

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
JULY 17, 2007**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 17th day of January, 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

Police Chief Rod Uyeda led the Pledge of Allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

07/0717.1 *Presentation of "There's No Place Like Manhattan Beach" to the Manhattan Beach Girl Scout Neighborhood in Recognition of Their Extraordinary Contribution to the Community*

Mayor Tell presented the "There's No Place Like Manhattan Beach" commendation to **Beth Difiori** (on behalf of **Janine Bushman**) of the **Manhattan Beach Girl Scout Neighborhood** in recognition of their extraordinary contributions to the community.

07/0717.2 *Presentation of Commendations to 15 Girl Scouts on the Occasion of Achieving their Gold Award and to 13 Boy Scouts on the Occasion of Achieving Their Eagle Award*

Kaye Sherbak provided a brief explanation about the **Boy Scouts of America**, as well as the requirements that each scout had to accomplish in order to obtain their Eagle Scout award.

Since none of the Eagle Scouts were able to attend the meeting, on behalf of the City Council, Mayor Tell recognized the Eagle Scout recipients by reading aloud their names: Robert Lowell Blaschke, Penn Caine, Mark David Harrington, Matthew Karatsu, Robert Lesniowski, Thomas Sutter Mcaulay, Tim Meyers, Sam Mullin, Matthew Reeley, Ross Sherbak, Ryan Michael Williams, Kenneth Augusta and Westin Walker.

Suzette Barden provided a brief explanation about the **Girl Scouts of America**, as well as the requirements that each scout had to accomplish in order to obtain their Gold Award.

On behalf of the Council, Mayor Tell presented commendations to the following Gold Award recipients: Madison Allen, Helen Barden, Jordan Bennett, Katie Costopoulos, Justine Decoste, Stephanie Jasuta, Alexandra Klem, Alyssa Ann Li, Amanda Margaux Moses, Daniella Moses, Nicolette Nault, Emily Rosen, Christna Rothans, Erika Troll and Marlo Verket.

07/0717.3 Presentation of the Manhattan Beach Recreation and Youth Services Award

The Council presented the 2007 Manhattan Beach Recreation and Youth Services Awards to **Lisa Popovich and Monica Wood.**

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. 4, 7 and 8, 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

07/0717.4 Approve Minutes of the City Council Regular Meeting of July 3, 2007

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

07/0717.5 Consideration of the State Budget and Legislative Update

The Council received and filed the July 2007 Budget and Legislative Update from Tony Rice, the City’s legislative advocate.

07/0717.6 Consideration of Appointment of Brian Barkage to the South Bay Workforce Investment Board

The Council appointed Brian Barkage to serve as the Manhattan Beach representative to the South Bay Workforce Investment Board (SBWIB) for the term of July 1, 2007 through June 30, 2011.

07/0717.7 Consideration of Compensation Adjustment for City Attorney

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

07/0717.8 Consideration of a Resolution for Acceptance of a Grant from the California Department of Alcohol Beverage Control (ABC) for Increased Education and Enforcement Activities Regarding Alcohol Beverage Control Laws in the Amount of \$80,229 and Appropriate Said Amount from the Unreserved General Fund Balance, Which Will Be Reimbursed by the Grant

Item No. 8 was pulled from the “CONSENT CALENDAR”. Please refer to “ITEMS REMOVED FROM THE CONSENT CALENDAR.”

07/0717.9 Consideration of Financial Reports
a) Ratification of Demands: July 2, 2007 and July 12, 2007
b) Investment Portfolio for the Month Ending June 30, 2007

The Council approved with no exception Warrant Register No. 1B, 2B and 28B in the amount of \$6,116,682.96 in payment of ratification of demands and claims as prepared by the Director of Finance, together with the original demands and claims as prepared by said Warrant Register and received and filed the Investment Portfolio for the month ending June 30, 2007.

07/0717.10 Ratification of Motor Fuel Purchase from Southern Counties Oil Company in the Amount of \$22,803.02

The Council approved the purchase of fuel from Southern Counties Oil Company in the amount of \$22,803.02.

BOARDS AND COMMISSIONS

Cultural Arts Commission

07/0717.11 Consideration of Draft Minutes, Cultural Arts Commission Meeting of June 12, 2007

The Council received and filed the subject draft minutes.

