

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING OF
DECEMBER 4, 2007**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 4th day of December, 2007 at the hour of 6:40 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Sawyer Mahony, a 5th Grade Student at Pacific Elementary School, led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

07/1204.1 Annual City Recognition of Longstanding Local Businesses

The Council presented plaques and commendations to Manhattan Beach businesses that have been providing services to the community for a number of years.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 2 through 15), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Ward, seconded by Councilmember Tell and passed by unanimous roll call vote, with the exception of Item Nos. 3, 8 and 12 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

07/1120.1-2 Approve Minutes of the City Council Regular Meeting of November 6, 2007
(Continued from the November 20, 2007 City Council Meeting)

The Council approved the subject minutes.

07/1204.3 Approve Minutes of the Special City Council Meeting of November 7, 2007

Item No. 3 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

07/1204.4 Approve Minutes of the City Council Regular Meeting of November 20, 2007

The Council continued the subject minutes to the City Council Meeting of December 18, 2007.

07/1204.5 Consideration of the State Budget and Legislative Update

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

07/1204.6 Status Report of City Council Work Plan Item Regarding Metlox Plaza Programs and Landscape Improvements

The Council received and filed the subject status report.

07/1204.7 Consideration of Financial Reports:

a) Ratification of Demands: November 29, 2007

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

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

The Council approved with no exception Warrant Register No. 12B in the amount of \$3,432,022.78 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 October 31, 2007; and received and filed the Financial Reports for the month ending October 31, 2007.

07/1204.8 Consideration of the Purchase of a Budgeted Digital Voice Recording System from Versatile Information Products, Inc. for the Police Department in the Amount of \$47,712.99 Using Asset Forfeiture Funds

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

07/1204.9 Consideration of Appropriation of \$15,000 from the Parking Fund for the Purchase of an Unbudgeted Replacement Coin Counting-Sorting Machine

The Council approved and appropriated \$15,000 from the Parking Fund for the purchase of a replacement coin counting-sorting machine.

07/1204.10 Consideration of Adoption of Annual Investment Policy

The Council approved the 2007-2008 Investment Policy.

07/1204.11 Amendment to Professional Services Contract with Control Automation Design, Inc. for an Additional Not-to-Exceed Fee of \$40,000 for Water System Instrumentation and Programming; Approve Supplemental Appropriation of \$40,000 From Water Fund Reserves

The Council approved an amendment to a professional services contract with Control Automation Design, Inc. (CAD) in the amount of \$40,000 to provide additional instrumentation and SCADA programming for the water system and appropriated \$40,000 from the Water Fund Reserves.

07/1204.12 Accept Project Update for the Sepulveda Bridge Widening Project and Approve a Professional Services Contract with Dardanelle Group, Inc. for an Amount Not-to-Exceed \$48,000

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

07/1204.13 Approval of Contract Agreement with DGA Consultants for Design Services for the Peck Reservoir Repair Project, Not-to-Exceed \$19,651.00

The Council approved the subject agreement with DGA Consultants.

BOARDS AND COMMISSIONS

Planning Commission

07/1204.14 Consideration of Action Minutes, Planning Commission Meeting of November 28, 2007

The Council received and filed the subject action minutes.

07/1204.15 Consideration of Planning Commission Approval of Variances, Coastal Development Permits, a Use Permit, and Vesting Tentative Tract Map No. 68805 for a 2-Lot, 5-Unit Condominium Project on the Property Located at 4320 Highland Avenue & 4321 Crest Drive

The Council received and filed the decision of the Planning Commission approving the project subject to certain conditions.

COMMUNITY ANNOUNCEMENTS

07/1204.19 Don Gould Re Library Events

Los Angeles County Librarian Don Gould announced the following Manhattan Beach Library events: Craig Newton and Jane West on December 3, 2007; Coffee and Classics Film Group, December 6, 2007; Annie Banannie Balloons, December 13, 2007; and Playtime with Toys, Ages 4 and under, December 18 and 19, 2007.

