

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
MAY 6, 2008**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 6th day of May, 2008, at the hour of 6:33 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Katherine Tempel, a senior at Mira Costa High School, led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

05/06/08-1. Presentation of Certificates to the Manhattan Beach American Youth Soccer Organization (AYSO) Girls All Stars (Under 12) in Recognition of Their Section 1 & Regional Victory and the Boys All Stars (Under 12) in Recognition of Their Section 1 Tournament Victory

Mayor Aldinger announced that the AYSO Girls and Boys All Stars were practicing and unable to attend; therefore, the certificates will be forwarded to them.

05/06/08-2. Presentation of Proclamation to Declare the Month of May as Older Americans Month

Mayor Aldinger, on behalf of the Council, presented a proclamation to Older Adults Program Supervisor Jan Buike declaring the Month of May as Older Americans Month.

Older Adults Program Supervisor Buike introduced **Joslyn Senior Club President & Manhattan Beach Lion's Club Woman of the Year Florence Billington** and **Manhattan Heights Senior Club President & El Segundo Lions Club President Susan Jones** to accept the Older Americans proclamation. She also introduced **Gwen Binegar, facilitator of the Poetry Reading Circle** who presented Council with books of poems.

05/06/08-3. Presentation of a Proclamation to the Manhattan Beach Police Department Declaring May 11 – 17, 2008 as National Peace Officer's Memorial Week and to the Manhattan Beach Fire Department Declaring May 10, 2008 as Fire Service Recognition Day

Mayor Aldinger, on behalf of the Council, presented Police Chief Rod Uyeda with a proclamation declaring May 11 – 17, 2008 as National Peace Officer's Memorial Week and Fire Chief Scott Ferguson with a proclamation declaring May 10, 2008 as Fire Service Recognition Day.

05/06/08-4. Introduction of New Employees and Service Awards; Recognition of Employee of the Year, Police Officer of the Year and Firefighter of the Year and Recognition of Police Captain Dale Reissig

Police Chief Rod Uyeda presented a plaque recognizing Police Captain Dale Reissig for his service to the City on the occasion of his retirement.

Mayor Aldinger, on behalf of the Council, presented Captain Reissig with a commendation in recognition of his retirement.

Police Chief Rod Uyeda presented Police Officer Timothy Magdaleno with a commendation and pin for his 25 years of service to the City.

Police Chief Rod Uyeda presented a commendation to Police Officer David Caveney for being named Police Officer of the Year.

Fire Chief Scott Ferguson presented a commendation to Fire Captain/Paramedic John Grimaldi for being named Firefighter of the Year.

Finance Director Bruce Moe presented a commendation to Henry Mitzner for his 35 years of service to the City.

Building Official Carol Jacobson presented a commendation to Residential Construction Officer Rick Larson for being named Employee of the Year.

Finance Director Bruce Moe presented a commendation to Guy Mescheder for his 25 years of service to the City.

Human Resources Director Cathy Hanson introduced and welcomed Human Resources Analyst Bill Friedel.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 5 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.

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

In response to a request from an audience member to clarify the outcome of Agenda Item No. 9 (*Status Report Regarding Aircraft Towing Advertising Banners*), City Manager Geoff Dolan briefly explained that an Agreement (a Code of Conduct) was reached with the banner towing companies; that one aircraft operator agreed to install mufflers on his planes; that planes circling over events will be limited; that pilots will meet the minimum distance above the ground and water; and that the Federal Aviation Administration (FAA) will monitor aircrafts during specific events and cite the operators if necessary.

GENERAL CONSENT

05/06/08-5. Approve Minutes of the City Council Regular Meeting of April 15, 2008

The Council continued the subject minutes to the May 20, 2008 City Council meeting.

05/06/08-6. Approve Minutes of the City Council Adjourned Regular Boards and Commissions Interviews Meeting of April 22, 2008

The Council approved the subject minutes.

05/06/08-7. Consideration of Ratification of Motor Fuel Purchase from Merrimac Energy Group in the Amount of \$28,323.79

The Council approved the purchase of motor fuel from Merrimac Energy Group in the amount of \$28,323.79.

05/06/08-8. Consideration of Financial Reports:

a) Ratification of Demands: April 17, 2008 and May 1, 2008

b) Investment Portfolio for the Month Ending March 31, 2008

c) Financial Reports for the Month Ending March 31, 2008

The Council approved with no exception Warrant Register Nos. 22B & 23B in the amount of \$5,099,216.15 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 March 31, 2008; and received and filed the Financial Reports for the month ending March 31, 2008.

