

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
MAY 20, 2008**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 20<sup>th</sup> day of May, 2008, at the hour of 6:37 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

**PLEDGE TO FLAG**

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

**ROLL CALL**

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

**CEREMONIAL CALENDAR**

None.

**REORGANIZATION**

05/20/08-1 City Council Reorganization:

a) Recognition of Outgoing Mayor Jim Aldinger

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

b) Selection of Mayor and Mayor Pro Tem

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

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

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

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

c) Ratification of New Council Assignments

Council held discussion regarding Council Assignments and the following amendments were made:

1. South Bay Cities Council of Governments (SBCCOG)  
(Cohen is Delegate; Aldinger is Alternate)
2. South Bay Regional Public Communications Authority (RCC)  
(Aldinger is Delegate)
3. Los Angeles World Airport (LAWA) Community Noise Roundtable  
(Ward is Delegate)

**MOTION:** Councilmember Ward moved to approve the New Council Assignments as amended. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote:

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

**RECESS AND RECONVENE**

At 7:07 p.m. the Council recessed and reconvened at 7:34 p.m. with all Councilmembers present.

**CONSENT CALENDAR**

The Consent Calendar (Item Nos. 2 through 13), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Aldinger, seconded by Mayor Pro Tem Cohen and passed by the following roll call vote, with the exception of Item No.7, which was considered later in the meeting under “Items Removed from the Consent Calendar” and with Councilmember Ward Voting “No” on Item No. 5.

Ayes: Ward, Tell, Aldinger, Cohen and Mayor Montgomery.  
Noes: Ward (Item No. 5).  
Absent: None.  
Abstain: None.

In response to Mayor Pro Tem Cohen’s request to expound on Agenda Item No. 10 [*Consideration of the Use of Five Percent Bio Diesel for City Fleet Operations (Council Work Plan Green Initiatives)*], City Manager Geoff Dolan verified the City’s plans to use five percent bio diesel fuel in City vehicles.

**GENERAL CONSENT**

05/20/08-2 Approve Minutes of the City Council Regular Meeting of April 15, 2008  
(Continued From the May 6, 2008 City Council Meeting)

The Council approved the subject minutes.

05/20/08-3 Approve Minutes of the City Council Adjourned Regular and Regular Meeting of May 6, 2008

The Council approved the subject minutes.

05/20/08-4 Adoption of an Ordinance Amending Section 2.44.090 "Forfeiture of Membership for City Boards, Commissions and Committees" to Clarify the Definition of the Type of Meetings and the Number of Absences Allowed

The Council adopted Ordinance No. 2113.

**ORDINANCE NO. 2113**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING 2.44.090 FORFEIT OF MEMBERSHIP FOR CITY BOARDS, COMMISSIONS AND COMMITTEE**

05/20/08-5 Adoption of Ordinance No. 2114 Approving 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

The Council adopted Ordinance No. 2114 and Resolution No. 6139.

**ORDINANCE NO. 2114**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ADDING A NEW SECTION 10.60.160 OF CHAPTER 10.60 OF THE MANHATTAN BEACH MUNICIPAL CODE (ZONING ORDINANCE) AND SECTION 160.160 OF THE IMPLEMENTATION PROGRAM OF THE LOCAL COASTAL PROGRAM PERTAINING TO MEDICAL MARIJUANA DISPENSARIES**

**RESOLUTION NO. 6139**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, SUBMITTING ORDINANCE NO. 2114 TO THE CALIFORNIA COASTAL COMMISSION TO ADD SECTION A.60.160 OF THE CITY OF MANHATTAN BEACH LOCAL COASTAL PROGRAM (LCP) - IMPLEMENTATION PROGRAM, RELATING TO MEDICAL MARIJUANA DISPENSARIES**

05/20/08-6 Consideration of the State Budget and Legislative Update

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

05/20/08-7 Consideration of Compensation Adjustment for City Attorney

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

05/20/08-8 Consideration of Financial Report: Ratification of Demands: May 15, 2008

The Council approved with no exception Warrant Register No. 24B in the amount of \$2,279,942.77 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.

05/20/08-9 Consideration of Resolution of Intention to Provide for Annual Levy and Collection of Assessments for the Downtown Business Improvement District and Setting June 17, 2008 for a Public Hearing

The Council adopted Resolution No. 6138.