07/1204.20 Police Chief Uyeda Re Support for Fellow Officer

Police Chief Rod Uyeda called attention to the great response by the Police Department, Fire Department, City staff and other concerned individuals who shaved their heads in support of Manhattan Beach Police Officer Mark Vasquez, who is undergoing cancer treatments.

07/1204.21 Mayor Pro Tem Montgomery Re Beach Cities' Toy Drive

Mayor Pro Tem Montgomery noted that unwrapped toys for the Beach Cities' Toy Drive can be dropped off at City Hall, the Police Station and Fire Station.

07/1204.22 Mayor Aldinger Re Holiday Fireworks Show

Mayor Aldinger highlighted the upcoming Holiday Fireworks Show on December 16, 2007.

07/1204.23 *Mayor Aldinger Re Pier Lighting Ceremony*

Mayor Aldinger related his appreciation of the Pier Lighting Ceremony on December 1, 2007.

PUBLIC HEARINGS

None.

GENERAL BUSINESS

07/1204.16 *Consideration of Status Report Regarding the Implementation of the City's Tree Ordinance*

City Manager Geoff Dolan advised that this item is before the Council tonight as a follow up to a City Council Study Session several weeks ago.

Senior Planner Laurie Jester shared background information about the City's Tree Ordinance and input by the Tree Committee and explained the City's desire to preserve and protect trees without limiting property owners' rights to develop their property. She clarified the proposed fines; elaborated on the purview of the Tree Committee; and explained the City's outreach and educational efforts. She further related the roles of the City Arborist and Code Enforcement Officer, the establishment of greater fees and fines for violation of the Tree Ordinance and confirmed that the City does not require landscape plans.

The Council held a lengthy discussion regarding the implementation of the proposed Tree Ordinance; supported charging fines for violations; and discussed the idea of increasing them for first offenses, with hopes of greatly reducing the problems. The Council commented on the possible difficulty in determining if violations are intentional; with whom the responsibility of violations would lay (the tree trimmer or the property owner); the idea of eliminating a time frame on consecutive violations; and the need to address violations, more so with developers than single-family property owners.

City Attorney Robert Wadden advised that determining intent with tree removal will not be a problem, but a determination on how to better regulate pruning should be made; that the intent of not including a cap for fines was to give staff discretion based on facts and circumstances; that the responsibility for violations rests with the property owner; and that the fine for first offenses would be the appraised value of the tree as well as the planting of a new tree.

City Manager Dolan indicated that tree problems, mainly involving developers, led to the proposed increase in fines. He verified that information about tree violations will be on the front page of the City's newspaper to be mailed to residents in the near future.

The following individuals spoke on this item:

- **Kaye Sherbak, Tree Committee Member**
- **Ann Barklow, Consulting Certified Tree Arborist and Tree Committee Member**
- **Mike Garcia, Tree Committee Member**
- **Steve Kahan, Tree Committee Member**
- **Martha Andreani, Downtown Manhattan Beach Residents' Association**
- **Patrick McBride, 5th Street and Peck Avenue**
- **Dale K (Last Name Inaudible), 1900 Block of Harkness**
- **Gary McCauley, 3rd Street**

- **Karol Wahlberg, No Address Provided**
- **Arnold Sachs, Redondo Beach**
- **Pat Baras, No Address Provided**

Councilmember Ward approved of the proposed fines, with the suggestion of deleting the 24-month distinction for consecutive violations. He stated his support for protective fencing around trees during construction, a drip line on the construction plans and his preference for tunneling, rather than trenching. Councilmember Ward also related his desire for additional clarification on tree trimming practices; expressed his viewpoint that there does not appear to be an incentive for requiring tree trimming permits; and that public education on proper tree trimming practices is critical.

Councilmember Cohen stated her support for the proposed fines without a 24-month period for consecutive violations. She agreed with tunneling rather than trenching, requiring a drip line on construction plans and alternative punishment for purposely violating the City's requirements. She voiced her opinion that the Tree Committee should develop language to require fencing around trees during construction; that the idea of requiring a free tree trimming permit should be explored; that a link to the Tree Committee should be created on the City's website; that funds should be expended to publish the City's tree practices and proper tree trimming procedures; and that the onus for tree trimming should be placed on the experts rather than the property owners.