Parks and Recreation Commission

07/0717.12 Consideration of Draft Minutes, Parks & Recreation Commission Meeting of June 25, 2007

The Council received and filed the subject draft minutes.

Parking & Public Improvements Commission

07/0717.13 Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of June 28, 2007

The Council received and filed the subject action minutes.

07/0717.14 Consideration of Parking and Public Improvements Commission Recommendation to Approve Request for a Painted Crosswalk at Highland Avenue and 7th Street

The Council approved the Parking and Public Improvements Commission recommendation to install a pedestrian crosswalk with high visibility markings and pedestrian warning signs on the north leg of Highland Avenue at 7th Street.

COMMUNITY ANNOUNCEMENTS

07/0717.21 Viet Ngo Re Compensation Adjustment for City Attorney

Viet Ngo, No Address Provided, encouraged Manhattan Beach residents to attend tonight's meeting to witness the Council's and City officials' approval of a compensation adjustment for the City Attorney who, **Mr. Ngo** contended, was instrumental in the stealing of public funds by Jonathan Tolkin and Metlox LLC.

PUBLIC HEARINGS

07/0717.15 Consideration of Planning Commission Approval of a General Plan Amendment, Zone Change, Master Use Permit Including Parking Reduction, Vesting Tentative Tract Map, Loading Space Size Variance, and a Negative Declaration of Environmental Impacts for a 30-Unit Mixed-Use, Medical, Retail and Restaurant Commercial Condominium Development at 1000 Sepulveda Boulevard

With the aid of a PowerPoint presentation, Associate Planner Dan Moreno provided an overview of the project. He advised that the proposal is for a 25,350 square-foot mixed use office condominium/retail/restaurant on a 28,000 square-foot lot and that the existing restaurant on the site would be demolished. Associate Planner Moreno explained that the application includes requests for the following: a Master Use Permit, which is required because the building is over 5,000 square feet and the lot is over 10,000 square feet; a 9.5% reduction in parking (15% reduction is allowed under the Code); a General Plan Amendment and Zone Change, because a portion of the property at the rear is zoned residential medium density (RM); a Variance for a reduction in the size of the required commercial loading zone; approval of Tentative Tract Map 68175 for the medical office condominiums; and approval of an Initial Study and Negative Declaration. He clarified the official address of the property as 1000 Sepulveda Boulevard.

Referring to aerial and conventional photos, Associate Planner Moreno described the site and surrounding properties, noting that the L-shaped design of the proposed building would reduce impact on residential properties to the east. He explained the following: that the rear 50 feet of the lot has historically been used for parking; that the twelve-foot dedication in the front of the property would remain; that there are currently three driveways (two on Tenth Street are both entrances and exits and one on Sepulveda Boulevard is an exit only); and that the property has severe topographical changes.

Associate Planner Moreno related staff's approval of the Parking Circulation Study provided by the applicant. He advised that the parking forecast for the project indicated a maximum hourly demand of 109 parking spaces, and 119 are proposed; that the commercial loading zone was relocated, but it would be four feet short of the required length; that the proposed location of the trash area off of Sepulveda Boulevard was approved by the Public Works Department; that there are no required setbacks for buildings in commercial zones, but a minimum of six-foot setbacks are proposed, with over 40-foot setbacks, a six-foot high wall, an 8-foot landscape buffer, a driveway and a Condition of Approval requiring mature landscaping at the rear of the property to help reduce impact on the residential area; that the building would be within the required height; that the mechanical equipment would be housed in a well on the roof in the center of the property; that 8% site-wide landscaping is required and 13% is proposed; and that the hours of operation would be 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. Saturday for the medical use, 7:00 a.m. to 7:00 p.m. Monday through Friday for the pharmacy, and 5:30 a.m. to 11:00 p.m. seven days a week for the coffee shop/retail use. He reviewed the goals of the General Plan and expressed staff's opinion that the project meets the Plan's intent. He confirmed that the Council's consideration of this item was advertised as required by law; that the developer met twice with neighboring residents and incorporated many of their suggestions; and that the Planning Commission supported the project.