**RESOLUTION NO. 6138**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA DECLARING ITS INTENTION TO PROVIDE FOR ANNUAL LEVY AND COLLECTION OF ASSESSMENTS FOR THE DOWNTOWN BUSINESS IMPROVEMENT DISTRICT, PURSUANT TO SECTION 36500 OF THE STREETS & HIGHWAYS CODE OF THE STATE OF CALIFORNIA AND SETTING A TIME AND PLACE FOR PUBLIC HEARING THEREON**

05/20/08-10 Consideration of the Use of Five Percent Bio Diesel for City Fleet Operations (Council Work Plan Green Initiatives)

The Council approved adopting a policy of using five percent bio diesel for City fleet operations.

**BOARDS AND COMMISSIONS**

**Parking & Public Improvements Commission**

05/20/08-11 Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of April 24, 2008

The Council received and filed the subject action minutes.

05/20/08-12 Uphold the Parking and Public Improvements Commission Recommendation to Approve a Request to Relocate an Existing Utility Pole at 1750 Nelson Avenue

The Council approved to uphold the Parking and Public Improvements Commission recommendation to relocate an existing utility pole at 1750 Nelson Avenue 30 feet to the west.

### Planning Commission

05/20/08-13 Consideration of Action Minutes, Planning Commission Meeting of May 14, 2008

The Council received and filed the subject action minutes.

### COMMUNITY ANNOUNCEMENTS

05/20/08-17 Elizabeth Vos Re Leadership Manhattan Beach

**Elizabeth Vos, Leadership Manhattan Beach**, announced that Leadership Manhattan Beach will begin collecting and implementing ideas for community projects beginning on June 4, 2008 and that information can be obtained by e-mailing a request to [Imbalum@gmail.com](mailto:Imbalum@gmail.com).

05/20/08-18 Don Gould Re Manhattan Beach Library

**Don Gould, Los Angeles County Library Manager**, announced the following events scheduled at Manhattan Beach Library: Pajama Rama Story Time, Wednesday, May 21, 2008, at 7:00 p.m., and Butterfly Projects and Books, Thursday, May 22, 2008, for ages four years and older. He also noted that seventeen new computers for the County's new integrated library system will be installed at the Manhattan Beach Library on May 21, 2008.

05/20/08-19 Kathy Clark Re Manhattan Beach Tree Canopy Committee

**Kathy Clark, Manhattan Beach Tree Canopy Committee**, invited interested parties to a free Urban Forest Workshop featuring **Palo Alto Arborist Dave Dockter** on May 30, 2008, from 9:00 a.m. to 10:00 a.m., in the Public Safety Facility Conference Room.

05/20/08-20 Heather Donalessen Re Manhattan Beach Coordinating Council

**Heather Donalessen, Manhattan Beach Coordinating Council**, announced the Coordinating Council's Scholarship Awards Luncheon at Verandas on Thursday, May 22, 2008, at 11:30 a.m. She stated that reservations can be made by calling (310) 374-3426 extension 196.

05/20/08-21 Susan Jones Re Thanks for Senior Lunch

**Susan Jones, No Address Provided**, thanked the Council and the Parks and Recreation Department for the recent luncheon for Seniors.

0520/08-22 Lance Winters Re Judicial Election

**Attorney Lance Winters, Manhattan Beach Resident and Judicial Candidate**, encouraged the public to vote on June 3, 2008. He explained that information about the candidates can be obtained on the Los Angeles County Bar Association's website at [www.lacba.org](http://www.lacba.org).

### PUBLIC HEARINGS

None.

**GENERAL BUSINESS**

*05/20/08-14 Select Member for Parking & Public Improvements Commission - Seat No. 2*

City Attorney Robert Wadden and City Clerk Liza Tamura provided clarification concerning the old and new requirements/definition for serving on the subject seat.

There was no public comment on this item.

**Parking and Public Improvements Commission (Seat No. 2)**

	<u>Nomination</u>	<u>1<sup>st</sup> Round Vote</u>	<u>2<sup>nd</sup> Round Vote</u>
Ward	Cyrous Adami	Cyrous Adami Deirdre Murray	Cyrous Adami
Tell	Phillip Jacobson	Deirdre Murray Phillip Jacobson	Cyrous Adami
Aldinger	Deirdre Murray	Deirdre Murray Phillip Jacobson	Cyrous Adami
Cohen	None Further	Deirdre Murray Phillip Jacobson	Phillip Jacobson
Montgomery	None Further	Cyrous Adami Phillip Jacobson	Cyrous Adami

**MOTION:** Councilmember Tell moved to unanimously appoint Cyrous Adami to the Parking and Public Improvements Commission Seat No. 2. The motion was seconded by Councilmember Aldinger.

