

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
JULY 3, 2007**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 3rd day of July, 2007, at the hour of 6:35 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Fire Chief Dennis Groat led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

07/0703.1 Presentation of "There's No Place Like Manhattan Beach" to the Los Angeles County Junior Lifeguard Program in Recognition of Their Extraordinary Contribution to the Community

Mayor Tell presented the "There's No Place Like Manhattan Beach" commendation to **Los Angeles County Junior Lifeguard Program Director Charlotte Graham, Section Chief Scott Davey and Captain Terry Harvey** in recognition of their extraordinary contributions to the community.

Mayor Tell also recognized **Junior Lifeguard Meghan McMahon** as one of fifteen finalists of the National Geographic Kids Magazine Hands on Explorer Challenge.

07/0703.2 Presentation of Commendation to the Journey of Faith Church on the Occasion of Their 50th Anniversary

Mayor Tell, on behalf of the Council, presented a commendation to **Pastor Shawn Peterson and Pastor Harry McFarlin of the Journey of Faith Church** in celebration of its 50th Anniversary.

07/0703.3 Presentation of a Proclamation Declaring the Month of July as Parks and Recreation Month

Mayor Tell presented the Parks and Recreation Month Proclamation to Parks and Recreation Director Richard Gill declaring July, 2007, Parks and Recreation Month in the City of Manhattan Beach.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 4 through 14), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Mayor Pro Tem Aldinger, seconded by Councilmember Montgomery and passed by unanimous roll call vote with the exception of Item Nos. 5 and 7, which was considered later in the meeting under "*Items Removed from the Consent Calendar.*"

Ayes: Montgomery, Cohen, Ward, Aldinger and Mayor Tell.

Noes: None.
Absent: None.
Abstain: None.

GENERAL CONSENT

07/0703.4 Approve Minutes of the City Council Regular Meeting of June 19, 2007

The Council approved the subject minutes.

07/0703.5 Approve Minutes of the City Council Adjourned Regular Meeting of June 26, 2007

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

07/0619.19-6 Adoption of an Ordinance Amending Section 2.01.020 to Provide City Council with Flexibility to Cancel City Council Meetings by Minute Action

The Council adopted Ordinance No. 2104.

ORDINANCE NO. 2104

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING SECTION 2.01.020 OF CHAPTER 2.01 OF TITLE 2 OF THE MANHATTAN BEACH MUNICIPAL CODE REGARDING SCHEDULING OF REGULAR MEETINGS

07/0703.7 Consideration of Financial Reports

a) Ratification of Demands: June 28, 2007

b) Investment Portfolio for the Month Ending May 31, 2007

c) Financial Reports for the Month Ending May 31, 2007

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

07/0703.8 Award a Contract for the Design Build Services for the Public Safety Facility Above-Ground Fuel Tank Improvements to California Hazardous Services, Inc. and Appropriate \$48,210 from the Capital Improvement Plan Fund

The Council approved the award of a contract in the net amount of \$48,210 for the Design Build Services for the Public Safety Facility Above-Ground Fuel Tank Improvements and appropriated \$48,210 from the CIP Fund.

07/0703.9 Award a Contract (\$53,000) for the Facilities Painting Project (City Hall, Joslyn Center and Fire Station No. 2) to Everlast Painting Company

The Council approved the award of a contract for the Facilities Painting Project to Everlast Painting Co. in the net amount of \$53,000.

07/0703.10 Disbursement of Final Payment in the Net Amount of \$177,459.30 to KC Industries; Change Order in the Net Amount of \$14,090.00; Formally Accept the Manhattan Beach Structure Corrosion Treatment Project as Complete; and Authorize Filing of the Appropriate Notice of Completion

The Council approved the issuance of the subject final payment and change order; formally accepted the Manhattan Beach Structure Corrosion Treatment Project as complete; and authorized the filing of the appropriate Notice of Completion.

BOARDS AND COMMISSIONS

Library Commission

07/0703.11 Consideration of Draft Minutes, Library Commission Meeting of June 11, 2007

The Council received and filed the subject draft minutes.

Planning Commission

07/0703.12 Consideration of Action Minutes, Planning Commission Meeting of June 27, 2007

The Council received and filed the subject draft minutes.

07/0703.13 This Space Intentionally Left Blank

07/0703.14 Consideration of Planning Commission Approval of a Sign Exception for Proposed Additional Signage at 1145 Artesia Boulevard #203.

The Council received and filed the Planning Commission's approval of a Sign Exception for additional signage at 1145 Artesia Boulevard, Suite 203, Express Personnel Services.

COMMUNITY ANNOUNCEMENTS

07/0703.19 Azar Hammond Re Discount Bus Fares

Azar Hammond, No Address Provided, questioned whether Manhattan Beach could offer discount bus tickets like the City of El Segundo does for its senior residents.

City Manager Geoff Dolan explained that Manhattan Beach does offer bus passes at a reduced rate and that a staff member will contact **Ms. Azar** later in the week to discuss it with her.

07/0703.20 Viet Ngo Re 4th of July Blessings

Viet Ngo, No Address Provided, wished 4th of July blessings on everyone, especially the 36,000 Manhattan Beach residents victimized by Metlox, LLC.

