

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
AUGUST 7, 2007**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 7th day of August, 2007, at the hour of 6:41 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Parks and Recreation Director Richard Gill led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

07/0807.1 Presentation of "There's No Place Like Manhattan Beach" to Mystery Recipients in Recognition of Their Extraordinary Contribution to the Community

Mayor Tell presented the "There's No Place Like Manhattan Beach" commendations to City Clerk Liza Tamura, City Attorney Robert Wadden, Jr., Police Chief Rod Uyeda, Fire Chief Dennis Groat, Community Development Director Richard Thompson, Public Works Director Jim Arndt, Parks and Recreation Director Richard Gill, Assistant to the City Manager Lindy Coe-Juell and City Manager Geoff Dolan in recognition of their extraordinary contributions to the community.

Finance Director Bruce Moe was not able to attend the meeting, however, was also recognized for his valuable efforts.

REORGANIZATION

07/0807.2 City Council Reorganization:

a) Recognition of Outgoing Mayor Nick Tell

The Council recognized outgoing Mayor Tell and presented him with various mementos in appreciation of his service to Manhattan Beach.

b) Selection of Mayor and Mayor Pro Tem

MOTION: Councilmember Montgomery moved to appoint Mayor Pro Tem Aldinger to serve as Mayor. 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.
Absent: None.
Abstain: None.

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

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

On behalf of the Manhattan Beach Chamber of Commerce, **Executive Director Helen Duncan** presented outgoing Mayor Tell with tokens of appreciation for his support to the Chamber of Commerce during his tenure as Mayor.

Jim Kennedy, representing Congresswoman Jane Harman's Office, presented outgoing Mayor Tell with a certificate of appreciation in recognition of his outstanding service to the South Bay.

c) Ratification of New Council Assignments

MOTION: Councilmember Tell moved to approve the Council assignments. The motion was seconded by Councilmember Cohen and passed by the following unanimous roll call vote:

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

RECESS AND RECONVENE

At 7:37 p.m. the Council recessed and reconvened at 7:59 p.m. with all Councilmembers present.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 3 through 18), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Ward, seconded by Mayor Pro Tem Montgomery and passed by unanimous roll call vote with the exception of Item Nos. 5 and 8, which were considered later in the meeting under "*Items Removed from the Consent Calendar.*"

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

GENERAL CONSENT

07/0807.3 Approve Minutes of the City Council Regular Meeting of July 17, 2007

The Council approved the subject minutes.

07/0717.15-4 Adoption of an Ordinance Approving a Zone Change for a 30-Unit Mixed-Use, Medical, Retail and Restaurant Commercial Condominium Development at 1000 Sepulveda Boulevard

The Council adopted Ordinance No. 2105.

ORDINANCE NO. 2105

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING AN AMENDMENT TO THE CITY ZONING MAP AMENDING THE ZONING DESIGNATION FROM "RM" (RESIDENTIAL MEDIUM DENSITY) TO "CG" (GENERAL COMMERCIAL), FOR THE REAR 50 FEET OF THE PROPERTY LOCATED AT 1000 SEPULVEDA BOULEVARD IN THE CITY OF MANHATTAN BEACH (Manhattan Medical Building)

07/0804.5 Facilities Strategic Plan Update from Staff

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

07/0807.6 Consideration to Adopt a Resolution in Support of the City of Manhattan Beach Joining the Cities for Climate Protection Campaign

The Council adopted Resolution No. 6111.

RESOLUTION NO. 6111

A RESOLUTION OF THE CITY COUNCIL OF MANHATTAN BEACH SUPPORTING THE MEMBERSHIP OF MANHATTAN BEACH IN THE CITIES FOR CLIMATE PROTECTION CAMPAIGN

07/0807.7 Authorize the Purchase of 45 Electronic Control Devices (ECD) and Cartridges from ProForce Law Enforcement for Use by Patrol Officers, and Appropriate \$41,153.56 from Asset Forfeiture Funds

The Council waived formal bidding per municipal Code Section 2.36.140 (waivers); approved authorizing the purchase of 45 Electronic Control Devices (ECD) and cartridges from ProForce Law Enforcement in the amount of \$41,153.56; and appropriated \$41,153.56 from Asset Forfeiture Funds.

07/0807.8 Consideration of Financial Reports:

a) Ratification of Demands: July 26, 2007

b) Preliminary Financial Reports for the Month Ending June 30, 2007

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

07/0807.9 Authorization for the Mayor to Execute an Agreement Between the City of Manhattan Beach and the South Bay Platoon Cities to Jointly Use an Armored Response and Rescue Vehicle that was Obtained Through the 2006 Federal State Homeland Security Grant Program

The Council approved authorizing the Mayor to execute an agreement between the City of Manhattan Beach and the South Bay Platoon Cities, which include the cities of El Segundo, Gardena, Inglewood, Hawthorne, Hermosa Beach, Palos Verdes Estates, Redondo Beach and Torrance for the joint use of an Armored Response and Rescue Vehicle that was obtained using the 2006 Federal State Homeland Security Grant Program.