Associate Planner Moreno stated staff's understanding that the proposed restaurant would be a neighborhood-type coffee shop and he assured the Council that, should this change, staff would work with the applicant to make certain the use would be appropriate. He clarified that the parking forecast assumed a restaurant; that the existing restaurant at the location is 5,400 square feet; that the Planning Commission felt the proposed pharmacy and restaurant/coffee shop would compliment the other uses proposed on the site; that lighting was not a major issue with residents and it will be reviewed by staff as part of the lighting plan; and that the rear 50 feet of the lot is currently zoned RM but has historically been used for parking, which is why the applicant is requesting a zone change to General Commercial (GC) for that portion.

City Manager Dolan advised that, based on the General Plan, staff encouraged diverse uses (such as the restaurant/coffee shop) that would generate some revenue for the City; but, the applicant preferred all medical offices.

During discussion, the Council voiced concerns over the negative impact that a proliferation of medical buildings along Sepulveda Boulevard could have, as well as the possibility that the proposed restaurant/coffee shop might become a cafeteria for a "mini hospital" instead of a neighborhood-type coffee shop which is supposed to serve the community, and not just the building tenants. The Council questioned whether medical buildings fit into the future framework of the Sepulveda Corridor and the intent of the General Plan; expressed discomfort with approving a restaurant/coffee shop without knowing specifically how it would impact the City's tax base and observed that the negative impact from parking would be reduced because drivers would no longer be able to park adjacent to the residential property to the east.

Architect Louie Tomaro, 1000 Block of 6th Street, Manhattan Beach, explained that research showed a strong need for medical facilities in the area. Referring to a "fly by" and renderings of the project, **Mr. Tomaro** presented information on: the modern design of the building and the type of materials to be used; the efforts to reduce impact on adjacent residential properties; the energy efficiencies incorporated into the design; the support of the project by the property owner to the east; and the proposed parking design and access to the site.

Mr. Tomaro voiced his understanding that the pharmacy could exist strictly from tenant use and the location could easily support a restaurant/coffee shop separate from the medical uses. He verified that signage for the restaurant/coffee shop would be necessary; that the size of the proposed restaurant/coffee shop coincides with the size of some well-known coffee establishments; and that tenants would be required to comply with Title 24 (Energy Use).

Architect Geoff Captain, No Address provided, presented input about the proposed signage. He affirmed that the lighting would be energy efficient and that an effort would be made to use low water use plants.

Developer George Apostol, 1000 Block of 6th Street, Manhattan Beach, commended City staff's collaborative efforts toward this project. He explained the following: that every member of the development team is a Manhattan Beach resident; that much thought was given to constructing a viable development having the least impact on neighboring residents; that Starbucks declined a store at the location due to their concerns over various traffic-related issues; that research showed a strong need for medical space in Manhattan Beach and he would prefer all medical with no retail; that preliminary interest in this development has been expressed by numerous medical uses, but very few retail; that the restaurant/coffee shop was driven by the focus group and it would be a higher end, family-run type establishment with internet access that serves both the community and the building, and could be an "extended

medical office” with a buzzer system to alert patients of their appointments; that the pharmacy was also driven by the focus group, but its size could possibly be reduced with the square footage being added to the restaurant/coffee shop and the pharmacy space could end up being another type of retail; that the proposed hours of operation for the restaurant/coffee shop are important and they are similar to the hours of the previous restaurant at the location; that the restaurant/coffee shop could be accessed both internally and externally; that the total size of the retail component of the building would be fixed, but it could be larger, and the only flexible square footage of that component would be the pharmacy; and that the developer plans to build out the entire facility.

Stating his viewpoint that a solely retail use at this location would not be viable, **Mr. Apostol** pointed out that there is currently no Class A medical space in Manhattan Beach. As a resident of Manhattan Beach, he maintained that the convenience of medical offices would be well received by the community. **Mr. Apostol** also clarified that the previous restaurant on the site was listed and advertised for sale.

Developer Brian Smith, 2300 Block of Poinsettia Avenue, Manhattan Beach, presented information on the amount of retail space proposed and the estimated sales tax base which, he estimated, would be approximately one-half of the revenue generated from the previous retail use at the location. However, the reduction in the sales tax base would be more than offset by an increase in the assessed value of the property, for a net effect to the City of approximately twice as much revenue.