05/06/08-9. Status Report Regarding Aircraft Towing Advertising Banners

The Council received and filed the subject report.

05/06/08-10. Approval of Contract Agreement with DGA Consultants for Design Services for the 2007-2008 Water Main Replacement Project, Not-to- Exceed \$26,392

The Council approved a contract agreement with DGA Consultants to provide design services for the 2007-2008 Water Main Replacement Project in an amount not-to-exceed \$26,392.

05/06/08-11. Consideration of Resolution Ordering Plans, Specifications, Cost Estimates and Engineer's Report for Annual Street Lighting Assessment

The Council adopted Resolution No. 6135.

RESOLUTION NO. 6135

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ORDERING THE PREPARATION OF PLANS, SPECIFICATIONS, COST ESTIMATE, DIAGRAM, ASSESSMENT AND REPORT PURSUANT TO PROVISIONS OF DIVISION 15, PART 2, OF THE STREETS AND HIGHWAYS CODE OF THE STATE OF CALIFORNIA FOR PROCEEDINGS FOR ANNUAL ASSESSMENT LEVY AFTER FORMATION OF MAINTENANCE DISTRICT

05/06/08-12. Disbursement of Progress Payments:

- a) Progress Payment No. 3 in the Net Amount of \$20,385 to CHI Construction for the Lifeguard Storage Reconstruction Project
- b) Progress Payment No. 2 in the Net Amount of \$450,577.30 to Sully-Miller Contracting Co. for the 2005-2007 Street Reconstruction Project
- c) Final Payment in the Net Amount of \$471,602.81 to Griffith Company; Change Order No. 2 in the Net Amount of \$163,480.12; Formally Accept the Pervious Pavement Parking Lots Project as Complete; and Authorize Filing of the Appropriate Notice of Completion

The Council approved the issuance of the subject progress payments; change order and final payment; formally accepted the Pervious Pavement Parking Lots Project as Complete; and authorized the filing of the appropriate Notice of Completion.

BOARDS AND COMMISSIONS

Cultural Arts Commission

05/06/08-13. Consideration of Draft Minutes, Cultural Arts Commission Meeting of April 8, 2008

The Council received and filed the subject draft minutes.

Planning Commission

05/06/08-14. Consideration of Action Minutes, Planning Commission Meeting of April 23, 2008

The Council received and filed the subject action minutes.

05/06/08-15. Consideration of Planning Commission Approval of a Master Use Permit Amendment to Allow the Incidental Sale of Alcoholic Beverages for Off-Site Consumption at an Existing Grocery Store Located at 1830 North Sepulveda Boulevard

The Council received and filed the Planning Commission's approval of the Master Use Permit Amendment for 1830 North Sepulveda Boulevard.

COMMUNITY ANNOUNCEMENTS

05/06/08-22. Angela Silverman Re Metlox Art Exhibit

Angela Silverman, No Address Provided, urged the community to attend the new Metlox Art and Music Sunday Series, held every Sunday through June 22, 2008, in the Metlox Town Square with art exhibits on display from noon until 5:00 p.m.

05/06/08-23. Don Gould Re Library Activities

Don Gould, Los Angeles County Library Manager, announced a reading incentive program called "Bookworms Turn into Butterflies" which will take place from May 5 – May 31, 2008 and a discussion on writing comical mysteries entitled "Stop! You're Killing Me" on May 17, 2008 at 2:00 p.m. He also reported that the library staff has begun training for a new integrated library system which will house 7 million items and that new computers will be installed for both staff and the public.

05/06/08-24. Kaye Sherbak Re Fields of Green

Kaye Sherbak, on behalf of Carol Rowe, No Address Provided, invited the community to attend the *Fields of Green* healthy eating event on Sunday, May 18, 2008 from 2:00 p.m. – 5:00 p.m.

05/06/08-25. Eve Kelso Re Older Adult Health Fair

Community Programs Supervisor Eve Kelso urged seniors to attend the Older Adults Health Fair on May 16, 2008 beginning at 8:30 a.m. for various free medical screenings.

05/06/08-26. David White Re Tree Ordinance

David White, Tree Canopy Committee Member, spoke of the need to fix the “broken” Tree Ordinance and to give it a high priority on the City’s Work Plan.

