

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
ADJOURNED REGULAR MEETING  
SEPTEMBER 2, 2008**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 2<sup>nd</sup> day of September, 2008, at the hour of 5:37 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

**ROLL CALL**

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

**CLOSED SESSION**

The Council recessed into Closed Session at 5:37 p.m. and moved to open session at 6:20 p.m.

**ADJOURNMENT**

The meeting was duly adjourned at 6:20 p.m.

Robert V. Wadden, Jr.  
Recording Secretary

Richard Montgomery  
Mayor

ATTEST:

Liza Tamura  
City Clerk

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 2, 2008**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 2<sup>nd</sup> day of September, 2008, at the hour of 6:30 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

**PLEDGE TO FLAG**

Finance Director Bruce Moe led the pledge of allegiance.

**ROLL CALL**

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

**CEREMONIAL CALENDAR**

09/02/08-1. Presentation of a Commendation to The Friends of The Library in Recognition of Their 50<sup>th</sup> Anniversary

The Council presented a Certificate of Recognition to *The Friends of the Library* President Jean Klaren, Treasurer Genie Zirbel and Betty Mallory in celebration of the Friends' 50<sup>th</sup> Anniversary.

09/02/08-2. Presentation of a Certificate of Recognition to The Downtown Business & Professional Association on the 1<sup>st</sup> Anniversary of the Manhattan Beach Farmer's Market

A representative from the Downtown Business & Professional Association was not able to attend the presentation of a Certificate of Recognition acknowledging the First Anniversary of the Manhattan Beach Farmer's Market.

09/02/08-3. Presentation of a Commendation to City Engineer Dana Greenwood in Recognition of his Dedicated Service to the City of Manhattan Beach

The Council presented a Certificate of Recognition to departing City Engineer Dana Greenwood, who has accepted a position as Public Works Director in El Segundo, and commended his dedicated service to the City of Manhattan Beach over the past 18 years.

**CONSENT CALENDAR**

After a brief explanation of Item Nos. 14, 16 and 17 as requested by Councilmember Aldinger; and after a correction to a comment made by Mayor Montgomery in the minutes from the August 5, 2008 City Council meeting, the Consent Calendar (Item Nos. 4 through 23), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Aldinger, seconded by Councilmember Ward and passed by unanimous roll call vote with the exception of Item No. 11 which was considered later in the meeting under "*Items Removed from the Consent Calendar*".

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

**GENERAL CONSENT**

09/02/08-4. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of August 5, 2008

The Council approved the subject minutes to read as amended: "Mayor Montgomery encouraged the public to call State Officials and oppose the California Assembly and Senate proposal that would take funds from local entities. He further indicated that from 1990 - 2004, the State took \$28 million from the City of Manhattan Beach and that this policy would affect police, fire, sewers, and other important city responsibilities."

09/02/08-5. Consideration of the State Budget and Legislative Update

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

09/02/08-6. Extension of the Operating Agreement for the Pier with the State of California

The Council approved authorizing the City Manager to approve an amendment to the Pier agreement, which will extend the term of the operating agreement with the State for another 20 years.

09/02/08-7. Consideration of Chamber of Commerce Annual Report for Fiscal Year 2007-2008

The Council received and filed the annual Chamber of Commerce Report for Fiscal Year 2007-2008.

09/02/08-8. Consideration of the Budgeted Purchase of One Hybrid Vehicle for the Community Development Department from Wondries Fleet Group in the Amount of \$27,726.90

The Council approved an award of RFB #750-09 to Wondries Fleet Group in the amount of \$27,726.90 for the purchase of one hybrid vehicle.

09/02/08-9. Consideration of One-Year Renewal of Fire Records Management System (RMS) Support and Maintenance Contract with Fire Information Support Services, Inc. in the Amount of \$25,875.00

The Council waived formal bidding per Municipal Code Section 2.36.140 (Waivers) and approved the renewal of a one-year Fire records management System (RMS) maintenance contract with Fire Information Support Services, Inc. in the amount of \$25,875.00.

09/02/08-10. Consideration of Three-Year Renewal of Microsoft Enterprise Agreement Software Licensing Contract to CompuCom Systems (Estimated Value \$158,508.17)

The Council waived formal bidding per Municipal Code Section 2.36.160 (Cooperative Purchasing) and approved the renewal of a three-year Microsoft Enterprise Agreement Software License with CompuCom Systems in the amount of \$158,508.17.