Further Council discussion included the importance of consistency and considering common and objective criteria, such as sales tax revenue, when making determinations on future projects similar to the proposed, the difficulty of maintaining a small-town atmosphere and, at the same time, developing projects that are viable; and the type of taxes to which the medical office condominiums would be subjected when they are sold. The Council questioned why the applicant’s Traffic Impact Analysis excluded the intersection of Sepulveda Boulevard and Marine Avenue and, referring to information in the Analysis, voiced concern over the potential impact on traffic, especially given the existing traffic difficulties in the area. Expressing concerns over the setting of a precedent for this type of use should the project be approved, the Council commented on the City’s long-term marketing goals for the Sepulveda Corridor and the City’s prerogative to dictate the type of project constructed on the subject property since a Master Use Permit is required.

City Traffic Engineer Erik Zandvliet explained that, from the point where impact on traffic is diminished, intersections away from the site would not be impacted; that the number of trips affecting Marine Avenue as a result of the project would be very insignificant; and that approximately 100 trips would be added at peak hours, which the City does not consider to be significant since it is less than a two percent change.

Associate Planner Moreno clarified that on-street parking is currently prohibited from the existing middle driveway to Sepulveda Boulevard, and that it would remain as such with the proposed development.

City Manager Dolan related his understanding of the information pertaining to the projected increase in sales tax revenue to be generated as reflected above by **Mr. Smith**. He advised that it was necessary for the applicant to estimate the sales tax base generated by the previous retail use because sales tax information is proprietary and that, typically, the City does not evaluate the viability of private developments.

Community Development Director Richard Thompson explained that, as included in the General Plan, it is the City's responsibility to ensure diverse uses along Sepulveda Boulevard; that compatibility of projects is a balance and it is market driven; that the applicant and City staff went to great efforts to incorporate retail uses that would be viable to the site; that the applicant has addressed the issue of retail as best they could for this particular site; that it would make perfect sense to rezone the rear portion of the lot from RM to CG, which allows for this type of use, and this property should have been designated as such in the General Plan; that City restrictions, along with the diversity of lot sizes and patterns along Sepulveda Boulevard, make it difficult to dictate a certain type of development along the Sepulveda Corridor, meaning it is very unlikely that there will be a proliferation of this type of development along Sepulveda Boulevard; that the amount of square footage allotted for retail would work for this site and the applicant was given flexibility for the retail in order to respond to the market; and that residential uses along Sepulveda Boulevard are not, and should not be, permitted in Manhattan Beach.

Returning to the podium, **Mr. Apostol** confirmed his understanding that 2,400 square feet of retail space would be viable and he explained efforts to determine an appropriate amount of retail square footage.

Mayor Tell opened the Public Hearing at 9:02 p.m.

Dave Wachtfogel, No Address Provided, commended the developer's efforts towards the project. He contended that an approval would be precedent-setting.

As a Manhattan Beach Resident and President of the Manhattan Beach Resident's Association, Martha Andreanni, No Address Provided, stated her concern that, should the project be approved, a precedent would be set for commercial developments along the Sepulveda Corridor and that increased truck traffic would be generated by the development. **Ms. Andreanni** related the Association's opinion that additional medical buildings are not needed in Manhattan Beach. She objected to the proposed zone change for the rear portion of the property, the General Plan Amendment and the idea of allowing less than the required number of parking spaces as well as exceptions to the Code in general. She supported the retail component of the building.

Viet Ngo, No Address Provided, said that the property owner has invested in the land and deserves to develop it and it is the City's responsibility to uphold the zoning laws, the General Plan and land use requirements.

Dr. Scott Rackett, No Address Provided, commented on the need for medical offices in Manhattan Beach and the convenience it would provide for many residents, as well as the importance of allowing a retail element that is not trendy.

Mayor Tell Closed the Public Hearing at 9:15 p.m.

Councilmember comments began with Councilmember Ward commending **Mr. Tomaro's** work in general. It was his opinion that the issue is centered around the type of developments that should be allowed along the Sepulveda Corridor; that additional information about the tax base the development would generate should be provided prior to making a determination; that the approval of medical offices in Manhattan Beach should be curtailed; and that the Sepulveda Corridor should be composed of small boutique-type entities such as the diverse types of uses that are there now.