05/06/08-27. Kaye Sherbak Re Tree Ordinance

Kaye Sherbak, Tree Canopy Committee Member, announced that the Committee meets the first Wednesday of every month in the botanical garden; that the Committee is requesting that the Council update the Tree Ordinance, direct staff to “spend time” with the arborist that the Committee has invited on May 30, 2008 and consider appointing a subcommittee to implement tree trimming improvements.

In response to Councilmember Ward’s request for clarification on the responsibilities of the Tree Canopy Committee, Mayor Aldinger asserted that this is not the time for a discussion and it will be addressed during the Work Plan item later in the evening.

05/06/08-28. Wayne Powell Re the Police/Fire Open House

Wayne Powell, Board of Directors for the Manhattan Beach Fire Department’s Community Emergency Response Team (CERT), urged the community to attend the Police/Fire Open House this Saturday from 10:00 a.m. to 3:00 p.m. He explained that there will be demonstrations on emergency preparedness and that CERT vehicles and other equipment will be on display.

05/06/08-29. Gerry O’Connor Re School Board Recall

Gerry O’Connor, No Address Provided, provided information on the on-going effort to recall Manhattan Beach Unified School District Boardmember Bill Eisen. He forewarned the community that they may receive a recorded message from former Manhattan Beach Unified School District Boardmember Bill Cooper and urged them to visit www.recallbilleisen.com for more information.

05/06/08-30. Councilmember Ward Re Cub Scout Project

Councilmember Ward invited the Council and public to attend a presentation of an outdoor amphitheatre project by the Cub Scouts at Pennekamp Elementary School on Saturday, May 10, 2008 at 10:00 a.m.

05/06/08-31. Councilmember Cohen Re City Events

Councilmember Cohen thanked all those who participated in the 3 City events (Earth Day, Home Art Tour and Water Wise Eco Pond Tour) on April 19, 2008 as they were all great

events.

PUBLIC HEARINGS

05/06/08-16. Consideration of a Resolution Accepting the Citizen's Option for Public Safety Program Supplemental Law Enforcement Services Fund (SLESF) Grant; Authorize and Appropriate SLESF Grant Funds to Purchase Message Board/Radar Trailers from Kustom Signals, Inc. in the Amount of \$36,500, Mobile Data Computers/Radio Equipment from South Bay Regional Communications in the Amount of \$31,000 and Law Enforcement Equipment in the Amount of \$40,000

Police Lieutenant Tony DiGenova provided an overview of the \$100,000 Supplemental Law Enforcement Services Fund (SLESF) Grant that was awarded to the City. He explained that it has been accruing interest and now totals \$107,500; that it must be encumbered by the end of this fiscal year; and that the Police Department anticipates fully expending these funds on the proposed purchases. He reviewed the brief history of the Grant and communicated that staff believes that the money would be best utilized in the following areas: traffic enforcement/education, communication, investigations, crime prevention, graffiti investigations and active shooter response. He then detailed the proposed equipment including: message board/radar trailers, a motorcycle and vehicle transport trailer, mobile data computers/radio equipment, a computer voice stress analyzer, a vandalism/graffiti deterrent system and the Instant Armor First Responder Tactical Blanket. In response to questions from Council, Police Lieutenant DiGenova explained that the blanket is a Kevlar type blanket that can cover several officers in situations where there is no available cover from fire and that the Purchasing Department will research the items under \$20,000 to get the best possible price.

In response to questions from Councilmember Ward, Police Lieutenant DiGenova clarified the functions of the message board/radar trailer; explained that the vandalism/graffiti deterrent system can be relocated to areas where crime occurs and that it has resulted in decreased violations; and that surveys on the voice stress analyzer have found the accuracy to be in the 90 percentile range.

Mayor Aldinger opened the Public Hearing at 7:54 p.m.

Hearing no requests to speak, Mayor Aldinger closed the Public Hearing at 7:55 p.m.

Councilmember Ward reiterated his concerns over the voice stress analyzer to which Police Chief Rod Uyeda responded that it would be difficult to "railroad" a suspect via the use of this equipment because the Police have to have hard circumstantial or physical evidence - it is simply a tool that helps determine whether they are on the right track.

Councilmember Tell pointed out that over 1,700 law enforcement agencies have been using this equipment.