09/02/08-11. Award of Professional Services Contract to True North Research to Conduct the City's Biennial Resident Satisfaction Survey (\$22,920)

Item No. 11 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

09/02/08-12. Consideration of Ratification of Motor Fuel Purchase from Southern Counties Oil in the Amount of \$29,820.06

The Council approved the purchase of fuel from Southern Counties Oil in the amount of \$29,820.06.

09/02/08-13. Consideration of an Appropriation of \$20,000 for Equipping a New Paramedic-Rescue Ambulance

The Council approved a supplemental appropriation from the 2008-2009 Fleet Management Fund for the completion and equipping of a Paramedic Rescue Vehicle.

09/02/08-14. Consideration of Letter to the South Coast Air Quality Management District Supporting Expanded Grant Funding to Subsidize the Purchase of Compressed Natural Gas (CNG) Taxicabs

The Council approved authorizing the Mayor to sign a letter urging the South Coast Air Quality Management District to expand their proposed CNG taxicab subsidy program to include non airport based taxicabs.

09/02/08-15. Consideration of Financial Reports:

- a) Ratification of Demands: August 7, 2008 and August 21, 2008
- b) Investment Portfolio for the Month Ending July 31, 2008
- c) Financial Reports for the Month Ending July 31, 2008

The Council approved with no exception Warrant Register Nos. 30B, 31B, 4B and 5B in the amount of \$6,860,345.56 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 July 31, 2008; and received and filed the Financial Reports for the month ending July 31, 2008.

09/02/08-16. Request for Approval of Graphic Solutions Entryway Signage Contract

The Council approved the Graphic Solutions Entryway Signage contract.

09/02/08-17. Consideration of Award of a Two-Year Contract to Willdan Company for Traffic Engineering Consulting Services

The Council approved authorizing the City Manager to enter into a two-year contract for engineering services with Willdan Company.

09/02/08-18. Reject Bid for Well No. 15 Rehabilitation Project and Authorize Staff to Re-Advertise the Project

The Council rejected the bid received for the Well No. 15 Rehabilitation Project and authorized staff to re-advertise the project.

09/02/08-19. Approval of Contract Agreement with Psomas for Design Services for the 2005-2006 Sewer Main Replacement Project (Not-to-Exceed \$47,000)

The Council approved a contract agreement with Psomas to provide design services for the 2005-2006 Sewer Main Replacement Project in an amount not-to-exceed \$47,000.

09/02/08-20 First Street Storm Drain Low-Flow Diversion – Status Report

The Council received and filed the subject status report.

**BOARDS AND COMMISSIONS**

**Parking & Public Improvements Commission**

09/02/08-21. Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of July 24, 2008

The Council received and filed the subject action minutes.

09/02/08-22. Consideration of Action Minutes, Parking and Public Improvements Commission Special Meeting of August 19, 2008

The Council received and filed the subject action minutes.

**Planning Commission**

09/02/08-23. Consideration of Action Minutes, Planning Commission Meeting of August 13, 2008

The Council received and filed the subject action minutes.

**COMMUNITY ANNOUNCEMENTS**

09/02/08-29. Los Angeles County Librarian Don Gould Re Library Events

**Los Angeles County Librarian Don Gould** commended *The Friends of the Library* for their dedicated service and highlighted the success of the Summer Reading and Paws for Reading Programs. He announced the following events: Story Time beginning September 15 -29, 2008 with reservations required; Pajama Rama Story Time on September 10, 2008 at 7:00 p.m.; and an Indian food cooking class on September 20, 2008 at 2:00 p.m.; and to call (310) 545-8595 for reservations for the upcoming Story Writing Workshop and further information.

09/02/08-30. Diane Leavitt Re Measure BB

**On behalf of the Committee to Pass Measure BB, Diane Leavitt, No Address Provided,** announced that there will be a tour of Mira Costa High School (MCHS) on September 8, 2008 from 6:00 to 8:00 p.m. to demonstrate ways in which MCHS buildings are structurally deteriorating. She urged the community to contact [info@costayes.org](mailto:info@costayes.org) for further information or to arrange a tour.