Mayor Pro Tem Montgomery echoed Councilmember Ward's and Cohen's support for requiring a drip line on construction plans and tunneling instead of trenching. He said that mature trees erroneously removed should be replanted one for one; that he has issues with requiring pruning permits; that a "Stop Construction" notice could be placed on projects where developers violate the requirements; that educating the public about proper pruning procedures is important; and that a link to the Tree Committee should be placed on the City's website.

It was Councilmember Tell's opinion that the big questions are "how to protect trees during construction" and "how to implement tree pruning requirements". He felt that professional tree trimmers should be required to obtain trimming permits since property owners rely on them; that education relevant to the City's tree policy and proper pruning procedures is most important; that the ideas of providing incentives to encourage the proper care and planting of trees and requiring professional tree trimmers should be explored; and that landscaped areas that could damage trees should not be allowed, but it will be difficult to define such areas.

Mayor Aldinger contended that the Tree Management Plan should be implemented. He favored fines for violations and suggested the idea of initially implementing the new tree policy in a particular area to help inform property owners. He recommended that tree trimming permits be required and that they include information about proper trimming procedures. He supported requiring property owners to use tree trimmers and allocating a maximum of \$10,000 to educate the public about the City's tree policy and proper tree trimming procedures.

MOTION: Councilmember Tell moved to receive and file the staff report and adopt Resolution No. 6117 as amended, deleting the language from Section 2 (a) "...within any consecutive twenty-four month period". 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. 6117

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ADOPTING FINES AND PENALTIES FOR VIOLATION OF THE CITY TREE ORDINANCE

The Council directed staff to research the idea of requiring licensing for pruning; supported a Tree Management Plan for new developments and remodels, including the requirement of a drip line to be shown on construction plans; asked staff to work quickly with the Tree Committee to develop tree preservation content on the City's website; requested staff to examine ideas for incentives to preserve trees; approved charging fines for tree violations, deleting the two-year requirement for consecutive violations; and approved to allocate a maximum of \$10,000 from the Council Contingency Fund for educational awareness (such as a brochure) about tree preservation. The Council clarified that the protected trees would be in the front and side yards and that the tree preservation regulations should apply to new homes and remodels.

City Attorney Wadden advised that the City has the ability to regulate tree trimmers who do business in Manhattan Beach and that there might be many legal issues involved in licensing requirements for pruning.

City Manager Dolan commented on the need to think through the pruning license process and to eventually notify residents about it.

MOTION: Mayor Aldinger moved to approve allocating a maximum of \$10,000 from the Council Contingency Fund for educational awareness about tree preservation. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote:

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

The Council expressed appreciation to the Tree Committee for all their efforts regarding this matter.

RECESS AND RECONVENE

At 8:52 p.m., the Council recessed and reconvened at 9:07 p.m. with all Councilmembers present.

07/1106.14-17 Consideration of a Granicus Council Meeting Management System and Audio Visual System Update for the City Council Chamber and, Based on Council Direction, Appropriate \$60,037.67 from the CIP Fund Balance for the Updates

City Manager Geoff Dolan advised that this item is before the Council this evening in response to the Council's request, at a previous meeting, for revised quotes from the vendors eliminating some of the previously-proposed items.

Assistant to the City Manager Lindy Coe-Juell explained that, in response to Council's direction at a previous meeting, staff worked with the vendors to revise the proposals to include the following: the meeting management system (MinutesMaker software, system servers, installation, configuration, on-site training for staff and a custom software application for public display of the meeting agenda titles); the Council Chamber audio visual system update

(two 65-inch high-definition plasma flat screen panel displays for the audience to view, 12 gooseneck microphones, a 15-inch display panel for the City Clerk, a 42" plasma display for the Council, a digital document reader/presenter, all required cabling, electronics, shelving, engineering, drafting and installation management) and the Granicus System integration, for a total amount of \$60,037.67 to be funded from the Capital Improvement Plan (CIP) Fund Balance.

Matt Minks, Granicus and Steve Hollingsworth, Western Audio Visual, provided a brief presentation outlining their revise quotes.

