

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR STUDY SESSION MEETING
FEBRUARY 19, 2008**

The Adjourned Regular Study Session Meeting of the City Council of the City of Manhattan Beach, California, was held on the 19th day of February, 2008, 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: Cohen, Ward, Tell, Montgomery and Mayor Aldinger.
Staff: City Manager Dolan, Community Development Director Thompson, Finance Director Bruce Moe, Police Chief Rod Uyeda, Traffic Engineer Erik Zandvliet, and Management Analyst Ana Stevenson.
Absent: None.
Clerk: Dolan (Acting).

STUDY SESSION

The City's Traffic Engineer presented the Draft 2008 Downtown Parking Management Plan. After a lengthy discussion with staff, the City Council requested that another meeting be scheduled to continue with the presentation and discussion. Staff agreed to schedule another meeting in the future.

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 February 19, 2008, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
FEBRUARY 19, 2008**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 19th day of February, 2008, 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

Community Development Director Richard Thompson led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

08/0219.1 Presentation of Proclamation to the Peace Corps Declaring the Week of February 25 – March 3, 2008 as "Peace Corps Week"

Mayor Aldinger, on behalf of the City Council, presented a proclamation to **Peace Corps Recruiter Tori Wilson** declaring the week of February 25 – March 3, 2008 as "Peace Corps Week".

CONSENT CALENDAR

The Consent Calendar (Item Nos. 2 through 16), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Mayor Pro Tem Montgomery, seconded by Councilmember Cohen and passed by unanimous roll call vote with the exception of Item No. 16, which was considered later in the meeting under “*Items Removed from the Consent Calendar*” and with Mayor Aldinger voting “No” on Item No. 3.

Ayes: Cohen, Ward, Tell, Montgomery and Mayor Aldinger.
Noes: Aldinger (Item No. 3).
Absent: None.
Abstain: None.

GENERAL CONSENT

08/0219.2 Approve Minutes of the City Council Adjourned Regular and Regular Meeting of February 5, 2008

The Council approved the subject minutes.

08/0115.22-3 Adoption of Ordinances and Resolution for the City Council 2005-2007 Work Plan Item on Mansionization in Residential Areas Amending Various Sections of the Zoning Code (Title 10) and the Local Coastal Program Including by not Limited to: 1) Increase Setbacks and Open Space, 2) Limit Lot Mergers, 3) Encourage the Retention of Existing Smaller Homes, and 4) Allow Accessory Structures on Adjacent Common Ownership Lots

The Council adopted Ordinance Nos. 2111 & 2112 and Resolution No. 6125.

ORDINANCE NO. 2111

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH RECOMMENDING THAT THE MANHATTAN BEACH MUNICIPAL CODE (THE ZONING AND SUBDIVISIONS ORDINANCE- TITLES 10 AND 11) BE AMENDED TO ADDRESS MANSIONIZATION (OPEN SPACE, SETBACKS, LOT MERGERS, SMALLER HOMES, MINOR EXCEPTIONS, ACCESSORY STRUCTURES, AND RELATED SECTIONS) IN RESIDENTIAL NEIGHBORHOODS THROUGHOUT THE CITY

ORDINANCE NO. 2112

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH RECOMMENDING THAT THE MANHATTAN BEACH LOCAL COASTAL PROGRAM (COASTAL ZONE ZONING ORDINANCE) BE AMENDED TO ADDRESS MANSIONIZATION (OPEN SPACE, SETBACKS, LOT MERGERS, SMALLER HOMES, MINOR EXCEPTIONS, ACCESSORY STRUCTURES, AND RELATED SECTIONS) IN RESIDENTIAL NEIGHBORHOODS THROUGHOUT THE CITY

RESOLUTION NO. 6125

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, SUBMITTING ORDINANCE NO. 2112 TO THE CALIFORNIA COASTAL COMMISSION FOR AN AMENDMENT TO VARIOUS CHAPTERS OF THE CITY OF MANHATTAN BEACH LOCAL COASTAL PROGRAM-(LCP) IMPLEMENTATION PROGRAM TO ADDRESS MANSIONIZATION (OPEN SPACE, SETBACKS, LOT MERGERS, SMALLER HOMES, MINOR EXCEPTIONS, ACCESSORY STRUCTURES, AND RELATED SECTIONS) IN RESIDENTIAL NEIGHBORHOODS THROUGHOUT THE CITY

08/0219.4 Consideration of the State Budget and Legislative Update

The Council received and filed the February 2008 Budget and Legislative Update from Tony Rice, the City's legislative advocate.