09/02/08-31. Police Chief Uyeda Re Fundraiser for Mark Vasquez

Police Chief Rod Uyeda came forward to introduce Police Officer Hank and Kimberly Crossett, who will provide information this evening about a fundraising event to help Officer Mark Vasquez in his battle with cancer.

Manhattan Beach Police Officer Hank Crossett and his wife Kimberly shared information about an upcoming fundraiser on October 25, 2008 to assist with Manhattan Beach Police Officer Mark Vasquez's courageous fight against cancer. They reported that donations will be tax deductible and for additional information to please contact [hcrossett@citymb.info](mailto:hcrossett@citymb.info) or [kreativeim@aol.com](mailto:kreativeim@aol.com).

City Manager Geoff Dolan affirmed that information about this fundraising event will be placed on the City's website.

Mayor Montgomery noted that proceeds from a dunk tank at the Hometown Fair, in which he is going to participate, will also go toward this cause.

09/03/08-32. Councilmember Ward Re Play

Councilmember Ward mentioned that he will be appearing in the play, "Reunion in Bartersville," at the Egyptian Arena Theater in Los Angeles on Fridays, Saturdays and Sundays during the month of September.

09/03/08-33. Mayor Montgomery Re e-waste

Mayor Montgomery noted the e-waste Recycling Day sponsored by REI and e-waste on September 13, 2008, from 10:00 a.m. to 3:00 p.m., in the REI parking lot at 1800 Rosecrans and that further information can be obtained at [www.ease-e-waste.com](http://www.ease-e-waste.com).

**PUBLIC HEARINGS**

None.

**GENERAL BUSINESS**

09/02/08-24. Consideration of the Parking and Public Improvements Commission's Recommendation for Left Turn Restrictions at Aviation Boulevard and 12<sup>th</sup> Street and at Aviation Boulevard and 19<sup>th</sup> Street, Authorize Installation of an Electronic Speed Awareness Sign on Aviation Boulevard, and Appropriate Funds from the Council Contingency Fund for the Sign (Not-to-Exceed \$15,000)

Traffic Engineer Erik Zandvliet presented the staff report, which included background information, traffic volumes and accident histories at the subject location and the recommended electronic speed awareness (V-Calm) sign. He related the staff recommendations as follows: (1) prohibit left turns from northbound Aviation Boulevard to westbound 12<sup>th</sup> and 19<sup>th</sup> Streets between 3:00 and 7:00 p.m. Monday through Friday; (2) prohibit left turns from eastbound 12<sup>th</sup> Street onto Aviation Boulevard at all times; (3) conduct before-and-after collision history and traffic counts of potentially affected streets; (4) conduct a follow-up study in approximately six months after the installation of left-turn restrictions; and (5) authorize the installation of an electronic speed awareness sign on Aviation Boulevard and appropriate funds from the Council Contingency Fund for the sign (not-to-exceed \$15,000).

**The following individuals spoke on this item:**

- **Rik Stuenkel, 1800 Block of Faymont Avenue**
- **Jim Box, 1200 Block of Faymont Avenue**
- **Virginia Arenas, 1200 Block of Faymont Avenue**
- **Gordana Vukotica, 19<sup>th</sup> Street and Wendy Way**
- **John Langern, 19<sup>th</sup> Street and Harkness**
- **Lou Bourgeois, 1100 Block of Aviation Boulevard**
- **Diane Rich, 1900 Block of Wendy Way**
- **Judy Kerner, Wendy Way**
- **Elizabeth Olsen, 1700 Block of 23<sup>rd</sup> Street**
- **Mrs. Olsen, 1700 Block of 23<sup>rd</sup> Street**

Addressing comments made by speakers, Traffic Engineer Zandvliet explained the following: the purpose and effectiveness of the “Keep Clear” markings at the intersection of Aviation Boulevard and 12<sup>th</sup> and 19<sup>th</sup> Streets; the visibility problems contributing to the problems; the City of Hawthorne’s and Los Angeles County’s initiation of the third lane on Aviation Boulevard; the alternate routes that will be taken should left turns be prohibited from Aviation Boulevard onto 12<sup>th</sup> Street; the idea of moving the traffic signal at Apollo and 19<sup>th</sup> Streets; and the previous recommendation to install a traffic signal at 19<sup>th</sup> Street (residents on 19<sup>th</sup> Street were in opposition). He clarified that turning restrictions would be implemented as a first-level measure and reviewed in six months (as recommended in No. 4).