There were no public comments on this item.

Mayor Pro Tem Montgomery asked for clarification regarding the current speaker system and if the proposal included an upgrade. **Steve Hollingsworth** indicated that the initial proposal does not include the speakers, however reassured Mayor Pro Tem Montgomery that by upgrading the microphone system the sound quality and broadcast audio quality should be increased.

In response to concerns addressed by Councilmember Ward, **Steve Hollingsworth** stated that the new microphones will be in a fixed position and that they will be attached and directional.

MOTION: Councilmember Ward moved to waive formal bidding per Municipal Code Section 2.36.140 (waivers); appropriate \$60,037.67 from the unreserved Capital Improvement Plan (CIP) balance; and approve awarding an order of \$29,826.83 to Granicus for the Meeting Management System and \$97,851.54 to Western Audio Visual Corporation for the City Council Chamber audio visual system update and Granicus system integration. The motion was seconded by Mayor Aldinger and passed by the following unanimous roll call vote:

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

07/1204.18 Consideration of Ordinances to Adopt the Most Recent California Building Standards Code and City Amendments to the Following Codes: 2007 California Building Code, 2007 California Plumbing Code, 2007 California Mechanical Code, 2007 California Electrical Code, 2006 Uniform Swimming Pool, Spa, & Hot Tub Code and to Adopt the 2007 California Fire Code and City Amendments.

City Manager Geoff Dolan advised that this is a standard process which occurs every few years and that the City must adopt these codes with any amendments before January 1, 2008, when they become effective Statewide.

Building Official Carol Jacobson explained that the codes were last updated in 2002; that staff recommends simple, inexpensive code requirements for new construction to encourage more sustainable building practices; and that specific needs must be found to support amendments more restrictive than the State-adopted model codes. She related the staff recommendation for the Council to introduce Ordinance Nos. 2108 and 2109, waive further reading and set the Public Hearing for December 18, 2007.

Fire Marshal Derek Edmonds reported that, for the first time, fire suppression systems must meet the new code requirements and that restaurants will have six months from January 1, 2008 to comply.

City Manager Dolan announced that the proposed amendments include the City's first policy change resulting directly from the "Green Report."

City Attorney Robert Wadden read aloud the title of Ordinance Nos. 2108 and 2109.

MOTION: Councilmember Ward moved to introduce Ordinance Nos. 2108 and 2109, waive further reading and set the public hearing for December 18, 2007. 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.

ORDINANCE NO. 2108

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ADOPTING BY REFERENCE THE 2007 EDITION OF THE CALIFORNIA FIRE CODE, 2006 EDITION OF THE INTERNATIONAL FIRE CODE, AND AMENDING THESE CODES THROUGH EXPRESS FINDINGS OF LOCAL NECESSITY

ORDINANCE NO. 2109

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING CHAPTERS 1, 12, 32, 52 AND 64 OF THE MANHATTAN BEACH MUNICIPAL CODE TO ADOPT BY REFERENCE THE RULES, REGULATIONS, PROVISIONS AND CONDITIONS SET FORTH IN THE MOST RECENT CALIFORNIA BUILDING STANDARDS CODE AND CITY AMENDMENTS TO THE FOLLOWING CODES: BUILDING CODE, ELECTRICAL CODE, SWIMMING POOL CODE, PLUMBING CODE, AND MECHANICAL CODE

ITEMS REMOVED FROM THE CONSENT CALENDAR

07/1204.3 Approve Minutes of the Special City Council Meeting of November 7, 2007

A member of the audience pulled this item from the Consent Calendar for discussion, however, was not present when it was being considered.

There were no public comments on this item.

MOTION: Mayor Pro Tem Montgomery moved to approve the minutes of the Special City Council Meeting of November 7, 2007. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote:

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

07/1204.8 Consideration of the Purchase of a Budgeted Digital Voice Recording System from Versatile Information Products, Inc. for the Police Department in the Amount of \$47,712.99 Using Asset Forfeiture Funds.