08/0219.5 Consideration of Appointment of Mark Walter to the South Bay Workforce Investment Board

The Council appointed Mark Walter to serve as a Manhattan Beach representative to the South Bay Workforce Investment Board (SBWIB) for the remainder of the term of office through June 30, 2009.

08/0219.6 Consideration of Financial Reports

- a) Ratification of Demands: February 7, 2008
- b) Investment Portfolio for the Month Ending January 31, 2008
- c) Financial Reports for the Month Ending January 31, 2008

The Council approved with no exception Warrant Register Nos. 17B in the amount of \$2,005,858.71 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 January 31, 2008; and received and filed the Financial Reports for the month ending January 31, 2008.

08/0219.7 Consideration of Ratification of Motor Fuel Purchase from Falcon Fuels in the Amount of \$21,944.05

The Council approved the purchase of fuel from Falcon Fuels in the amount of \$21,944.05.

08/0219.8 Consideration of the Budgeted Purchase of One Hybrid Vehicle for the Police Department from Manhattan Beach Toyota in the Amount of \$25,007.04

The Council approved an award of Request for Bid (RFB) #734-08 to Manhattan Beach Toyota in the amount of \$25,007.04 for the purchase of one hybrid vehicle.

08/0219.9 Consideration of Appropriation of \$100,637.51 From Proposition A Local Transportation Funds for the Purchase of an Unbudgeted Compressed Natural Gas Dial-A-Ride Bus from A-Z Bus Sales

The Council appropriated \$100,637.51 from Proposition A Local Transportation Funds and approved an award of Request for Bid (RFB) #723-08 to A-Z Bus Sales for the purchase of a Compressed natural Gas Dial-A-Ride bus in the amount of \$100,637.51.

08/0219.10 Consideration of the Budgeted Purchase of Valve Controllers for the Water System from Industrial Valve & Automation (\$76,205.84)

The Council waived formal bidding per Municipal Code Section 2.36.140 (waivers) and approved the purchase of valve controllers for the Water System from Industrial Valve & Automation (\$76,205.84).

08/0219.11 Consideration of a Resolution to Accept Real Property Dedication at 1500 Rosecrans Avenue for Street Purposes

The Council adopted Resolution No. 6124.

RESOLUTION NO. 6124

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ACCEPTING A REAL PROPERTY DEDICATION FOR STREET PURPOSES AT 1500 ROSECRANS AVENUE

08/0219.12 Disbursement of Progress Payment No. 1 in the Net Amount of \$13,050.00 to CHI Construction for the Lifeguard Storage Reconstruction Project

The Council approved the issuance of the subject progress payment.

BOARDS AND COMMISSIONS

Library Commission

08/0219.13 Consideration of Draft Library Commission Minutes of January 14, 2008

The Council received and filed the subject draft minutes.

Parks and Recreation Commission

08/0219.14 Consideration of Draft Parks & Recreation Commission Minutes of January 28, 2008

The Council received and filed the subject draft minutes.

Parking & Public Improvements Commission

08/0219.15 Consideration of the Parking and Public Improvements Commission Recommendation to Deny a Request for Parking Restrictions on 26th Street West of Laurel Avenue

The Council approved the Parking and Public Improvements Commission Recommendation to deny the request for parking restrictions on one side of 26th Street west of Laurel Avenue.

Planning Commission

08/0219.16 Consideration of a Use Permit to Allow a New 18,000 Square Foot Education Building and a Variance to Allow Relief from Maximum Allowable Building Height, for an Existing Religious Facility Located at 1243 Artesia Boulevard

Item No. 16 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

COMMUNITY ANNOUNCEMENTS

08/0219.20 Nicole Pervault Re Leadership Manhattan Beach Project

Nicole Pervault, Leadership Manhattan Beach Class of 2008, reported on the class' project – Project Lifesaver. She explained that as part of this project, the “Envelope of Life” and a 72-hour emergency preparedness kit information sheet which will be distributed during the Earth Day and Police/Fire Open House events.