The Council discussed whether electronic speed awareness signs are effective and the majority disagreed with the Parking and Public Improvements Commission’s recommendation to install an electronic speed awareness sign on Aviation Boulevard.

Police Chief Rod Uyeda related the Police Department’s support for the staff recommendations. He advised that the problems generally occur during rush hour and are not caused by traffic speeds; that the “Keep Clear” markings are a courtesy to help drivers remember not to block the intersection; that an electronic speed awareness sign would be effective in that it would only come on if a driver is speeding; that turning restrictions would help reduce the problems; and that the third lane could be eliminated, but traffic would back-up.

The Councilmembers expressed their agreement with the Parking and Public Improvements Commission’s recommendations Nos. 1 through 4 and the following motion was offered:

**MOTION:** Councilmember Tell moved to approve the Parking and Public Improvements Commission’s recommendations as follows: (1) prohibit left turns from northbound Aviation Boulevard to westbound 12<sup>th</sup> and 19<sup>th</sup> Streets between 3:00 p.m. and 7:00 p.m. Monday through Friday; (2) prohibit left turns from eastbound 12<sup>th</sup> Street onto Aviation Boulevard at all times; (3) conduct before-and-after collision history and traffic counts of potentially affected streets; and (4) conduct a follow-up study in approximately six months after installation of left-turn restrictions. The motion was seconded by Councilmember Cohen and passed by unanimous roll call vote:

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

Stating his support for an electronic speed awareness sign, Mayor Montgomery offered the following motion:

**MOTION:** Mayor Montgomery moved to approve the Parking and Public Improvements Commission’s recommendation No. 5 as follows: (5) authorize the installation of an electronic speed awareness sign on Aviation Boulevard and appropriate funds from the Council Contingency Fund for the sign (not-to-exceed \$15,000). The motion was seconded by Councilmember Aldinger and defeated by the following roll call vote:

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

The Council related their appreciation of input provided by staff and the public.

**RECESS AND RECONVENE**

At 8:00 p.m. the Council recessed and reconvened at 8:15 p.m. with all Councilmembers present.

*09/02/08-25. Select Members for the City’s Newly Formed Environmental Task Force*

City Manger Geoff Dolan advised that this item is before the Council in response to the Council’s direction to form an 18-member Environmental Task Force that will be broken down into various committees. He explained the selection process, noting that each Councilmember will select two members; that the Council will vote on four members; that the School Board will appoint one student and one Board member; and the Council will appoint two Councilmembers.

Council concurred to designate their two appointees from the applicant list before voting on the additional 4 applicants which resulted in the following:

Councilmember Ward – Lillian Light and David Pedersen  
 Mayor Pro Tem Cohen – Heather George and Todd Dipaola  
 Councilmember Tell – Casey Beyer and Jeffrey Neu  
 Councilmember Aldinger – Wendy Phillips and Ben Burkhalter  
 Mayor Montgomery – Christopher Conaway and Suzanne Kretschmer

**Environmental Task Force (Seat Nos. 1 & 2)**

	<u>Nomination</u>	<u>1<sup>st</sup> Round Vote</u>	<u>2<sup>nd</sup> Round Vote</u>
Ward	Robert Scott		
Tell	Andrea Zislis	Andrea Zislis Lani Lapidus Zaun	
Aldinger	Lani Lapidus Zaun	Andrea Zislis Lani Lapidus Zaun	
Cohen	None Further	Andrea Zislis Lani Lapidus Zaun	
Montgomery	Robert Siemak		

Prior to Councilmember Ward and Mayor Montgomery voting, the following motion was made:



**MOTION:** Councilmember Aldinger moved to appoint Andrea Zislis to Seat No. 1 and Lani Lapidus Zaun to Seat No. 2. 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.