MOTION: Mayor Pro Tem Montgomery moved to adopt Resolution No. 6134; appropriate SLESF Grant Funds and accrued interest for proposed expenditures; waive formal bidding per Municipal Code Section 2.36.140 (waivers); approve the award of to Kustom Signals, Inc. for message board/radar trailers in the amount of \$36,500 and to South Bay Regional Public Communications Authority for the purchase of mobile data computers and portable radios in the amount of \$31,000; and approved authorizing the City Manager to execute the purchase of other items listed in the staff report in an amount not-to-exceed the remaining SLESF Grant Funds and accrued interest (approximately \$40,000). The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote:

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

RESOLUTION NO. 6134

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DECLARING ITS INTENT TO ACCEPT A STATE GRANT UNDER THE CITIZEN'S OPTION FOR PUBLIC SAFETY AND THE STATE LAW ENFORCEMENT SUPPLEMENTAL GRANT PROGRAM FOR FISCAL YEARS 2006 AND 2007 AND AUTHORIZE THE EXPENDITURE OF THESE GRANT FUNDS FOR THE FOLLOWING EQUIPMENT: MESSAGE BOARD/RADAR TRAILER, MOBILE DATA COMPUTERS/RADIO EQUIPMENT, COMPUTER VOICE STRESS ANALYZER, VANDALISM DETERRENT SYSTEM, RADAR TRAILER, INSTANT ARMOR FIRST RESPONDER TACTICAL BLANKET AND TRANSPORT TRAILER

05/06/08-17. Consideration of Planning Commission Approval of a Zoning Code (Title 10) Amendment to the Manhattan Beach Municipal Code and Local Coastal Program Amendment Regarding the Prohibition of Medical Marijuana Dispensaries in All Zones

Senior Planner Laurie Jester briefly reviewed that in 2006 the City Council adopted a temporary moratorium to amend the Zoning Code and temporarily prohibit medical marijuana dispensaries in the City. She explained that while the State currently allows these dispensaries, Federal law prohibits marijuana as a controlled substance. She reported that the Planning Commission determined that such dispensaries are not appropriate in the City due to the conflicting Federal law, potential Federal enforcement activities, probable crime and other disruptive affects. She acknowledged a position paper from the Beach Cities Health District (BCHD) explaining that the pharmaceutical product Marinol (a product similar to marijuana in relieving symptoms) is widely available; therefore they also would not support the introduction of medical marijuana dispensaries.

Council held a brief discussion with Police Chief Rod Uyeda and City Attorney Robert Wadden regarding a possible increase in crime and the conflicting state/federal laws.

Mayor Aldinger opened the Public Hearing at 8:05 p.m.

Hearing no requests to speak, Mayor Aldinger closed the Public Hearing at 8:06 p.m.

Councilmember Cohen emphasized that because there are dispensaries within reasonable proximity of Manhattan Beach and any resident requiring medical marijuana has "gotten it" elsewhere in the past, the City would not be taking something away. She added that because of the conflicting law, the possibility of federal agencies coming here and creating a local conflict and reasonable accessibility elsewhere, she would support a law prohibiting these dispensaries in the City.

Councilmember Ward thanked those individuals who shared their personal medical situations
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with him and emphasized that he cares about them and what voters choose to support. He spoke of an article in the *Los Angeles Times* regarding how medical marijuana helped people relieve their pain and resume a more normal life. He questioned the purpose of having local and state governments if the City acquiesces to the federal government and emphasized that he believes that the State's rights are paramount. Councilmember Ward stated that he believes that dispensaries could work in Manhattan Beach with proper controls; that he will probably be in the minority on this issue; and that it is time to treat people suffering from pain with humanity.

Mayor Pro Tem Montgomery stated the he does not believe that rights are being taken away from any resident to relieve their pain because there are other medical options available and because there are many options available outside of the City; he is in favor of making this prohibition permanent.

Councilmember Tell commented that because the BCHD is not in support of the dispensaries; the Police Department has indicated that there may be increased enforcement problems; and Manhattan Beach is such a small community, it is not appropriate to set up a test case here. He voiced his concern over those who may get a false prescription, take advantage of a dispensary to get an illegal drug and create crime in the area. Councilmember Tell added that because safety is emphasized in this community, as a community leader, he believes that a medical marijuana dispensary in Manhattan Beach is just not appropriate.

Mayor Aldinger commented that the state versus federal law is a dilemma, but many of those who voted for Proposition 215 are now saying that the law doesn't work. He stated that the fraud and distrust that these dispensaries bring is the main reason why he would oppose a dispensary; that the law needs to be changed; and that because marijuana is readily available, it is not right for Manhattan Beach.