07/0807.10 Consideration of Appropriation and Purchase of Traffic Signal Warning Lights to be Installed at the Intersection of Manhattan Beach Boulevard and Redondo Avenue as Approved by the City Council on July 17, 2007

The Council approved the purchase and installation of two solar powered dual-light school flashing beacons and associated pavement markings on Manhattan Beach Boulevard near Redondo Avenue, and appropriated a not-to-exceed amount of \$20,000 from the City Council Contingency Fund.

07/0807.11 Accept Street Right-of-Way Dedication and Easement for Public Parking at 1300 Highland Avenue (Former Good Stuff Property)

The Council adopted Resolution No. 6109.

RESOLUTION NO. 6109

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ACCEPTING A REAL PROPERTY DEDICATION AND AN EASEMENT FOR PUBLIC PARKING AT 1300 HIGHLAND AVENUE

07/0807.12 Award a Contract (\$220,670) for the 2007 Concrete Repair Project to CJ Concrete Construction, Inc.

The Council approved the award of a contract for the 2007 Concrete Repair Project to CJ Concrete Construction, Inc. in the net amount of \$220,670.

07/0807.13 Disbursement of Progress Payments:

a) Formally Accept the Strand Improvement Project as Complete and Authorize Filing of the Appropriate Notice of Completion

b) Progress Payment No. 1 in the Net Amount of \$163,008.00 to West Valley Construction Inc. for the 2004-2005 Water Main Replacement Project

c) Progress Payment No. 1 in the Net Amount of \$270,740.40 to Environmental Construction Inc. for the Manhattan Village Soccer Park Synthetic Turf Field Project

The Council approved the issuance of the subject progress payments; formally accepted the Strand Improvement Project as complete; and authorized the filing of the appropriate Notice of Completion.

BOARDS AND COMMISSIONS

Cultural Arts Commission

07/0807.14 *Consideration of Draft Minutes, Cultural Arts Commission Meeting of July 10, 2007*

The Council received and filed the subject draft minutes.

Library Commission

07/0807.15 *Consideration of Draft Minutes, Library Commission Meeting of July 16, 2007*

The Council received and filed the subject draft minutes.

Parking & Public Improvements Commission

07/0807.16 *Uphold the Parking and Public Improvements Commission Recommendation to Approve a Request for a Street Light Addition at 900 Block of Johnson Street*

The Council approved the Parking and Public Improvements Commission (PPIC) recommendation to approve the request for a streetlight addition at the 900 block of Johnson Street.

07/0807.17 *Uphold the Parking and Public Improvements Commission Recommendation to Deny a Request for a Street Light Removal at 516 Ardmore Avenue*

The Council approved the Parking and Public Improvements Commission (PPIC) recommendation to deny the request for a streetlight removal at 516 Ardmore Avenue.

Planning Commission

07/0807.18 *Consideration of Action Minutes, Planning Commission Meeting of July 25, 2007*

The Council received and filed the subject action minutes.

COMMUNITY ANNOUNCEMENTS

07/0807.22 *Los Angeles County Librarian Don Gould Re Various Events*

Los Angeles County Librarian Don Gould announced several upcoming events that will be held at the Manhattan Beach Library and reported that they will soon be receiving an upgrade to their information system line and new computers, both for the public and staff.

07/0807.23 *Viet Ngo Re Alleged Corruption*

Viet Ngo, No Address Provided, alleged that he and the other 36,000 residents of Manhattan Beach have been victimized by public corruption and urged the public to call the FBI for help.

07/0807.24 *Scott Gobble Re Southern California Edison Giveaway*

Scott Gobble, Regional Manger of Public Affairs for Southern California Edison (SCE), announced that at next Tuesday's Farmers Market, SCE will be giving out free energy efficient light bulbs and encouraged everyone to come and get one.

In response to Councilmember Ward's question about these light bulbs, **Mr. Gobble** confirmed that while they do contain a chemical, they are 75% more efficient than regular bulbs. He also added that he would follow up with City Manger Dolan as to where the light bulbs can be disposed of for recycling.