Expressing his indecision as to whether the project should be approved, Mayor Pro Tem Aldinger stated his feeling that, because an approval of the project would be somewhat precedent-setting, the Council should be provided a list of other proposed medical offices (which City staff is aware) prior to making a determination.

Councilmember Montgomery reviewed the parking requirements for sit-down and take-out restaurants and he related his understanding that a drive-thru restaurant/coffee shop would not be allowed. He voiced his appreciation of the developer's efforts to obtain input from the community and stated his concerns over the loss of retail along the Sepulveda Corridor, as well as the precedent that would be set should the project be approved.

Councilmember Cohen expressed her support for the project. She explained her viewpoints that, due to variations in the lot sizes and patterns, each development along the Sepulveda Corridor should be considered on its own merits; that this project would not impact the adjacent residences any more than previous developments on the property; and that, even though the height of the building would exceed the existing building, parking would no longer be permitted next to the adjacent residence and the proposed traffic circulation would result in the least impact on adjacent residences. Councilmember Cohen agreed with the developer's analysis of the tax base that would be generated by the development and it was her feeling that the benefits of this type of development to the community and the demand for medical offices in Manhattan Beach should be considered along with finances. She supported the proposed mixed use and offered suggestions in the event that parking problems in the adjacent neighborhood occur as a result of the development.

Relating his understanding of the Council's purview with regard to this type of request along the Sepulveda Corridor, Mayor Tell commented on the importance of consistency and considering diversity in uses. He voiced his appreciation of the applicant's thoughtful proposal and indicated that he could support the project in that something other than retail would be appropriate for this site, particularly since retail has failed in the past; that the revenue generated would be more than that generated from the previous use; that the impact on residences would be less and the neighbors are in favor of the project; that the medical offices would be better than the previous use because a resident service component would be provided; and that, while he recognizes the potential for setting a precedent, this project makes sense and the applicant should not be penalized because of concerns that future projects similar to this might not.

Associate Planner Moreno provided information about parking requirements for sit-down and take-out restaurants. He affirmed that a drive-thru restaurant/coffee shop would not be allowed.

Community Development Director Thompson clarified that, even though a Variance, Zone Change and General Plan Amendment are needed to construct this project as it is proposed, it would be a great improvement over the existing development and the uses on the property have always been commercial; that the General Plan does not dictate that all uses along the Sepulveda Corridor must be retail, but it does say they should be diverse; that medical uses along the Sepulveda Corridor are permitted, but the Council has discretion over this project due to the need for a Master Use Permit, which is required because the building is over 5,000 square feet and the lot is over 10,000 square feet. With regard to concerns expressed about the setting of a precedent with this project, Community Development Director Thompson advised that the Community Development Department has received inquiries about development along the Sepulveda Corridor from many diverse uses; that they have been contacted by more retail uses than office or medical; and that the demand along the Corridor is not for medical offices on each and every site.

Councilmember Ward explained that the proposed medical use with some retail does not make sense to him; that the building would be bulky when compared to the existing building and adjacent residences would adversely be impacted; that the small-town atmosphere would not be preserved; that additional information about how this project would affect the City as a whole should be obtained prior to making a determination; and that the intent of both the General Plan and the Sepulveda Corridor Guidelines would not be met.

Mayor Pro Tem Aldinger reiterated his indecision about the project and his desire for additional information about other proposed developments along the Sepulveda Corridor. He questioned if the project would meet the intent of the General Plan and the Sepulveda Corridor Guidelines. He said that he does not have a problem with the building as proposed; that he appreciates the process through which the applicant has gone; that the Council should provide direction to staff as to the type of future developments they would like to see along the Sepulveda Corridor; and that he would prefer more retail on the first floor of the project.

Councilmember Cohen recalled Community Development Director Thompson's input about the type of inquiries received with regard to development along the Sepulveda Corridor. Concerning the preservation of the small-town atmosphere as called out in the General Plan, she explained her feeling that the type of developments allowed in the Downtown area should be different than those allowed along the Sepulveda Corridor; insisted that the project would meet the intent of the General Plan; emphasized that each project along the Sepulveda Corridor should be looked at individually; and mentioned that the development standards for the Sepulveda Corridor could be amended.

