Dolan confirmed that the previous request was for beer and wine and that it was not a case of asking for full service liquor and being turned down.

In response to Councilmember Tell, City Attorney Wadden confirmed that another Public Hearing would notice the same people and that the only difference is that it would be held by the City Council rather than the Planning Commission.

Council held a brief discussion concurring that the only change in the events is that the maximum number of people attending an event, without a Temporary Use Permit, would be 99.

Mayor Fahey asked if there was a motion to set this item for appeal and a Public Hearing. Hearing none, she asked for a motion to receive and file the report.

MOTION: Mayor Pro Tem Ward moved to receive and file the subject report. 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.

CITY MANAGER REPORT

THE FOLLOWING ITEM WAS TAKEN OUT OF ORDER.

05/0621.25 City Manager Dolan Re Fire

City Manager Geoff Dolan reported that Police Chief Ernie Klevesahl and Fire Chief Dennis Groat left the City Council meeting because a minor fire at the construction site of the new Public Safety Facility had just been reported.

AUDIENCE PARTICIPATION

05/0621.26 Viet Ngo Re Alleged Violations

Viet Ngo, No Address Provided, stated that 14 million dollars of public money had been approved for a public project that he believes the City does not have the authority to spend, due to the similar facts of a case of the 7th Circuit Court of Appeals from Chicago, IL, dated April 17, 2002.

05/0621.27 Jackie May Re Metlox Pottery

Jackie May, No Address Provided, regarding the proposed graphics presented by **Jonathon Tolkin**, stated that the rooster was one of the classic and most popular designs of the Metlox Pottery; that it was well rendered; and that she liked the proposed graphics.

OTHER COUNCIL BUSINESS & COMMITTEE REPORTS

05/0621.21 Request by Councilmember Aldinger to Consider Sending a Letter of Support Regarding the National Oceans Protection Act (NOPA) of 2005 that will be Introduced by Senator Barbara Boxer

Councilmember Aldinger stated that he thought it was important to support bills in Manhattan Beach that were environmentally conscious; that our oceans are under attack; and that this is a good first step to deal with some of those problems.

Mayor Fahey responded that she had a problem with this legislation because the League of California Cities isn't tracking it; that the City Lobbyist doesn't have any information; that the financial implications are not known; and that Staff isn't aware of the down side. She clarified that "it sounds good on the face of it and we're all in favor of keeping our oceans clean, but it's never that simple." Mayor Fahey added that the implementation of legislation cost money.

Mayor Pro Tem Ward expressed concerns for the "unkown" such as possible costs associated with state mandates.

Councilmember Tell commented that he was uncertain regarding the scope of the commission and how it would be balanced.

The following individual spoke on this item:

- **George Cohn, 1400 block of 8th Street**

Council held a brief discussion regarding the NOPA, the cost of this program and possible funding sources, determining that they would like more specifics before acting.

05/0621.28 Mayor Fahey Re 6- Man Beach Volleyball Tournament

Mayor Fahey reported that she had been contacted by former Councilmember Steve Napolitano who suggested that the City Council re-name the 6-Man Beach Volleyball Tournament in honor of Charlie Saikley.

City Manager Geoff Dolan acknowledged that, this had been discussed with the Parks and Recreation Department, who were very supportive, and if Council is supportive, a resolution will be brought back formally designating the tournament as the “Charlie Saikley 6-Man Beach Volleyball Tournament”.

Hearing no objections it was so ordered.

CITY MANAGER REPORT

THE FOLLOWING ITEM WAS TAKEN OUT OF ORDER.

05/0621.29 City Manager Dolan Re Capitol Improvement Projects

City Manager Geoff Dolan explained that at Council’s direction, Staff prepared a revised list of the unfunded/unprioritized Capitol Improvement Projects (CIP). He noted that a matrix was created listing “priority” and “cost” using Staffs’ best judgments; that brief project descriptions are included; that these were listed in order of magnitude of dollar costs; and that these were a starting point for discussion of the CIP at the Work Plan Meeting.

OTHER COUNCIL BUSINESS & COMMITTEE REPORTS

05/0621.30 Councilmember Montgomery Re Chevron Tour and Neighborhood Watch

Councilmember Montgomery thanked Chevron for the informative tour he received last week; and updated the Council that he attended his first Neighborhood Watch Coordinator’s Meeting.

05/0621.31 Mayor Fahey Re Opening of Local Artist, Simon Ouwerkerk

Mayor Fahey related that Arts Manhattan held an opening for an exhibition of the works of local artist, Simon Ouwerkerk and that it is currently being displayed at the Creative Arts Center.

ADJOURNMENT

At 10:52 p.m. the meeting was duly adjourned, in memory of Charlie Saikley, to the 5:30 p.m. Adjourned Regular Meeting, to be followed by the 6:30 p.m. Regular City Council Meeting, on Tuesday, July 5, 2005, in said City.

SANDY SHAW
Recording Secretary

JOYCE FAHEY
Mayor

ATTEST:

LIZA TAMURA
City Clerk

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR MEETING
JUNE 21, 2005**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 21st day of June, 2005, at the hour of 6:04 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

ROLL CALL

Present: Aldinger, Montgomery, Ward and Mayor Fahey.
(Tell arrived at 6:09 p.m.).
Absent None.
Clerk: Wadden (Acting).

CLOSED SESSION

The Council recessed into Closed Session at 6:04 p.m. and moved to open session at 6:15 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:15 p.m.

ROBERT V. WADDEN, JR.
Recording Secretary

JOYCE FAHEY
Mayor

ATTEST:

LIZA TAMURA
City Clerk