**Environmental Task Force (Seat No. 3)**

	<u>Nomination</u>	<u>1<sup>st</sup> Round Vote</u>	<u>2<sup>nd</sup> Round Vote</u>
Tell	Robert Scott		
Aldinger	Kaye Sherbak	Robert Scott Kaye Sherbak	
Cohen	None Further	Robert Scott	
Montgomery	Robert Siemak	Robert Siemak	
Ward	None Further	Robert Scott	

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

**MOTION:** Councilmember Aldinger moved to unanimously appoint Robert Scott to Seat No. 3. 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.

**Environmental Task Force (Seat No. 4)**

	<u>Nomination</u>	<u>1<sup>st</sup> Round Vote</u>	<u>2<sup>nd</sup> Round Vote</u>
Montgomery	Robert Siemak	Robert Siemak	
Ward	None Further	Robert Siemak	
Tell	None Further	Robert Siemak	
Aldinger	Loren Kosmont	Loren Kosmont Robert Siemak	
Cohen	None Further	Robert Siemak	

**MOTION:** Mayor Montgomery moved to appoint Robert Siemak to Seat No. 4. 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.

**MOTION:** Councilmember Tell moved to appoint Mayor Pro Tem Cohen as a Council representative to the Environmental Task Force. The motion was seconded by Mayor Pro Tem Cohen and passed by the following unanimous roll call vote.

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

**MOTION:** Councilmember Ward moved to appoint himself as the second Council representative to the Environmental Task Force. 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.

**MOTION:** Councilmember Aldinger moved to declare vacant the Board of Building Appeals Seat Nos. 1 and 5 and direct the City Clerk to post the notice of vacancy. Hearing no objection it was passed by the following unanimous roll call vote:

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

City Manager Dolan explained that Environmental Programs Manager Kalapura will e-mail those applicants that were selected; schedule a meeting with Mayor Pro Tem Cohen and Councilmember Ward to discuss moving forward; and hopefully schedule an Initial Task Force meeting by the end of the month.

09/02/08-26. Consideration of City Council Work Plan Item to Install a Portable Walkway on the Beach from the Bike Path to the Shoreline

Parks and Recreation Director Richard Gill reported that Los Angeles County is not interested in installing a portable walkway, but they are not against the City installing one in El Porto as long as it goes only half-way to the shoreline so the County's maintenance vehicles can drive around it.

City Manager Geoff Dolan related his understanding of the County's concerns that County vehicles would be damaged by continually driving over the "Mobi-Mat" and that an approval of a portable walkway to the shoreline in Manhattan Beach could result in a proliferation of walkways on County beaches.

**The following individuals spoke on this item:**

- **Evelyn Frey, 200 Block of 3<sup>rd</sup> Street**
- **Patrick McBride, 5<sup>th</sup> Street and Peck Avenue**
- **Jacque May, No Address Provided**

It was Councilmember Aldinger's opinion that it would not make sense to install a portable walkway only half-way to the shoreline. He stated his viewpoint that the City should continue to try to work this out; offered to lobby on behalf of this project; and suggested that the Los Angeles County Board of Supervisors be contacted for assistance. Councilmember Aldinger observed that the "Mobi-Mat" material appears to be a good idea and that installing it in El Porto as approved by Los Angeles County might be a good start.

City Manager Dolan advised that staff from the Los Angeles County Board of Supervisors office assisted the City in obtaining the County's approval for a walkway only half-way to the shoreline.

Mayor Montgomery pointed out that the County owns and controls the beach in Manhattan Beach and that the walkway should not be installed if it would go only half-way to the shoreline.

Councilmember Ward related his uncertainty regarding the aesthetics of the "Mobi-Mat" material. He agreed that the walkway should go all the way to the shoreline and that what can be done to assist seniors and individuals with physical challenges in accessing the shoreline should be further explored.

Parks and Recreation Director Gill clarified that the "Mobi-Mat" is now available in a beige color and that the County provides large wheelchair type devices that can be used by seniors and individuals with physical challenges to access the shoreline.

Noting that it might be necessary to explore some creative alternatives, Councilmember Tell agreed that the City should not give up on this idea. He volunteered to work with Councilmember Aldinger in further pursuing this project.

Mayor Pro Tem Cohen related her wish to see some creative alternatives, in that she is not tied into one mechanism and other means of accomplishing the goal should be examined. She pointed out that information about this topic could be posted on the City's website and indicated that she would be willing to work with Councilmembers Aldinger and Tell in further pursuing access to the shoreline for seniors and individuals with physical challenges.