08/0219.21 Cindy Roth Re Library Events

Los Angeles County Reference Librarian Cindy Roth announced the following library events: “Pajamarama” on February 20, 2008 at 7:00 p.m.; Michael "Badhair" Williams Appalachian stories on Thursday, February 21, 2008; and Make It/Reusable Design on Wednesday, February 27, 2008 at 4:00 p.m.

08/0219.22 Mayor Pro Tem Montgomery Re Manhattan Beach Little League

Mayor Pro Tem Montgomery reminded the community to “Save the Date” of March 8, 2008 for the opening day of the Manhattan Beach Little League.

08/0219.23 Councilmember Ward Re Youth Recognition Awards

Councilmember Ward announced that applications are now being accepted for the 2007/2008 Manhattan Beach Youth Recognition Awards and that for more information one should visit the City's web site at www.citymb.info or his web site at www.mitchward.net. He relayed that he would welcome invitations to appear and explain the program at any school in Los Angeles County.

PUBLIC HEARINGS

None.

GENERAL BUSINESS

08/0219.17 Presentation of the Survey Results for the Facilities Master Plan; Presentation of the Library Information and Outreach Plan; and Consideration of Consultant Work in an Amount Not-to-Exceed \$20,000 to Prepare an Environmental Assessment

City Manager Geoff Dolan introduced this item reviewing that staff has been working with the community for over a year to identify long term facility needs. He explained that the initial report was submitted to Council late last year; that it has now been reviewed by all of the City's Commissions; and that MDA Johnson Favaro will present the recommended Facilities Master Plan at the next City Council meeting. He conveyed that Council will then be able to propose modifications and hopefully adopt the final Facilities Master Plan. With that in place, he reported that Council hired **Catherine Lew** of the **Lew Edwards Group**, who in turn hired **Fairbank, Maslin, Maullin & Associates** to conduct community polling to find out what else, if anything, the community would like to proceed with in the near future. This evening, the results of that poll, the “next steps” and information on the environmental assessment will be presented.

Sharon Pinkerton, Senior Consultant with Fairbank, Maslin, Maullin & Associates, addressed Council with a PowerPoint presentation regarding the Facilities Master Plan survey results. She explained that the survey was conducted in two Parts: Part 1 among 500 registered voters with a margin of error of +/- 4.5 percentage points and Part 2 among 400 registered voters with a margin of error of +/- 5.0 percentage points. She reported that there is strong awareness of the Facilities Plan and illustrated that the Library, open space, school and joint-use projects are at the top the list; recreation services are only slightly less important; and facilities for “specific audiences” are the lowest priorities. In regard to a possible Library Ballot Measure, she conveyed that components such as safety, energy efficiency, and disability access are the top priorities; services for students and increased books are only slightly lower in priority; and specific services for seniors and adults and study areas generated slightly less response. She presented possible Ballot Measure language and pointed out that residents are more inclined to support the need for more books, materials and children’s services, however, they also respond well to safety concerns, improved technology, student needs and “green” building technologies. She stressed that over six in ten respondents would support a Library Measure after hearing information about it and that the accountability components were well received. In conclusion, **Ms. Pinkerton** illustrated the Library, Begg Pool and Joslyn Center uses further demonstrating that the Library is used by more residents, on a more regular basis, than the other two locations.

Assistant to the City Manager Lindy Coe-Juell continued the presentation explaining that the next step, should Council agree to pursue moving forward with a November Ballot Measure, would be more community outreach to inform the community about current needs and seek their input regarding priorities. She spoke of a timetable displaying the major activities, on a month-by-month basis, that would be necessary in order to place a Measure on the November Ballot. She explained that a list of major stakeholder groups and training of community leaders would be developed; that two possible dates have been identified for the first training; that the City’s web site will be updated to include the outreach information; that an article will be prepared for the City’s newsletter; and that more specifics will be developed as the process moves forward.

City Manager Dolan explained the statutory timeline for placing a Measure on the November Ballot; why a Bond Measure is preferred; that a two-thirds majority would be required to pass the Measure; and that the November election would be ideal because voter turnout is expected to be very high.