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

The following individual spoke on this item:

- **Patrick McBride, 5th Street and Peck Avenue**

MOTION: Councilmember Ward moved to waive formal bidding per Municipal Code Section 2.36.140 (waivers); appropriate \$47,713 from available Asset Forfeiture Funds; and approve the purchase of a digital voice recording system from Versatile Information Products, Inc. in the amount of \$47,712.99. 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.

07/1204.12 Accept Project Update for the Sepulveda Bridge Widening Project and Approve a Professional Services Contract with Dardanelle Group, Inc. for an Amount Not-to-Exceed \$48,000

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

The following individuals spoke on this item:

- **Mark Newman, Platinum Capital Building, 3500 Block of Sepulveda Boulevard**
- **Richard Reissig, 3500 Block of Sepulveda Boulevard**
- **Patrick McBride, 5th Street & Peck Avenue**

City Manager Geoff Dolan related his appreciation of discussions with **Mr. Newman** and his offer to donate his property that would be affected by the Sepulveda Bridge Widening Project. City Manager Dolan shared information on his understanding of this matter which, he indicated, involves a disagreement between the owners of the Manhattan Village Mall and **Mr. Newman** as to what can be built on the property. He verified staff's intent to facilitate a meeting between the Manhattan Village Mall owners and **Mr. Newman** to further discuss this matter.

Planning Director Richard Thompson provided clarification on this issue.

City Attorney Robert Wadden cautioned Council that litigation has been threatened.

MOTION: Councilmember Ward moved to accept the Project Update for the Sepulveda Bridge Widening Project and approve a Professional Services Contract with Dardanelle Group, Inc. for an Amount Not-to-Exceed \$48,000 to provide Project Management and Oversight services. 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.

AUDIENCE PARTICIPATION

07/1204.24 Patrick McBride Re Balanced Decisions for Transportation

Patrick McBride, 5th Street and Peck Avenue, commented on the importance of balanced decisions for transportation.

CITY MANAGER REPORT(S)

07/1204.25 City Manager Geoff Dolan Re Annual Employee Breakfast

City Manager Geoff Dolan announced the annual Employee Breakfast on Thursday, December 6, 2007, from 7:00 a.m. to 9:00 a.m.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

07/1204.26 Mayor Pro Tem Montgomery Re Apology to Mattel

Mayor Pro Tem Montgomery apologized to the Mattel Corporation, and their employees, for a previous remark that he made in association with the upcoming Toy Drive. He clarified that what he intended to state is, “that all toys donated be unwrapped and lead free in content.”

07/1204.27 Mayor Aldinger Re Magazine Article on Tax Incentives for Hybrid Vehicles

Mayor Aldinger called attention to a recent magazine article in *Government Fleet* about tax incentives for cities to purchase hybrid vehicles.

ADJOURNMENT

At 9:50 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, December 18, 2007, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Wendy Weeks
Recording Secretary

ATTEST:

Jim Aldinger
Mayor

Liza Tamura
City Clerk

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
STUDY SESSION MEETING
DECEMBER 4, 2007**

The Adjourned Regular Study Session Meeting of the City Council of the City of Manhattan Beach, California, was held on the 4th day of December, 2007, at the hour of 5:10 p.m. in the Police/Fire Conference Room, at 400/420 15th Street, in said City.

ROLL CALL

Present: Ward, Tell, Montgomery, Cohen and Mayor Aldinger
Staff: City Manager Dolan, City Attorney Wadden, Community Development Director Thompson, Senior Planner Jester and Associate Planner Moreno.
Absent: None.
Clerk: Dolan (Acting).

STUDY SESSION

Council held discussion with staff regarding the Mansionization Committee and the Planning Commission's proposed residential Code Amendments to address Mansionization. The proposed changes will be submitted to the City Council on January 15, 2008 and a public hearing will be held that night.

ADJOURNMENT

At 6:30 p.m. the Adjourned Regular Study Session was duly adjourned to the 6:30 p.m. Regular City Council Meeting on December 4, 2007, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Richard Thompson
Recording Secretary

Jim Aldinger
Mayor

ATTEST:

Liza Tamura
City Clerk