Mayor Tell commented again on the importance of consistency and diversity in uses and he noted the applicant's efforts to improve the site and lessen impact. He related his understanding that the proposed medical use would be consistent with the intent of the General Plan and the Sepulveda Corridor Guidelines and stated his support for maintaining suitable retail sites as such.

Councilmember Montgomery noted the failure of two restaurants previously at the location. He pointed out that a project having much more of a negative impact on the neighborhood could be constructed on this property and that the buffer between the proposed development and the adjacent residence would be much better than before.

City Manager Dolan advised that the only other medical office use in the "pipeline" that City staff is aware was denied by the Planning Commission and will come to the Council on appeal. He advised that City staff supports future discussion of the Sepulveda Corridor development standards, preferably after the mansionization issues are resolved.

City Attorney Wadden advised that two separate motions would be appropriate, one adopting Resolution Nos. 6107 and 6108 and one introducing and waiving further reading of Ordinance No. 2105.

MOTION: Councilmember Cohen moved to adopt Resolution Nos. 6107 and 6108. 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. 6107

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING A MASTER USE PERMIT INCLUDING PARKING REDUCTION, GENERAL PLAN AMENDMENT FROM “MEDIUM DENSITY RESIDENTIAL” TO “GENERAL COMMERCIAL”, LOADING SPACE SIZE VARIANCE AND VESTING TENTATIVE TRACT MAP NO. 68175 FOR OFFICE CONDOMINIUM, AT 1000 SEPULVEDA BOULEVARD

RESOLUTION NO. 6108

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, CERTIFYING A NEGATIVE DECLARATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR A MASTER USE PERMIT, ZONING CHANGE, GENERAL PLAN AMENDMENT, AND LOADING SPACE VARIANCE (Manhattan Medical Building)

MOTION: Councilmember Cohen moved to waive further reading and introduce Ordinance No. 2105 amending the City Zoning Map to change the zoning designation of the rear 50-foot of the property at 1000 Sepulveda Boulevard from “RM” (Residential Medium Density) to “CG” (Commercial General). 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.

RECESS AND RECONVENE

At 10:00 p.m. the Council recessed and reconvened at 10:10 p.m. with all Councilmembers present.

GENERAL BUSINESS

07/0619.12-16 Consideration of Parking and Public Improvements Commission Recommendation to Approve Installation of Pedestrian Signal Indications in All Directions and Deny the Request for Protected Left Turn Arrows at the Intersection of Manhattan Beach Boulevard and Redondo Avenue

With the aid of a PowerPoint Presentation, City Traffic Engineer Erik Zandvliet explained the previous and recent actions taken to improve safety at the intersection of Manhattan Beach Boulevard and Redondo Avenue and provided input on traffic accident histories and low traffic volumes at the intersection. He affirmed that a flashing beacon could be installed and programmed to raise awareness of the intersection on school days.

The following individuals spoke on this item:

- **Marc Reede, 1600 Block of Curtis Street**
- **Patrick McBride, No Address Provided**
- **Viet Ngo, No Address Provided**

The Council discussed the high traffic speeds on Manhattan Beach Boulevard in the vicinity of Redondo Avenue; the apparent increased number of traffic accidents at the intersection since 2004, particularly those involving left turns; the request for protected left-turn arrows; the ideas of installing a pedestrian bridge across Manhattan Beach Boulevard at Redondo Avenue, a diagonal crosswalk and stenciling “Slow Down School Crossing” on the pavement on Manhattan Beach Boulevard approaching Redondo Avenue and a flashing beacon that could be programmed to raise awareness of the intersection on school days.

Police Chief Rod Uyeda cautioned that red turning arrows would provide a false sense of security to drivers on Manhattan Beach Boulevard and he clarified that the majority of traffic incidents at the intersection involve rear-end accidents.

City Manager Geoff Dolan advised that a flashing yellow beacon could be installed and that an appropriation for it could be presented for the Council’s consideration at the next Council meeting.

MOTION: Mayor Pro Tem Aldinger moved to approve the PPIC recommendation to deny the request for protected left turn arrows; approve the installation of the “pedestrian countdown signal”; approve related pavement markings in each direction on Manhattan Beach Boulevard approaching Redondo Avenue; approve the installation of two solar powered dual-light flashing beacons; and direct staff to present an appropriation for the dual-light flashing beacon at the next City Council meeting. 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.