Council held a brief discussion regarding the expected cost per household.

City Manager Dolan clarified that a \$45 million bond would cost \$27 per \$100,000 of assessed (not market) value per year, typically over a 30-year period. He further stated that staff will return to Council with the financial details whenever Council believes it is appropriate.

Council continued discussion regarding financing; the concentration on library services following the survey results; how community input will be incorporated; and Council’s willingness to discuss and meet with residents to talk about the Facilities Master Plan.

Community Development Director Richard Thompson spoke of the Environmental Assessment that will be required to determine the impacts before a decision is made to place a Measure on the Ballot. He acknowledged that staff is in the process of performing the assessment, however; additional help will be needed to perform the traffic impact analysis. He stressed that the Measure will be able to be placed on the ballot only after it is determined that all impacts have been mitigated; otherwise, an Environmental Impact Report will be required and the Measure would not be able to be placed on a Ballot until next year. Community Development

Director Thompson clarified that the three options they will be assessing are: replacement of the library at its current location; the relocation of the library to Live Oak Park; and replacing the library and Joslyn Center. While acknowledging that the recent downtown traffic study will be beneficial, he stressed that the traffic impact analysis will focus more on this specific project.

The following individuals spoke on this item:

- **Robert Homan, No Address Provided**
- **Barney Bodair, No Address Provided**
- **Patrick McBride, 5th Street & Peck Avenue**
- **Gerry O'Connor, No Address Provided**
- **Martha Andreani, No Address Provided**
- **Paul Gross, No Address Provided**

Mayor Pro Tem Montgomery indicated that he could support the suggestions to posting the **Lew Edwards** proposal, establishing a timeline and reporting on progress; however, he stressed that he would always pay for a poll to find out what the community will support before asking voters to spend millions of dollars.

Mayor Aldinger concurred stating that the data was needed in order to make a first decision; that the City hired good consultants; that the cost escalated because the expertise was necessary; and that now the Council can focus on what needs to be done.

City Manager Dolan reviewed the costs to date for the services provided by the **Lew Edwards Group** (polling, mailings and professional consulting services).

Councilmember Ward stressed moving forward, fully disclosing information and making sure the City gets what it pays for.

In response to Councilmember Cohen's questions about whether or not the \$45 million is "site specific", City Manager Dolan explained that to build a library on the south side of Live Oak Park or to build a new library at its current location, both cost approximately \$45 million. He compared the difficult terrain at the library's current location to the need for underground parking at the Live Oak Park location emphasizing that each would have its challenges.

Councilmember Tell emphasized that professional cost estimators were used to reach the \$45 million price; that the library currently sits on a difficult site; and that he believes the location will be driven more by the site than the costs. He commented that the biggest challenge will be not putting the Facility Plan on the shelf and figuring out a plan to implement the projects as the community is ready.

Council further discussed what information to post on the City's web site; what information to add to the timeline; and the need to get the steering committee involved as early as possible.

In response to Councilmember Cohen's request to define the objective/process of the steering committee, City Manager Dolan answered that his sense is that the rest of the Council has authorized the steering committee to make the information campaign decisions.

Councilmember Ward stated that he would prefer for the subcommittee to wade through the details and then bring the decision back for Council's information and approval, if needed.

Mayor Aldinger stressed that besides reporting back to Council, it is the subcommittee's responsibility to drive the process.

MOTION: Mayor Aldinger moved to receive and file the presentation of the Facilities Master Plan Survey Results; receive and file the presentation of the Library Information and Outreach Plan; approve a traffic study contract with Fehr and Peers/Kaku Associates; and appropriate \$20,000 for the traffic study and additional consultant work associated with an environmental assessment for the library project from the Council Contingency Fund. 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.
Abstain: None.
Absent: None.

RECESS AND RECONVENE

At 8:36 p.m. the Council recessed and reconvened at 8:52 p.m. with all Councilmembers present.

08/0219.24 Scott Gobble Re Southern California Edison Issues

With the consent of Council, **Scott Gobble, Regional Manger of Public Affairs for Southern California Edison**, addressed Council and the public to explain the recent power outages. He also handed out a pamphlet illustrating recommended trees and how to keep yards green and safe.