Councilmember Ward questioned Mayor Aldinger on his source of information for this alleged fraud.

Mayor Aldinger explained that he watched a television special which showed that anybody can get a prescription for medical marijuana without showing the need for it and that the law needs to be changed because it is so "porously" written and that dispensary owners are basically selling marijuana legally.

City Attorney Robert Wadden read aloud the title of Ordinance No. 2114.

MOTION: Mayor Pro Tem Montgomery moved to waive further reading and introduce Ordinance No. 2114. The motion was seconded by Councilmember Cohen and passed by the following roll call vote:

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

GENERAL BUSINESS

05/06/08-18. Presentation of the 2008 Leadership Manhattan Beach “Project Lifesaver”

Charlie Bean, Leadership Manhattan Beach (LMB) Class of 2008 Project Leader, addressed Council with a PowerPoint presentation explaining the process whereby each class chooses a project that will enhance or give back to the community and how they implement it. She revealed that the class project for the LMB Class of 2008 would focus on emergency preparedness and be named “Project Life Saver.” She explained that the Class’ Mission Statement was to provide the community with the right tools and information in order to help themselves and others in the event of an emergency. She reported that the Class gave details about the distribution of the “Envelope of Life”, 72-Hour Emergency Preparedness Kits and reusable grocery bags and reported that a “PDF” version of the “Envelope of Life” will be linked to the City’s web site. **Ms. Bean** also spoke of fundraising efforts by the **Leadership Manhattan Beach Class** which raised over \$28,000 and the five different events where their projects were distributed.

The Council congratulated the **LMB Class of 2008** on a great project and received and filed the subject report.

RECESS AND RECONVENE

At 8:31 p.m. the Council recessed and reconvened at 8:44 p.m. with all Councilmembers present.

05/06/08-19. Select Members for City’s Boards and Commissions

Planning Commission (Seat No. 5)

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>
Montgomery	David Lesser		
Aldinger	David Lesser		
Cohen	David Lesser		
Ward	David Lesser		
Tell	David Lesser		

MOTION: Councilmember Tell moved to unanimously re-appoint David Lesser to Planning Commission Seat No. 5. The motion was seconded by Mayor Pro Tem Montgomery.

Hearing no objection it was so ordered.

Planning Commission (Seat No. 4)

Mayor Pro Tem Montgomery stated, for the record, that although one of the applicants is his future sister-in-law, he would remain impartial.

After Council completed the “nomination round”, the following motion was made.

MOTION: Mayor Aldinger moved to appoint Kathleen Paralusz to Seat No. 4 of the Planning Commission.

MOTION FAILED DUE TO THE LACK OF A SECOND

MOTION: Councilmember Ward moved to continue with the regular voting process to appoint this vacancy. The motion was seconded by Councilmember Cohen.

Hearing no objection, it was so ordered.

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>
Cohen	Kathleen Paralusz	Kathleen Paralusz	Kathleen Paralusz
Ward	None further	Kathleen Paralusz Paul Gross	Kathleen Paralusz
Tell	Paul Gross	Paul Gross Martha Andreani	Kathleen Paralusz
Montgomery	Martha Andreani	Martha Andreani Kathleen Paralusz	Martha Andreani
Aldinger	None further	Kathleen Paralusz	Kathleen Paralusz

MOTION: Mayor Aldinger moved to appoint Kathleen Paralusz to Seat No. 4 of the Planning Commission. The motion was seconded by Councilmember Tell.

Hearing no objection it was so ordered.

Mayor Aldinger pointed out that this appointment created an opening on the Parking and Public Improvements Commission.

Parks and Recreation Commission (Seat No. 3)

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>	<u>3rd Round Vote</u>
Ward	Robert Scott	Robert Scott Thomas Cajka	Robert Scott	Thomas Cajka
Tell	Russ Samuels	Russ Samuels Thomas Cajka	Thomas Cajka	Thomas Cajka
Montgomery	Thomas Cajka	Thomas Cajka John Sloway	Thomas Cajka	Thomas Cajka
Aldinger	John Sloway	John Sloway	John Sloway	John Sloway
Cohen	None further	John Sloway	John Sloway	John Sloway

MOTION: Mayor Aldinger moved to appoint Thomas Cajka to Seat No. 3 of the Parks and Recreation Commission.

Hearing no objection it was so ordered.