07/0717.17 Facilities Strategic Plan Update; Consideration of a Contract with the Lew Edwards Group for a Non-Advocacy Public Education Program and Polling Service; and Appropriate \$156,600 from the Unreserved Capital Improvement Plan Fund Balance

City Manager Geoff Dolan gave a brief presentation on the status of the Facilities Strategic Plan and noted the dates of the next Steering Committee meetings (August 6, 2007 and September 24, 2007), the Council update (September 4, 2007), the final community meetings (September 13 and 15, 2007 and two neighborhood meetings at the end of August (dates to be determined).

The Council discussed that the Facilities Strategic Plan Steering Committee’s proposal should be provided to the Council before being presented to the various City commissions for review.

City Manager Dolan clarified that the commissions will review the proposal and that the Council will make determinations on prioritizations. He suggested that the entire proposal be provided to every commission.

The Council agreed to discuss the commissions' purviews and set a timetable relevant to the Facilities Strategic Plan in the future.

City Manager Dolan relayed staff's recommendation for the Council to authorize the City Manager to enter into an agreement with the **Lew Edwards Group**. He advised that the initial commitment would be for a poll of residents and several months of contract services, after which time the process would be assessed and the contract could be cancelled.

Catherine Lew, C.E.O. and President, Lew Edwards Group, explained the importance of public education programs and her company's role relevant to the Facilities Strategic Plan.

The following individuals spoke on this item:

- **Viet Ngo, No Address Provided**
- **Patrick McBride, No Address Provided**

Sharon Pinkerton with Fairbank, Maslin, Maullin & Associates, came forward to elaborate on the type of information that would be obtained from the community through polling and other outreach.

Councilmember Ward explained his concern over this process. It was his opinion that it would be premature to poll the community at this point in the Facilities Strategic Plan process, especially when the Council has not yet made recommendations on priorities. Councilmember Ward related his objection to spending approximately \$231,000 to obtain public opinions when many people from the community have already provided input at community meetings.

After lengthy Council discussion regarding the subject agreement and services, the following motion was made.

MOTION: Councilmember Montgomery moved to approve authorizing the City Manager to enter into an agreement with The Lew Edwards Group in the amount of \$231,600 for a Facilities Strategic Plan non-advocacy public-education program and polling services and appropriate \$156,600 from the Capital Improvements Plan Fund for this program. The motion was seconded by Mayor Pro Tem Aldinger and passed by the following roll call vote:

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

The Council discussed the idea of providing status reports about the Facilities Strategic Plan in local newspapers.

City Manager Dolan advised that this type of information could be included in an on-going ad the City plans to run in local newspapers to advertise community meetings.

07/0717.18 Presentation of the City's New Website

Finance Director Bruce Moe recognized the efforts of City staff in developing the City's new website.

Information Systems Manager Leilani Flores Emnace gave a PowerPoint demonstration on the many characteristics of the City's new website.

The following individual spoke on this item:

- **Viet Ngo, No Address Provided**

The Councilmembers expressed their appreciation of the outstanding new website and received and filed the subject report.

07/0717.19 Discussion of Loss of Transient Occupancy Taxes As a Result of Hotel Bookings Through On-Line Travel Companies

Finance Director Bruce Moe briefed the Council on the City's loss of approximately \$55,000 per year in transient occupancy taxes as a result of hotel bookings through online travel companies.

Council thanked Finance Director Moe for the update and took no action at this time.

ITEMS REMOVED FROM THE CONSENT CALENDAR

07/0717.4 Approve Minutes of the City Council Regular Meeting of July 3, 2007

Having pulled this item from the Consent Calendar, Councilmember Cohen made the following modifications to the July 3, 2007 City Council minutes:

Page 4, Item No. 18-15, following paragraph 9, add: "Councilmember Cohen stated that, since 2001, the AVPs' contract with the City has included title sponsorship, presenting sponsorship and the AVPs' name in the event title, a fact which had not been presented at the May 1st City Council meeting. This justified provision of this second hearing."