Council held discussion with **Mr. Gobble** regarding notification of power outages, the pamphlet and what happens to equipment during power surges.

08/0219.18 Review of Information and Conceptual Designs for the Four Park Playgrounds Reconstruction Project, Provide Direction for Final Design and Approve the Purchase of Recycled Rubber Utilizing \$90,000 in Grant Funds

City Manager Geoff Dolan introduced this item explaining that it is back before the Council this evening to provide additional information.

Parks and Recreation Director Richard Gill reviewed that conceptual designs were presented to Council last November for the Manhattan Village Park, Manhattan Heights Park, Marine Avenue and Polliwog Park playgrounds and tentatively approved, except for Polliwog Park, as they wanted more information on the design. He stated that Council wanted a comparison between "special" and "off the shelf" type of equipment, safety of the equipment, what is planned for the trees and the special needs and "core" areas. He reviewed the budget and grant funding and explained staff's recommendation that the recycled rubber surface material be purchased now in order to meet the May 15, 2008 proof of expenditure grant deadline.

David Volz, of David Volz Design, addressed Council with a PowerPoint presentation illustrating the various park designs, what type of equipment he is recommending for each park and the three Polliwog Park options (replacement, core and entire special needs). He explained that the play area at Polliwog Park would need to be re-graded to resolve a drainage problem and that this site preparation would be the biggest expense.

In response to Councilmember Ward's comment about the direction to work within the budget, **Mr. Volz** responded that due to the drainage costs, there is not a lot of leeway and that option number one fits within the budget.

Council discussed the equipment options; the drainage problem; the importance of saving as many trees as possible; and the possibility of using another area in Polliwog Park.

The following individual spoke on this item:

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

Council resumed discussion regarding what type of equipment would engage children for a longer time; using a blend of traditional and special equipment; and whether to remove or replace the exercise equipment near Redondo Avenue.

City Manager Dolan summarized that what he is hearing, is that Council wants to stay as close to budget as possible; that the first concept, with the large platform piece of equipment, is preferred with some additional accessible equipment; that the current exercise equipment be replaced; that as many trees as possible be saved; and that alternatives regarding drainage be considered.

Mayor Aldinger expressed concern over the amount of the budget that will be used to correct the drainage problem and how much will be left for actual equipment and layout.

City Manager Dolan reminded Council that the special needs equipment was added after the budget was set which added to the cost.

Mr. Volz confirmed that when he returns to Council, his proposal will look like option number one but will "morph" slightly due to keeping more of the trees in place; that it will have the large platform piece of play equipment and some special needs equipment; that it will have new exercise equipment to replace the current equipment; and that it will be as close to budget as possible.

MOTION: Councilmember Ward moved to waive formal bidding and approve authorizing the City Manager to award a contract to a maximum of \$100,000 for the recycled rubber material used for construction. 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.

08/0205.17-19 Uphold the Planning Commission Approval of a Tree Permit Application for Removal of a Protected American Sweetgum Tree (Liquidambar Styraciflua) in the Front Yard at 605 26th Street (Colligan)

This item was pulled off of the Consent Calendar at the February 5, 2008 City Council meeting and continued to this evening's meeting.

Assistant Planner Angelica Ochoa reviewed the Tree Permit application, submitted by the applicant, to remove a tree located in the front yard on their property in order to accommodate the design of their new home. She explained that, because removal of the tree was in conflict with the Tree Ordinance, staff forwarded the application to the Planning Commission and after hearing the matter, they approved the removal (however it was pulled from the February 5, 2008 City Council agenda and continued to tonight's meeting for approval of the Planning Commission's decision to approve removing the tree). She cited the applicant's view that not

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only does the tree impede their ability to redesign their home to their liking; it prohibits them from the “reasonable enjoyment of private property” as stated in the Tree Ordinance because a limb fell suddenly and they are afraid another limb may fall at any time and possibly injure someone. She illustrated the differences of opinion between the City’s arborist and the applicant’s arborist regarding removal of the tree and the proposed plans for the new house. Assistant Planner Ochoa concluded by briefly explaining the issues to consider and the three alternatives (to uphold the Planning Commission’s decision to remove the tree, relocate the tree elsewhere on the premises or deny the application and preserve the tree where it is.