07/0703.21 Mayor Pro Tem Aldinger Re Family in Attendance

Mayor Pro Tem Aldinger recognized his sister, brother-in-law, niece and nephew, in the audience, from Illinois and welcomed them to Manhattan Beach.

07/0703.22 Assistant to the City Manager Coe-Juell Re Family in Attendance

City Council Meeting Minutes of July 3, 2007

Assistant to the City Manager Lindy Coe-Juell also recognized her husband, John, and mother and father, in the audience, who are also visiting from Illinois.

PUBLIC HEARINGS

07/0501.18-15 Consideration of an Amendment to a Coastal Development Permit for the Manhattan Beach Open Volleyball Tournament to Allow Additional VIP Bleacher Seating and Consideration of a Revised Event Name for the 2007 Manhattan Beach Open

Dave Williams, Director of Tour Operations for the Association of Volleyball Professionals (AVP) clarified the two items that the AVP had requested be changed to the existing contract for the 2007 Manhattan Beach Open; additional VIP seating to be constructed on the west side of the sand; and the ability to keep the same naming rights as exercised beginning 2001.

A discussion was held between Council and **Mr. Williams** further clarifying the height restrictions on the west side bleachers and naming rights. They also discussed the revenue sources for the event and affect of the name as it related directly to revenue.

Councilmember Ward referred to an article in the Daily Breeze that day and stated his concerns about making changes to a contract that had already been agreed upon and the lack of time available should there be any appeal to the changes.

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

Dennis Duke Noor, Hermosa Beach Resident, commented that the real issue regarding this amendment is the timing and process. He stated that if someone wanted to appeal the amendment to the Coastal Commission, there would not be enough time and that it would be a violation if the Council chooses to change what was already voted on.

Bill Eisen, 3500 Block of Crest Drive, stressed that the amendment would significantly affect coastal resources such as the view corridor. He added that, according to the Public Resources Code, any action on the approved permit is legally “stayed” until a decision can be made by the Coastal Commission. He forewarned the Council that a penalty of up to \$15,000 a day could be imposed for violating the Coastal Act; that as a sponsor, the City could be liable; and urged the Council to abide by the permit that was issued.

Viet Ngo, No Address Provided, expressed his concern about giving the name of the City of Manhattan Beach to **Leonard Amado of the AVP** for the purpose of private enterprise when it belongs to the 36,000 residents of the City.

Mayor Tell closed the Public Hearing at 7:19 p.m.

There was a second discussion between Council and **Mr. Williams** regarding revenue sources at the event, untimely renegotiations of the contract and issues with the sub-committee.

Mayor Tell reiterated the fact that the current contract was for one year (2007) only and that the City planned to maintain local control of the event.

City Attorney Robert Wadden stated that the City would not be liable for any fines/penalties

that may possibly arise from the event by the Coastal Commission.

MOTION: Mayor Pro Tem Aldinger moved to adopt Resolution No. 6105 and direct the City Manager to amend the 2007 Manhattan Beach Open agreement accordingly.

Mayor Tell added that local control of the event would be maintained by Manhattan Beach and stressed that the City would continue to partner with the AVP to maintain an event that is agreeable to them and the residents of Manhattan Beach. He also stated that the sub-committee would maintain open communication with Council on all discussions with the AVP.

Councilmember Montgomery emphasized that the Council is not selling the City’s name; they are granting permission to use the name for one year only.

Mayor Tell called for a second to the motion.

MOTION: Mayor Pro Tem Aldinger moved to adopt Resolution No. 6105 and direct the City Manager to amend the 2007 Manhattan Beach Open agreement accordingly. The motion was seconded by Councilmember Montgomery and passed by the following roll call vote:

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

RESOLUTION NO. 6105

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING AN AMENDED COASTAL DEVELOPMENT PERMIT FOR THE 2007 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)

GENERAL BUSINESS

07/0515.25-16 Select Member for the Board of Building Appeals - Seat No. 1

Mayor Tell briefly explained the nomination process and how this position became available.

Board of Building Appeals (Seat No. 1)

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>	<u>3rd Round Vote</u>
Montgomery	David Pedersen	None further	David Pedersen	
Cohen	David Watson	David Watson David Pedersen	David Pedersen	
Ward	Robert Scott	Robert Scott David Pedersen	Robert Scott	
Aldinger	None further	Robert Scott David Watson	Robert Scott	
Tell	None further	None further	David Pedersen	

After hearing three votes for David Pedersen, the following motion was made.

MOTION: Mayor Pro Tem Aldinger moved to unanimously appoint David Pedersen to the Board of Building Appeals, Seat No. 1.

Hearing no objection it was so ordered.

07/0703.17 *Consideration to Award a One Year Contract to All Cities Management Services (ACMS) to Provide Crossing Guard Services (Annual Cost of \$301,800)*

Police Lieutenant Derrick Abell presented a PowerPoint presentation on the current Crossing Guard program operated by the Police Department and the benefits of out-sourcing this program. He also spoke about the research that was involved with selecting All Cities Management Services (ACMS) as the contracted provider of service, their credentials, history and excellent track record.