PUBLIC HEARINGS

07/0807.19 *Consideration of a Determination that the City is in Compliance With the Program Requirements of the 2007 Congestion Management Program (CMP) for Los Angeles County as Prepared by the Metropolitan Transportation Authority (MTA)*

Assistant Planner Angelica Ochoa summarized the Congestion Management Program (CMP) communicating that the main goal of the CMP is to mitigate traffic impacts associated with new development. She explained that the Metropolitan Transit Authority (MTA) is the agency responsible for the CMP and that the City must meet the CMP requirements in order to continue to be eligible to receive Section 215 Gas Tax Funds. She conveyed that the three areas required to be reported are: the total number of units and square footage of new commercial development after subtracting demolitions; development activity for the reporting period; and highway monitoring data of the Rosecrans Avenue/Sepulveda Boulevard intersection. She pointed out that although the requirement to create "credits" has not yet been reinstated, the MTA still requires that each city monitor and report new development activity annually. Assistant Planner Ochoa concluded by reporting that last year there were 130 new residential constructions versus 131 demolitions; 39 multiple units were constructed versus 33 demolished; and 15,495 square feet of office space was constructed versus 20,964 being demolished.

Mayor Aldinger opened the Public Hearing at 8:12 p.m.

Viet Ngo, No Address Provided, alleged that the City's certificate of compliance has been submitted without truthful input and sold to the City of Commerce. He urged the Council and City Attorney to protect public money.

Mayor Aldinger closed the Public Hearing at 8:15 p.m.

Councilmember Ward emphasized that given the stringent rules that the City follows, he is confident that Manhattan Beach is in full compliance.

MOTION: Councilmember Ward moved to adopt Resolution No. 6110 demonstrating the City's compliance with the program requirements of the 2007 Congestion Management Program. The motion was seconded by Mayor Pro Tem Montgomery and passed by the following unanimous roll call vote.

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

RESOLUTION NO. 6110

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, FINDING THE CITY TO BE IN CONFORMANCE WITH THE CONGESTION MANAGEMENT PROGRAM (CMP) AND ADOPTING THE CMP LOCAL DEVELOPMENT REPORT, IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 65089

GENERAL BUSINESS

07/0807.20 Summary of Utility Underground District 05-6 Public Meeting Held to Review Construction Design Plans

Senior Civil Engineer Stephanie Katsouleas addressed Council with a PowerPoint presentation of Utility Underground District 05-6 illustrating the boundaries (Marine Avenue to 15th Street and Highland Avenue to The Strand). She reviewed that this District was approved by a 63% majority, although, it was suspended for approximately 5 months pending the outcome of a lawsuit, in which the City prevailed. She reported that as the contractor was preparing to begin digging, it was discovered that improvements to the infrastructure would prevent vaults and trench lines from being installed; however, since monies were collected and bonds were sold before this discovery, the cost to residents was locked in while the utilities redesigned their facilities over the next ten months. She stated that because the first public meeting was poorly attended, the City provided extensive outreach for the second meeting and included an additional 10-day comment period in which she spoke with several residents regarding infrastructure plans near their homes.

Southern California Edison (SCE) Regional Manager of Public Affairs Scott Gobble reviewed SCE's design criteria and described some the factors that govern how underground systems are designed. In response to Councilmember Ward's question, **Mr. Gobble** explained that riser poles are placed in neighborhoods adjacent to those with Utility Undergrounding; that new poles are used in order to "start out fresh" and because of the considerable cost of the new equipment being placed on the pole; and that having 2 poles in the same area is the exception and only done when there are too many wires to be handled by one pole.

In response to a question on notification, Senior Civil Engineer Katsouleas explained that each resident in District 05-6 whose property will be affected by a riser pole, vent, etc. was specifically notified of what type of above-ground structure would be placed on or near their property. She also pointed out that new poles had to be placed wherever "mid span" wires were present.

Councilmember Tell conveyed that he and Mayor Pro Tem Montgomery walked several blocks in this District to see if it was possible to address specific concerns by repositioning some of the structures.

Council held discussion with **Mr. Gobble** determining that he does not believe that there will be a rapid change in electrical technology and that the useful life of utility poles varies.

Councilmember Tell cited that the City, in partnership with SCE, will be looking into the electrical system to determine where there is low capacity in order to avoid outages such as those that happened in the Tree Section last holiday season.

Senior Civil Engineer Katsouleas continued her presentation summarizing the design changes and other above ground impacts, residential comments and concerns and parking options during construction.

It was determined during a brief discussion with Council that parking passes would be “car specific” by license plate, given out one month at a time and limited to the upper level at City Hall and the bottom level at Metlox.