Council held discussion with Assistant Planner Ochoa and Community Development Director Richard Thompson regarding the applicant’s reason why he could not change the design.

Community Development Director Thompson stated that although staff requested that the Applicant consider and submit alternative designs that would preserve the tree, he did not.

In response to Councilmember Ward’s comment about why staff is giving the power to the applicant’s arborist, Community Development Director Thompson explained that the process was triggered when the applicant was required to submit an arborist’s report. He explained that the report indicated a safety issue, which the city’s arborist disagreed with after visiting the site, and that in turn prompted a Planning Commission hearing.

Councilmember Tell pointed out that the conflict seems to be whether aggressive pruning will avoid future sudden limb drop.

Council held a lengthy discussion regarding the three main issues: safety of the tree; the Tree Ordinance; and impact on the design of the applicant’s new home.

City Arborist Craig Crotty, stated that that there is a level of risk associated with all trees regarding sudden limb drop and that he believes that if there were a willingness to maintain tree in question, it could be maintained at a lower risk level. He communicated that he could see that the tree had been pruned heavily in the past; that one limb drop does not necessarily indicate a pattern; and that the concrete in question looked sunken due to overgrown roots as opposed to uplifted.

Ann Barklow, the Applicant’s Arborist, emphasized that her biggest concern regarding the tree in question is the sudden limb drop. She explained that, in her experience, the majority of calls she receives involving Sweetgum trees, in Manhattan Beach, have involved sudden limb drop, some dropping multiple limbs. She relayed that if the tree were in the backyard away from people, she would recommend reduction pruning; however, since this tree will hang over the walkway entrance to the home and the applicant has two small children, she would err on the side of caution. She also stated her opinion that the neighbor’s driveway is lifted and she believes that it was caused by overgrown roots of the applicant’s tree.

Council discussed the issue of sudden limb drop, safety and how to apply these factors consistently with the Tree Ordinance.

~~Councilmember Cohen read from the Tree Ordinance and stressed the need for reasonable safety.~~

Councilmember Cohen read aloud from the Tree Ordinance and commented that it makes an exception for safety and hazards. She voiced her opinion that the anxiety of anticipating a serious safety issue would depreciate ones reasonable enjoyment of private property. She spoke of having to judge the credibility of the applicants and arborists on a case by case basis and the duty to protect public safety and welfare. She pointed out that even if the design

were changed, it would still pose a safety issue; therefore, she could not support changing the Planning Commission's decision.

Concurring with Councilmember Cohen that the tree is a safety issue, **Perry Colligan, Applicant**, reported that several designs were explored, but, in order to achieve a smaller footprint and a bigger backyard for their children, they needed the driveway to drop and there is only one spot where that could be done and still meet the height restriction without going "short floor". **Mr. Colligan** further reported that his research regarding Sweetgum trees revealed that they are the number one tree mentioned when referring to sudden limb drop. He conveyed that these are the reasons that they want to remove the tree; clarified that it is damaging many things including the foundation of his neighbor's home; and reiterated that safety is the key issue.

In response to questions from Council, **Mr. Colligan** acknowledged that he had the tree "taken down" as far as the "tree guy" thought was safe and that prior to the limb drop in 2005, no other limbs had fallen prior to that (he has lived in the house for 14 years) and none after.

There was no public comment on this item.

Councilmember Ward stressed that for 12 years prior to this one limb dropping in 2005, there had been no problem with the tree; that limbs will fall if trees are not pruned in a timely manner; that the applicant's arborist's statements don't add up to the facts; and that he does not agree with the safety issue. He further emphasized that what is decided on this evening will set a precedence and that this tree removal should not move forward because, as stated earlier, the applicant has not explored all the design options.

~~Councilmember Cohen conveyed that she has a difference of opinion when it comes to the science of the matter; therefore she would stay with her previous opinion that this is a safety issue and should be allowed to be removed.~~

Commenting that Councilmember Ward is very compelling and that she believes whole heartedly in his theory, Councilmember Cohen replied, however, that she "falls differently" on the science, so, her prior statement would remain.

Councilmember Tell stated that he doesn't believe that approving the removal of this tree would set a precedence because it is a safety issue (which is built into the Ordinance); that another tree will replace this one and will hopefully be as beautiful in a few years; and he reiterated the City's Arborist comment that there would be less risk after removing this tree.