Cultural Arts Commission (Seat No. 1)

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>	<u>3rd Round Vote</u>
Aldinger	Peter De Maria	Fred Manna Peter De Maria	Peter De Maria	Peter De Maria
Cohen	Fred Manna	Fred Manna Heather Donalessen	Fred Manna	Peter De Maria
Ward	Heather Donalessen	Patricia Baraz Heather Donalessen	Heather Donalessen	Heather Donalessen
Tell	None further	Peter De Maria Heather Donalessen	Peter De Maria	Peter De Maria
Montgomery	Patricia Baraz	Patricia Baraz Peter De Maria	Patricia Baraz	Patricia Baraz

MOTION: Councilmember Ward moved to unanimously appoint Pete De Maria to Seat No. 1
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of the Cultural Arts Commission. The motion was seconded by Mayor Pro Tem Montgomery.

Hearing no objection it was so ordered.

Library Commission (Seat No. 4)

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>
Tell	Lisa Popovich	Lisa Popovich Phil Reimert	Lisa Popovich
Montgomery	none further	Lisa Popovich Phil Reimert	Lisa Popovich
Aldinger	none further	Lisa Popovich	Lisa Popovich
Cohen	Robert Scott	Lisa Popovich Robert Scott	Robert Scott
Ward	Phil Reimert	Phil Reimert Robert Scott	Phil Reimert

MOTION: Mayor Aldinger moved to unanimously re-appoint Lisa Popovich to Seat No. 4 of the Library Commission. The motion was seconded by Mayor Pro Tem Montgomery.

Hearing no objection it was so ordered.

Board of Building Appeals (Seat No. 2)

MOTION: Mayor Aldinger moved to re-appoint Allen Lynch to Seat No. 2 of the Board of Building Appeals.

MOTION FAILED DUE TO THE LACK OF A SECOND

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>
Cohen	Carlos Vigon	Carlos Vigon Sean Bednarz	Carlos Vigon
Ward	Sean Bednarz	Sean Bednarz Carlos Vigon	Sean Bednarz
Tell	Rafael Menkes	Rafael Menkes Carlos Vigon	Carlos Vigon
Montgomery	Mark Burton	Mark Burton Sean Bednarz	Sean Bednarz
Aldinger	Allen Lynch	Allen Lynch Carlos Vigon	Carlos Vigon

MOTION: Mayor Aldinger moved to unanimously appoint Carlos Vigon to Seat No. 2 of the Board of Building Appeals. The motion was seconded by Mayor Pro Tem Montgomery.

Hearing no objection it was so ordered.

Board of Building Appeals (Seat No. 3)

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>
Montgomery	Louie Tomaro	Louie Tomaro Sean Bednarz	Louie Tomaro
Aldinger	None further	Louie Tomaro	Louie Tomaro
Cohen	Sean Bednarz	Sean Bednarz Robert Scott	Sean Bednarz
Ward	Robert Scott	Sean Bednarz Robert Scott	Sean Bednarz
Tell	Rafael Menkes	Louie Tomaro Sean Bednarz	Louie Tomaro

MOTION: Mayor Aldinger moved to unanimously re-appoint Louie Tomaro to Seat No. 3 of the Board of Building Appeals. The motion was seconded by Mayor Pro Tem Montgomery.

Hearing no objection it was so ordered.

Board of Building Appeals (Seat No. 5)

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>
Ward	Sean Bednarz	Sean Bednarz Robert Scott	Robert Scott
Tell	Rafael Menkes	Rafael Menkes Sean Bednarz	
Montgomery	Mathew Peck	Mathew Peck Sean Bednarz	Sean Bednarz
Aldinger	Cyrous Adami	Cyrous Adami	Robert Scott
Cohen	Robert Scott	Robert Scott Sean Bednarz	Robert Scott

Prior to Councilmember Tell voting, the following motion was made.

MOTION: Mayor Aldinger moved to appoint Robert Scott to Seat No. 5 of the Board of Building Appeals. The motion was seconded by Councilmember Tell.

Hearing no objection it was so ordered.

MOTION: Mayor Aldinger moved to ratify Parks and Recreation Seat Nos. 2 and 7; declare vacant the Parking and Public Improvements Commission Seat No. 2; and direct the City Clerk to post the vacancy. The motion was seconded by Councilmember Ward.

Hearing no objection it was so ordered.