Following Lt. Abell's presentation, Council held discussion with **ACMS General Manager Baron Farewell** regarding the status of current Manhattan Beach crossing guards, employee benefits, training, job performance evaluations and certification.

The following individual spoke on this item:

- **Viet Ngo, No Address Provided**

Councilmember Montgomery was assured by **Mr. Farewell** that the current Manhattan Beach crossing guards would be retained at their current rate of pay. **Mr. Farewell** further explained that crossing guards are difficult to recruit because of the nature of the job and that they had no plans of dismissing any of the existing staff.

Councilmember Cohen expressed that she was in favor of awarding the contract to **ACMS**. She liked the fact that they did regular performance evaluations on the crossing guards and that they were involved in extensive training and certification. She expressed that their historical presence spoke volumes. She also stated that it would be more cost wise to outsource the service contract.

There was some reluctance shared by Mayor Pro Tem Aldinger as he likes the way the department is currently run through the Police Department but is willing to give **ACMS** a try on a temporary basis. He also commented on his concern regarding the increased cost of outsourcing the service.

Councilmember Ward acknowledged that there was a great deal of emotion tied to the service as the residents entrust their children to these individuals. He stated, however, that he believes that **ACMS** would be able to run the department more efficiently than the City could and the fact that they would retain the existing guards was applauded by him.

Mayor Tell stated that who better at doing the job than **ACMS**, the experts in the field. He asserted that their expertise was worth any extra monies that the City may have to spend. He also clarified that at the end of the one year contract if things weren't working out they would revisit the issue.

MOTION: Councilmember Ward moved to approve the award of a one year service contract to ACMS. The motion was seconded by Councilmember Cohen and passed by the following unanimous roll call vote:

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

RECESS AND RECONVENE

At 8:21 p.m. the Council recessed and reconvened at 8:31 p.m. with all Councilmembers present.

07/0703.18 Consideration of Voting Delegate and Alternate Delegate(s) for the League of California Cities' Annual Conference

City Manager Geoff Dolan explained that the Council is required to take action on this item and that, historically; the Mayor has been the Voting Delegate and the Mayor Pro Tem has been the Alternate Delegate.

There was no public comment on this item.

MOTION: Mayor Pro Tem Aldinger moved to approve designating the Mayor as the Voting Delegate and the Mayor Pro Tem as the Alternate Delegate for the League of California Cities' Annual Conference. The motion was seconded by Councilmember Montgomery and passed by the following unanimous roll call vote:

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

ITEMS REMOVED FROM THE CONSENT CALENDAR

07/0703.5 Approve Minutes of the City Council Adjourned Regular Meeting of June 26, 2007

Councilmember Cohen removed this item from the Consent Calendar in order to clarify directions and information given to the Planning Commission after the Mansionization meeting held on June 26, 2007.

Community Development Director Richard Thompson explained to Council that the comprehensive packet that was handed out at the Mansionization meeting was included with the information to the Planning Commission for discussion, review and research. He further explained that once the Planning Commission has completed their review process, recommendations will be presented to Council.

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

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

07/0703.7 Consideration of Financial Reports

a) Ratification of Demands: June 28, 2007

b) Investment Portfolio for the Month Ending May 31, 2007

c) Financial Reports for the Month Ending May 31, 2007

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

The following individual spoke on this item:

- **Viet Ngo, No Address Provided**

In response to **Mr. Ngo's** comments, City Manager Geoff Dolan reported that the payment in question was the final payment to Metlox, LLC.

MOTION: Mayor Pro Tem Aldinger moved to approve with no exception Warrant Register No. 27B in the amount of \$1,959,889.33 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; receive and file the Investment Portfolio for the month ending May 31, 2007; and receive and file the Financial Reports for the month ending May 31, 2007. The motion was seconded by Councilmember Montgomery and passed by the following unanimous roll call vote:

Ayes: Montgomery, Cohen, Ward, Aldinger and Mayor Tell.

Noes: None.

Abstain: None.

Absent: None.

AUDIENCE PARTICIPATION

07/0703.22 Viet Ngo Re Decision of Court and Metlox, LLC

Viet Ngo, No Address Provided, spoke of a decision by the Court of Appeals regarding the Contract Code and his repeated allegations of misuse of public monies by Jonathan Tolkin and Metlox, LLC.

CITY MANAGER REPORT(S)

07/0703.23 City Manager Dolan Re Next Facility Strategic Plan Meeting

City Manager Geoff Dolan reminded the community that the next Facility Strategic Plan Steering Committee meeting will be held on July 16, 2007, at 6:30 p.m. in the Police/Fire Conference Room. He conveyed that some of the new alternatives for the Live Oak Park area will be presented at this meeting and welcomed the public to attend.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

07/0703.24 Happy Holiday

The Council wished everyone a Happy 4th of July.

ADJOURNMENT

At 8:54 p.m., the meeting was 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, July 17, 2007, in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

Patricia Schilling
Recording Secretary

Nicholas W. Tell, Jr.
Mayor

ATTEST:

Liza Tamura
City Clerk