City Manager Dolan confirmed that staff will draft a letter asking the County for suggestions of how to accomplish the goal of providing seniors and individuals with physical challenges with access to the shoreline.

09/02/08-27. Review and Discuss Title 10 Appeal Process

City Attorney Robert Wadden advised that this matter is before the Council this evening as a result of a number of ambiguities and inconsistencies in the Title 10 appeal process that came to light during a recent tree permit appeal. He reviewed the three types of appeals (items that must be set for a Public Hearing; items that are pulled from the Council's Consent Calendar and considered when they arise; and items that are appealed by applicants or members of the public by paying a fee) and noted that only the two involving the Council should be considered this evening. He clarified that, currently, only one Councilmember is required to appeal an item; however, the Council has used a majority vote to appeal matters for many years. He also touched on the benefits of requiring a majority vote of the Council for an appeal. City Attorney Wadden shared information about previous court cases that questioned the fairness of appeal hearings when the individual who initiated the appeal participated in the appeal process, as well as the court's inference that due process and the lack of a predisposition are required until all

the evidence is heard. He explained that the Code requires a Councilmember appealing an item to make a certification of non-bias and, if not, the Councilmember is not permitted to vote. He related staff's recommendation to modify Municipal Code Section 2.010.080 to provide that an action by the Council cannot be invalidated by an inadvertent failure to comply with Robert's Rules of Order; and that, if the Council wishes to deliberately violate them, it must do so by a majority vote (with the amount of the majority to be determined by the Council). City Attorney Wadden concluded by stating staff's recommendation to clarify the language for the two-year rule in Code Section 10.100.070, which is intended to address finality and prevent appeals from being reasserted for two years.

There was no public comment on this item.

In answer to a question from Mayor Pro Tem Cohen, City Attorney Wadden clarified that the recommended language would apply only to decisions made under the auspices of Title 10.

Councilmember Aldinger expressed his agreement with the staff recommendations, excepting the idea of requiring a majority vote for an appeal, in that doing so could result in discussion about the merits of the case prior to the appeal hearing.

Councilmember Tell entertained the idea of making distinctions between appeals that could be heard at the time and those that would have to be continued for Public Hearings.

Councilmember Ward stated his support for a single Councilmember being able to pull an item for appeal, especially since there is sometimes not enough information available at the time to convince two other Councilmembers to support it, and requiring a majority could initiate discussion that might show a Councilmember has already made up her/his mind prior to the appeal hearing. He opposed the idea of a Councilmember paying a fee for an appeal in the event that a majority of the Council would not agree to hear it.

Mayor Montgomery favored a majority vote of the Council to hear an appeal, noting that, should a Councilmember wish to appeal an item but a majority of the Council does not agree, the Councilmember could pay a fee for an appeal. He stated his agreement with the staff recommendation for Roberts Rules of Order; a four-fifths vote should the Council wish to deliberately violate them; and a certification of non-bias.

City Manager Geoff Dolan expressed staff's wish for the Council to discuss further distinguishing between items that must be set for a Public Hearing and those that could be dealt with at the time they arise.

Mayor Pro Tem Cohen and Mayor Montgomery agreed when Councilmember Tell related his preference to require a vote of two Councilmembers to appeal an item that requires a Public Hearing, and to require only one Councilmember when no Public Hearing is required.

Councilmember Ward indicated that he could support Councilmember Tell's opinion because, in both cases, it would not be necessary to convince a majority of the Council to appeal.

Mayor Pro Tem Cohen requested that staff somehow notify the public of the two-year stay for appeals.

City Manager Dolan confirmed that information about the two-year stay for appeals could be noted in the initial staff report to the Council when the appeal is presented for the Council's consideration, and that the information could also be placed on the City's website.

09/02/08-28. Review and Discuss Possible Ordinance Regulating City Council Lobbyists

Noting that this item arose after a previous tree permit appeal, City Attorney Robert Wadden advised that Los Angeles County (and a number of other counties) has a lobbyist ordinance, but public officials are exempt from it; that other cities have ethics committees with staff administering these ordinances; that many of them require lobbyists to be registered; and that the Council must consider if this is important enough to develop an ordinance and, if so, determine definitions of lobbying activities.