05/06/08-20. Consideration of an Ordinance and Resolutions Approving Board & Commission Modifications and Approval of Revised Board and Commission Handbook

City Manager Geoff Dolan introduced this item reporting that City Clerk Liza Tamura will report on the specifics requested by Council and the subcommittee, consisting of Mayor Pro Tem Montgomery and Councilmember Cohen, will review the proposed changes to the Boards & Commissions Handbook.

City Clerk Liza Tamura reviewed the Council's directives of October 16, 2007 to amend the "Business Representative" Seat on the Cultural Arts Commission to a "Member-At-Large" Seat and require that the person chosen to fill the "Business Representative" Seat on the Parking and Public Improvements Commission own or operate a business located in the City, excluding home based businesses. She conveyed that the other requests, to include "special meetings" when determining absences and allow a total of four absences (2 regular and 2 medical emergencies) within a 12 month period, would require modifying the current Ordinance. City Clerk Tamura added that requirements to amend the Board & Commission Handbook include allowing 14 days for a Commissioner to submit a letter of resignation before forfeiting their membership and continue requiring that Commissioners be registered voters within the City.

Council briefly discussed and clarified the "regular" and "medical emergency" absence issue.

Councilmember Cohen explained that Mayor Pro Tem Montgomery attended a Commission orientation in the City of Torrance, was very impressed with their process and handbook, and that the subcommittee used the City of Torrance's Handbook as a benchmark to create a new Handbook for Manhattan Beach. She acknowledged that they spoke with Department Heads and Commissions Liaisons and are recommending clarifying some of the unwritten historical procedures and relationships between Commissioners, Staff and Council. She stated that the subcommittee has suggested a process regarding Commissioners initiating a recommendation that is not a part of the staff report and that it would have to be approved by Council. Councilmember Cohen stated that she would like to utilize the talents of Commissioners and allow them to include their recommendations on the staff report and then let the Council decide whether or not to follow through with them. She also spoke of formalizing a once-a-year orientation training giving a thorough overview and question and answer period.

Mayor Pro Tem Montgomery commented that the subcommittee borrowed several features from the City of Torrance including adding a flow chart to the Handbook to help identify Council and various staff. He elaborated on Councilmember Cohen's comments about an orientation stating that he would like to see every Commissioner attend at least once and allow Commissioners to share their recommendations with Council as long as the proper protocol is followed. He also emphasized that the subcommittee wanted to clarify the "unwritten rule" that Commissioners will automatically get re-appointed.

Councilmember Cohen added that City Attorney Robert Wadden has added an explanatory "white paper" on the Ralph M. Brown Act, which is very important for Commissioners.

Mayor Pro Tem Montgomery also cited that the subcommittee is recommending that every Commissioner attend ethics training, although currently, only the Planning Commission is required to attend.

Council held discussion regarding the process whereby a Commissioner(s) could initiate an issue and there appeared to be consensus that it could be accomplished by the staff summarizing the issue or through a letter attached to the staff report.

City Manager Geoff Dolan stated that this process has only been used a few times, possibly because the process hasn't been communicated to the Commissioners.

A brief discussion between City Manager Dolan and Council took place regarding methods for Commissioners to communicate with the Council. Council concurred that a defined process should be clarified in the handbook.

Mayor Aldinger voiced his concern that it may be problematic to send every Commissioner to

ethics training to which Councilmember Ward agreed stating that it may be “overkill”.

Council continued discussion regarding whether or not Commissioners should be required to re-interview when their term expires and they wish to be re-appointed. Council concurred to add the following language to the handbook: “those Commissioners seeing re-appointment must reapply and submit an updated application. An interview with Council is recommended”.

The following individuals spoke on this item:

- **Jan Rhees, No Address Provided**
- **Paul Gross, No Address Provided**
- **Gerry O’Connor, No Address Provided**
- **Wayne Powell, No Address Provided**

In response to audience comments Council agreed that Commissioner(s) may make requests to study other issues and/or make recommendations to the Council. These requests may be undertaken via the following actions: the minutes; as part of the recommendation in a staff report; or summarized within the Commission’s action minutes. Council discussed whether it is necessary to receive full Commission minutes as opposed to action minutes, but no consensus was reached. All of Council concurred that all Commissioners should attend ethics training.

City Manager Dolan pointed out that staff has been informing applicants that the orientation will take place on June 10, 2008; therefore he requested that this item be “cleaned up” and brought back to Council along with the now vacant Parking and Public Improvements Commission Seat for the May 20, 2008 City Council meeting.

Hearing no objection, it was so ordered.