The following individuals spoke on this item:

- **Beth Muir, No Address Provided**
- **Jon Chaykowski, No Address Provided**
- **Robert Bush, No Address Provided**
- **Patrick McBride, 5th Street and Peck Avenue**
- **Viet Ngo, No Address Provided**

In response to **Mr. Ngo’s** comments, Mayor Pro Tem Montgomery clarified that the City prevailed against the Undergrounding lawsuit and that the City has no control over Proposition 218; it is governed by the State.

Councilmember Ward commented that the Undergrounding “argument” has long passed and that it is time to move forward while trying to mitigate issues such as the above ground structures, if possible.

Councilmember Tell emphasized that the Council does care; that the main issue is to make sure that the vents and riser poles are done in the most unobtrusive way; that the mistakes of District 2 are not repeated; that engineering wise, opting-out is just not possible; and that the City has to abide by Proposition 218.

Councilmember Cohen added that the City does not have a view ordinance and commended Senior Civil Engineer Katsouleas for her efforts on this project.

Mayor Aldinger pointed out the fact that out of approximately 75 people who were at the second public meeting, none are present this evening, and that speaks volumes. He further stated that he is satisfied with the way that District 6 is moving forward.

Mayor Aldinger moved to receive and file the subject report summarizing the public meeting held to address the revised design plans for Utility Undergrounding District 6 and approve a parking pass program to address the parking problem(s) that will be created as a result of the construction project.

Hearing no objection, it was so ordered.

07/0807.21 Consideration to Cancel the August 21, 2007 City Council Meeting

Acknowledging that he was the one who requested that this item be agendaized, Councilmember Ward explained his reasons for suggesting that the next City Council meeting be canceled.

The following individual spoke in this item:

- **Viet Ngo, No address Provided**

City Manager Geoff Dolan stressed that it is not unusual for City Councils to have a standing policy to "go dark" the second meeting in August. He added that approximately two-thirds of the cities who responded to an inquiry regarding canceling City Council meetings have a standing policy canceling the second meeting in August.

Council briefly discussed this matter and concurred, with the exception of Mayor Aldinger, to cancel the next City Council meeting.

MOTION: Councilmember Ward moved to approve canceling the City Council meeting of August 21, 2007. The motion was seconded by Councilmember Tell and passed by the following roll call vote.

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

ITEMS REMOVED FROM THE CONSENT CALENDAR

07/0804.5 Facilities Strategic Plan Update from Staff

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

The following individual spoke on this item:

- **Patrick McBride, No Address Provided**

MOTION: Mayor Pro Tem Montgomery moved to receive and file the Facilities Strategic Plan Update. The motion was seconded by Councilmember Ward and passed by the following unanimous roll call vote:

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

07/0807.8 Consideration of Financial Reports:
a) Ratification of Demands: July 26, 2007
b) Preliminary Financial Reports for the Month Ending June 30, 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**

MOTION: Councilmember Tell moved to approve with no exception Warrant Register Nos. 3B & 29B in the amount of \$2,717,607.91 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 receive and file the Financial Reports for the month ending June 30, 2007. The motion was seconded by Mayor Pro Tem Montgomery and passed by the following unanimous roll call vote:

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

AUDIENCE PARTICIPATION

07/0807.25 Azar Hammond Re Various Issues

Azar Hammond, No Address Provided, thanked Council and Finance Director Bruce Moe for facilitating an easier method of obtaining a bus pass and urged them to advertise it in the *Beach Reporter* in order to inform other seniors about this new program/service.

In response to the previous agenda item, she commented that Americans take less vacation time than most other countries.

In conclusion, she questioned why the new vent pipe was placed in front of her house.

07/0807.26 Sharon Bush Re Utility Undergrounding

Sharon Bush, No Address Provided, spoke of several analyses of residents by the City in regard to Utility Undergrounding and how most residents opposed it.

07/0807.27 Robert Bush Re Utility Undergrounding

Robert Bush, No Address Provided, named off ten different Utility Undergrounding Districts and commented that, if they pass, residents will be forced to pay \$18 to \$20 million in assessment costs.

07/0807.28 Viet Ngo Re Newspaper Article

Viet Ngo, No Address Provided, spoke of an article in the *Daily Breeze* reporting that a City Councilmember from Hawthorne is up for indictment. He also alleged that several Manhattan Beach city officials have also misused City funds.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

07/0807.29 Councilmember Tell Re Congratulations

Outgoing Mayor Tell congratulated Mayor Aldinger on a well run meeting.

07/0807.30 Mayor Aldinger Re AVP Tournament

Mayor Aldinger reminded the public of the AVP Tournament on Saturday and Sunday.

ADJOURNMENT

At 9:30 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, September 4, 2007, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Terri Aliabadi
Recording Secretary

Jim Aldinger
Mayor

ATTEST:

Liza Tamura
City Clerk