There was no public comment on this item.

The Council generally agreed with requiring lobbyists to register/disclose, pay a fee, and developing a simple ordinance to address this issue. The Council entertained the idea of reminding the public before every meeting that individuals addressing the Council who are being compensated must disclose this information.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

09/02/08-11. Award of Professional Services Contract to True North Research to Conduct the City's Biennial Resident Satisfaction Survey (\$22,920)

Having pulled this item, Councilmember Ward observed that residents appear to be very satisfied with City services and that the City has had a good sampling of residents' opinions over the past decade. He stated, therefore, that he believes that the money for the Resident Satisfaction Survey should be used toward something else such as the Library, theater or skate park. However, should the majority of the Council agree that the Survey should continue, he favored keeping it the same.

The Council discussed whether the Survey should be conducted every two or three years; making the Survey more creative and including topical questions that could be formatted from the Council's Work Plan; soliciting new firms to perform the Survey or using the current firm with a more narrowed approach; eliminating repetitive questions and those to which a high percentage of respondents have been satisfied over a period of time; and evaluating how the Survey is being used.

City Manager Geoff Dolan explained that staff originally saw some value in using the same firm to perform the surveys because a core part has been to measure City responsiveness and other values with supplemental topics in order to track them over time and that approximately two-thirds of the questions in the Survey are repetitive.

Finance Director Bruce Moe advised that a major point of repetitiveness in the Surveys has been to track responsiveness over time and conducting them every three years could eliminate some responsiveness. He added that should the Council decide to change the Survey format, the fee would depend on the amount of restructuring.

City Manager Dolan related his understanding that the majority of the Councilmembers appear to be interested in changing the Survey to include more topical questions (such as those asked in the Facilities Strategic Plan Survey) rather than rehashing services, quality and performance. He cautioned that it is not a good idea for the Council to discuss the Survey questions at a Council meeting, in that doing so could change the results.

**MOTION:** Councilmember Aldinger moved to approve awarding a professional services contract to True North Research to conduct the City's Biennial Resident Satisfaction Survey, not-to-exceed \$22,900, with one-third of the survey questions being repetitive and two-thirds being topical, based on the City Council Work Plan. The motion was seconded by Councilmember Tell and passed by unanimous roll call vote:

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

### **AUDIENCE PARTICIPATION**

*09/02/08-34. Patrick McBride Re French Lawn Bowling Balls*

**Patrick McBride, 5<sup>th</sup> Street and Peck Avenue**, requested input as to why the City's purchasing process apparently prohibits the City from acquiring the balls used in French Lawn Bowling.

City Manager Geoff Dolan related staff's intent to look into this matter and report back to **Mr. McBride**.

### **CITY MANAGER REPORT(S)**

*09/02/08-35. City Manager Dolan Re Joint Meeting*

City Manager Geoff Dolan reminded the Council of the Joint City Council/Planning Commission meeting on Tuesday, September 9<sup>th</sup>. He mentioned that a joint meeting with the Manhattan Beach Unified School Board will be scheduled in early October.

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

*09/02/08-36. Councilmember Aldinger Re AVP*

In answer to a question from Councilmember Aldinger, Mayor Montgomery clarified that the Association of Volleyball Professionals (AVP) Manhattan Beach Open will be held September 19 through September 21, 2008.

*09/02/08-37. Mayor Montgomery Re Hurricane*

Mayor Montgomery related his happiness that the recent hurricane did not greatly impact the City of New Orleans.

*09/02/08-38. Mayor Montgomery Re Movie Night*

Mayor Montgomery thanked City staff and the Police Department for their efforts toward the City's first Movie Night at the beach.

City Manager Geoff Dolan related the City's intent to organize another movie night in September.

**ADJOURNMENT**

At 10:50 p.m. the meeting was duly adjourned to the 6:30 p.m. Joint City Council/Planning Commission Meeting on Tuesday, September 9, 2008, in the Police/Fire Conference Room, 400/420 15<sup>th</sup> Street, in said City.

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Wendy Weeks  
Recording Secretary

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Richard Montgomery  
Mayor

ATTEST:

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Liza Tamura  
City Clerk