Hearing no objection it was so ordered.

*05/20/08-15 Consideration to Approve the Revised Boards and Commissions Handbook*

City Manager Geoff Dolan stated that the Revised Boards and Commissions Handbook has the changes which the City Council directed staff to make at the last City Council meeting; that there is no staff presentation; that staff is available to answer any questions; that the first Boards and Commissions Orientation is scheduled for Tuesday, June 10, 2008; and that while all Commissioners have been invited, it was identified to the new Commissioners that the Orientation is mandatory.

There was no public comment on this item.

**MOTION:** Councilmember Ward moved to approve the revised Boards and Commissions Handbook. The motion was seconded by Councilmember Aldinger and passed by the following unanimous roll call vote.

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

The Council recognized Mayor Montgomery, Mayor Pro Tem Cohen, Assistant to the City Manager Lindy Coe-Juell and City Clerk Liza Tamura for producing an exceptional handbook.

05/20/08-16 Introduction of Fiscal Year 2008-2009 Proposed Operating Budget and the 2008-2013 Capital Improvement Plan

City Manager Geoff Dolan advised that this item includes the introduction of the proposed Fiscal Year 2008-2009 Operating Budget and 2008-2013 Capital Improvement Plan. He announced the upcoming Budget Study Session on Tuesday, May 27, 2008.

Finance Director Bruce Moe acknowledged the efforts of Finance Department Staff in compiling the proposed Fiscal Year 2008-2009 Operating Budget. He highlighted upcoming Budget meetings as follows: a Town Hall Meeting on May 21, 2008, 6:00 p.m. in the City Manager's Conference Room in City Hall; a Budget Study Session on May 27, 2008, at 5:30 p.m. in the City Council Chambers; and a Public Hearing and adoption of the Budget at the June 3, 2008 City Council Meeting. With the aid of a PowerPoint presentation, Finance Director Moe provided an overview of the proposed 2008-2009 Budget. He offered input on the idea of increasing the transient occupancy tax (TOT) and clarified that the TOT is a general tax which can be allocated as directed by the Council. He advised that property tax revenues not previously budgeted were included in the 2008-2009 Budget to offset reductions in various revenues, and that Worker's Compensation increases were generally driven by the one-year salary continuation requirement for injured employees.

Finance Controller Henry Mitzner offered clarification concerning the Worker's Compensation calculations.

There was no public comment on this item.

City Manager Dolan verified that a five-year history of Worker's Compensation costs will be presented at the upcoming Budget Study Session on May 27, 2008. He also explained that cameras in sewer lines are required by both Federal and State Law, at a cost of approximately \$500,000.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

05/20/08-7 Consideration of Compensation Adjustment for City Attorney

**A member of the audience pulled this item from the Consent Calendar for Council discussion, however was not present once the subject item was up for discussion.**

**MOTION:** Councilmember Ward moved to approve Agenda Item No. 7, *Consideration of Compensation Adjustment for City Attorney*. The motion was seconded by Councilmember Aldinger and passed by the following unanimous roll call vote.

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

The Councilmembers related their appreciation of City Attorney Wadden's performance over the past year.

**AUDIENCE PARTICIPATION**

None.

**CITY MANAGER REPORT(S)**

None.

**OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS**

*05/20/08-23 Mayor Pro Tem Cohen Re Fields of Green*

Mayor Pro Tem Cohen inquired about the recent Fields of Green event.

City Manager Dolan related his understanding that Fields of Green was very successful.

**Angela Silverman, No Address Provided**, commented on the success of Fields of Green.

**ADJOURNMENT**

At 8:28 p.m., the meeting was duly adjourned in memory of Daniel Maguire, to the 5:30 p.m. Adjourned Regular Budget Study Session on Tuesday, May 27, 2008, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

\_\_\_\_\_  
Wendy Weeks  
Recording Secretary

\_\_\_\_\_  
Richard Montgomery  
Mayor

ATTEST:

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Liza Tamura  
City Clerk