Mayor Pro Tem Montgomery spoke of a similar tree removal issue of the exact same tree type that **Ms. Barklow** helped him fight to preserve and that he could not defend the previous tree and then not defend this one and allow it to be taken out.

Mayor Aldinger declared that he could not support removing this tree due to one instance of sudden limb drop and based on the comments that the City's Arborist maintains that it can be preserved.

MOTION: Councilmember Ward moved to deny the Planning Commission's decision to remove and replace an American Sweetgum tree located in the front yard at 605 26th Street. The motion was seconded by Mayo Pro Tem Montgomery and passed by the following roll call vote

Ayes: Montgomery, Ward and Mayor Aldinger.

Noes: Cohen and Tell.

Abstain: None.

Absent: None.

ITEMS REMOVED FROM THE CONSENT CALENDAR

08/0219.16 Consideration of a Use Permit to Allow a New 18,000 Square Foot Education Building and a Variance to Allow Relief from Maximum Allowable Building Height, for an Existing Religious Facility Located at 1243 Artesia Boulevard

Councilmember Ward removed this item from the Consent Calendar in order to clarify whether Mayor Aldinger appeared before the Planning Commission as an advocate for the applicant and to determine what aspect of the building would exceed the allowable height limit.

Mayor Aldinger responded that he did not appear before the Planning Commission regarding this item.

Community Development Director Richard Thompson explained that the elevator shaft is the only element that would exceed the height limit.

MOTION: Mayor Aldinger moved to receive and file the subject report. The motion was seconded by Mayo Pro Tem Montgomery and passed by the following roll call vote.

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

AUDIENCE PARTICIPATION

08/0219.25 Patrick McBride Re the Access Transportation Program

Patrick McBride, 5th Street & Peck Avenue, relayed information about a curb-to-curb transportation service provided by the County of Los Angeles called *Access*.

08/0219.26 Esther Besbris Re Study Sessions

Esther Besbris, No Address Provided, urged the Council to conduct Study Sessions in public in order for residents to understand how Council formulates their decisions.

The Council and City Manager Geoff Dolan briefly discussed the intent of Study Sessions; the possibility of televising them; and the challenge of addressing enormous issues while only meeting twice a month. Also mentioned were the facts that no decisions are made during these meetings and that the public *is* invited to attend.

08/0219.27 Jacque May Re Public Meetings

In response to questions from **Ms. May** regarding Study Sessions and other meetings, Mayor Aldinger clarified that the public is welcome and that anyone can sign up on the City's web site to be notified of meetings.

She also stated that she had several comments, and knew of other individuals who wanted to make comments, regarding the Downtown Parking Study.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

08/0219.28 Mayor Pro Tem Montgomery Re Conference Attendance

Mayor Pro Tem Montgomery reported that he, Councilmember Ward and Mayor Aldinger, along with City Manager Geoff Dolan and Police Chief Rod Uyeda, attended the Independent Cities Association Conference in Santa Barbara where topics included medical marijuana and 21st century law enforcement.

08/0219.29 Councilmember Ward Re Best Local Government Meeting Practices

Councilmember Ward expressed his wish to agendize the issue of reducing the length of City Council meetings stating that making decisions on critical issues in the wee hours of the morning is a disservice to everyone. He suggested that Manhattan Beach explore the process that the City of Santa Monica adopted to close discussions at 11:00 p.m. with the Mayor having the discretion to extend the meeting.

In response to Mayor Aldinger's suggestion that the issue be discussed during the City Council's upcoming Work Plan, Councilmember Ward asserted that he would prefer that the item be agendized and discussed in public at a City Council meeting.

Mayor Aldinger agreed to agendize the matter on a future agenda.

08/0219.30 Mayor Aldinger Re Utility Poles

Mayor Aldinger inquired about the matter of utility poles on Sepulveda Boulevard stating that he had heard that there is still a wire on the poles.

City Manager Geoff Dolan responded that Verizon is supposed to remove the wire within the next couple of weeks and that Public Works Director Jim Arndt will comment on this matter at the next Council meeting.

ADJOURNMENT

At 11:36 p.m., the meeting was duly 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, March 4, 2008, 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