City Attorney Robert Wadden read aloud the title of Ordinance No. 2113.

MOTION: Mayor Pro Tem Montgomery moved to adopt Resolution No. 6136 clarifying the definition of “Business Community Member” and “Artist” for the Cultural Arts Commission; adopt Resolution No. 6137 clarifying the definition of “Business Community Member” for the Parking and Public Improvements Commission; and waive further reading and introduce Ordinance No. 2113 which amends the Municipal Code section pertaining to the “Forfeiture of Membership. The motion was seconded by Councilmember Ward.

Hearing no objection, it was so ordered.

RESOLUTION NO. 6136

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING RESOLUTION NO. 5362 SECTION 3 (MEMBERSHIP) OF THE CULTURAL ARTS COMMISSION AMENDING SEAT NO. 3 FROM “BUSINESS COMMUNITY MEMBER” TO “MEMBER-AT-LARGE” AND REDEFINING SEAT NO. 1 FROM “ARTIST” TO “ART EXPERIENCE”

RESOLUTION NO. 6137

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING SECTION 3 (MEMBERSHIP) FOR THE PARKING AND PUBLIC IMPROVEMENTS COMMISSION CLARIFYING THE DEFINITION OF “BUSINESS COMMUNITY MEMBER” FOR SEAT NOS. 2 AND 4

Because the time was now past 10:30 p.m. and due to Resolution No. 6132 stating that “the City Council shall adjourn each regular meeting thereof by 10:30 p.m., unless four-fifths (4/5) of the Council Members present vote to waive or extend the required adjournment time” the following motion was made.

MOTION: Mayor Pro Tem Montgomery moved to waive the required adjournment time and hear the next agenda item as scheduled.

MOTION FAILED DUE TO THE LACK OF A SECOND

After a brief discussion regarding upcoming agenda items, the following motion was made.

MOTION: Councilmember Ward moved to continue Item No. 21 (*Discussion of the Fiscal Year 2008-2009 City Council Work Plan*) (to the City Council meeting of June 3, 2008. Councilmember Tell seconded the motion.

Hearing no objection it was so ordered.

05/06/08-21. Discussion of the Fiscal Year 2008-2009 City Council Work Plan

This item was continued to the City Council meeting of June 3, 2008.

ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

AUDIENCE PARTICIPATION

05/06/08-32. Patrick McBride Re Poetry Book and Dial-A-Ride

Patrick McBride, 5th Street and Peck Avenue, commented that he was pleased that the Poetry Circle was able to present books of poetry to the Council in time for Older Americans Month.

He also spoke of the uneconomical manner in which seniors were transported to the Council meeting this evening, in celebration of Older Americans Month, and the cost comparisons of other city’s senior transportation services.

City Manager Geoff Dolan conveyed that the directives that Council agreed on regarding Dial-A-Ride will be included in the upcoming budget presentation.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

05/06/08-33. Councilmember Cohen Re Clarification on Tree Committee Meeting

In response to Councilmember Cohen’s inquiry regarding how to direct staff on an upcoming meeting originated by the Tree Canopy Committee, it was determined, after lengthy discussion, that because the City’s arborist could provide the sought after education and because the Committee appears to be advocating to change the Tree Ordinance rather than educate the public, as the Council instructed them to do, the Council directed that staff inform the Tree Canopy Committee to either cancel the meeting or focus on a community education workshop.

City Manager Geoff Dolan reminded all that there will be additional discussion regarding the Tree Ordinance item when the Work Plan is discussed at the June 3, 2008 City Council meeting.

05/06/08-34. Councilmember Tell Re Ad Hoc Committee Update

Councilmember Tell reported that the City Council/Manhattan Beach Unified School District Ad Hoc Committee is scheduled to meet in the near future to determine what additional matters the City may be able to help the School District with and that the outcome of this meeting will be reported back by the Subcommittee at a future meeting.

ADJOURNMENT

At 11:11 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, May 20, 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

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR MEETING
MAY 6, 2008**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 6th day of May, 2008, at the hour of 5:35 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

ROLL CALL

Present: Cohen, Ward, Tell, Montgomery and Mayor Aldinger.
Absent: None.
Clerk: Wadden (Acting).

CLOSED SESSION

The Council recessed into Closed Session at 5:35 p.m. and moved to open session at 6:18 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:18 p.m.

Robert V. Wadden, Jr.
Recording Secretary

Jim Aldinger
Mayor

ATTEST:

Liza Tamura
City Clerk