Page 6, paragraph 9, "...She expressed that their historical retention record spoke volumes..."

MOTION: Mayor Pro Tem Aldinger moved to approve the subject minutes as amended by Councilmember Cohen. 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.

07/0717.7 Consideration of Compensation Adjustment for City Attorney

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

The following individual spoke on this item:

- **Viet Ngo, No Address Provided**

MOTION: Councilmember Ward moved to approve the City Attorney's Employment Agreement to be amended to provide a one-time payment of \$10,000 as additional compensation and a salary adjustment of 6½ % from \$180,000 to \$191,700, effective January 1, 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.

07/0717.8 Consideration of a Resolution for Acceptance of a Grant from the California Department of Alcohol Beverage Control (ABC) for Increased Education and Enforcement Activities Regarding Alcohol Beverage Control Laws in the Amount of \$80,229 and Appropriate Said Amount from the Unreserved General Fund Balance, Which Will Be Reimbursed by the Grant

Councilmember Ward pulled this item to relate his discomfort with “tap and sting operations” in which a government entity such as the City uses falsehoods to entice adults to purchase alcohol for minors. It was his opinion that this type of process should be carried out by individuals working at the establishments selling the alcohol, and not the City.

Police Chief Rod Uyeda provided clarification regarding the “tap and sting operations.” He noted that the City’s program is thought to be exemplary by Alcohol Beverage Control; that the Law is such that it is legal to tell a falsehood as long as it does not make an innocent person guilty; and that this program is preventative.

The Council discussed the importance of addressing minors drinking alcohol in Manhattan Beach.

MOTION: Mayor Pro Tem Aldinger moved to approve the acceptance of a reimbursable grant from State Department of Alcoholic Beverage Control; adopt Resolution No. 6106; and appropriate \$80,229 from the unreserved General Fund Balance which will be reimbursed by the Grant. 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. 6106

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DECLARING ITS INTENT TO ACCEPT A STATE GRANT UNDER THE GRANT ASSISTANCE TO LOCAL LAW ENFORCEMENT AGENCIES PROJECT ADMINISTERED BY THE DEPARTMENT OF ALCOHOLIC BEVEREAGE CONTROL FOR FISCAL YEARS 2007/2008 AND AUTHORIZE THE EXPENDITURE OF THESE GRANT FUNDS FOR ALCOHOLIC BEVERAGE CONTROL TRAINING, EDUCATION AND ENFORCEMENT

AUDIENCE PARTICIPATION

07/0717.22 *Viet Ngo Re Councilmembers Relying on Advice from City Attorneys*

Viet Ngo, No Address Provided, shared information about a recent newspaper article in which the improper nature of a councilmember relying on advice from a city attorney was discussed.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

07/0717.20 *Request by Councilmember Montgomery to Provide an Update Regarding the City Council Chambers Remodel and Technology Improvements*

Assistant to the City Manager Lindy Coe-Juell provided updated information on the technology improvements and the remodel of the City Council Chambers, as well as other planned improvements to City Hall.

Due to the fact that it was after 1:00 a.m., Council suggested agendizing this matter on a future City Council meeting agenda.

07/0717.23 *Councilmember Ward Re Agendize "Going Dark"*

Councilmember Ward asked that the idea of the City Council "going dark" the second meeting in August be agendized on the August 7th City Council agenda.

Mayor Pro Tem Aldinger voiced his concern and disagreement for "going dark" the second meeting in August.

Hearing no further objections from Council, it was so ordered.

07/0717.24 *Council Re ICA Conference*

Councilmember Montgomery provided a brief overview of the recent Independent Cities Association Conference Re Public Safety Issues and thanked Council for supporting him as an officer of the board.

Mayor Tell, Mayor Pro Tem Aldinger and Councilmembers Cohen and Ward also stated that they attended.

07/0717.25 *Mayor Tell and Mayor Pro Tem Aldinger Re Mayors' Conference*

Mayor Tell and Mayor Pro Tem Aldinger touched on discussions at the recent two Mayors' Conferences.

ADJOURNMENT

At 1:34 a.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, August 7, 2007, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Wendy Weeks
Recording Secretary

Nicholas W. Tell, Jr.
Mayor

ATTEST:

Liza Tamura
City Clerk