

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
OCTOBER 7, 2008**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 7th day of October, 2008, at the hour of 6:34 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Miriam Sachs, 5th Grade Student at Meadows Elementary School, led the Pledge of Allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

10/07/08-1. Presentation of Proclamation to Soroptimist International – Camino Real Region, Declaring the Month of October 2008 as “Breast Cancer Awareness Month” and the Month of November 2008 as “End Domestic Violence Month”

On behalf of the Council, Mayor Montgomery presented a proclamation to **Kelly Fogarty and Brooke McIntyre-Tuley, Camino Real Region of Soroptimist International**, declaring the month of October 2008 as *Breast Cancer Awareness Month* and the month of November 2008 as *End Domestic Violence Month*.

CONSENT CALENDAR

After a brief explanation of Item Nos. 5, 9 and 14, as requested by Councilmember Ward, the Consent Calendar (Item Nos. 2 through 17), 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 Nos. 13 and 16, which were considered later in the meeting under “*Items Removed from the Consent Calendar*” and Item No. 5, which was continued to the October 21, 2008 City Council Meeting.

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

GENERAL CONSENT

10/07/08-2. Approve Minutes of the Joint City Council/Planning Commission Meeting of September 9, 2008

The Council approved the subject minutes.

10/07/08-3. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of September 16, 2008

The Council approved the subject minutes.

10/07/08-4. Consideration of Moving the Scheduled City Council Meeting From November 4, 2008 to November 5, 2008 in Consideration of the Presidential Election

The Council approved moving the Tuesday, November 4, 2008 City Council Meeting to Wednesday, November 5, 2008.

10/07/08-5. Consideration of Resolutions Calling and Giving Notice of the Tuesday, March 3, 2009, General Municipal Election; Requesting Assistance from the Los Angeles County Board of Supervisors; Adopting Regulations for Candidates for Elective Office; and Authorizing the Conduct of a Special Runoff Election for Elective Offices in the Event of a Tie Vote

The Council continued this item to the October 21, 2008 City Council Meeting and requested that staff include additional information regarding how other cities resolve tie vote situations.

10/07/08-6. Approval of a Contract with Election Consultants Martin & Chapman for Election Services Pertaining to the Tuesday, March 3, 2009 General Municipal Election (Not-to-Exceed \$55,000)

The Council waived formal bidding per Municipal Code Section 2.36.130 (professional services) and approved authorizing the City Manager to enter into the agreement between the City and Martin & Chapman Co. for Election Services pertaining to said Election.

10/07/08-7. Consideration of Ratification of Motor Fuel Purchase from Nickey Petroleum in the Amount of \$28,110.73

The Council approved the purchase of fuel from Nickey Petroleum in the amount of \$28,110.73.

10/07/08-8. Consideration of Financial Reports
a) Ratification of Demands: September 18, 2008 and October 2, 2008
b) Investment Portfolio for the Month Ending August 31, 2008
c) Financial Reports for the Month Ending August 31, 2008

The Council approved with no exception Warrant Register Nos. 7B and 8B in the amount of \$5,001,987.43 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 August 31, 2008; and received and filed the Financial Reports for the month ending August 31, 2008.

10/07/08-9. Consideration of a One-Year Contract for a Health and Wellness Program with Wellness Solutions in the Amount of \$55,000

The Council approved an award of RFP #748-09 to Wellness Solutions for a one-year health and wellness program contract in the amount of \$55,000.

10/07/08-10. Consideration of a One-Year Renewal of Storage Area Network Maintenance Agreement with Nth Generation Computing, Inc. in the Amount of \$25,002

The Council waived formal bidding per Municipal Code Section 2.36.140 (waivers) and approved the renewal of a one-year Storage Area Network maintenance agreement with Nth Generation Computing, Inc. in the amount of \$25,002.

10/07/08-11. Consideration of a Two-Year Contract With Active Network to Provide Online Parks and Recreation Class and Facility Reservation Services (Estimated Annual Cost of \$65,300)

The Council waived formal bidding per Municipal Code Section 2.36.140 (waivers); approved a two-year contract with Active Network to provide online Parks and Recreation class and facility reservation services (estimated annual cost of \$65,300); and approved authorizing the City Manager to negotiate and execute contract extensions at the end of the initial two-year contract period on a year-to-year basis.

10/07/08-12. Disbursement of Progress Payments:

- a) Final Payment in the Net Amount of \$13,594.03 to CHI Construction; Formally Accept the Lifeguard Storage Reconstruction Project as Complete; and Authorize Filing of the Appropriate Notice of Completion
- b) Progress Payment No. 1 in the Net Amount of \$49,238.37 to C.S. Legacy Construction, Inc. for the Manhattan Beach Park Improvement Project

The Council approved the issuance of the subject progress payment and final payment; formally accepted the Lifeguard Storage Reconstruction project as complete; and authorized the filing of the appropriate Notice of Completion.

10/07/08-13. Consideration of a Proposal from Beach Cities Transit to Participate in Funding Operation For the 109 Line for Two Years in Conjunction with the Cities of Hermosa Beach, El Segundo and Redondo Beach (\$61,300)

Item No. 13 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

BOARDS AND COMMISSIONS

Cultural Arts Commission

10/07/08-14. Consideration of Draft Minutes, Cultural Arts Commission Meeting of September 9, 2008

The Council received and filed the subject draft minutes.

Planning Commission

10/07/08-15. Consideration of Action Minutes, Planning Commission Meeting of September 24, 2008

The Council received and filed the subject action minutes.

10/07/08-16. Consideration of a Planning Commission Decision to Approve a Use Permit and Variance for Construction of Two Commercial Buildings Located at the Northwest Corner of Sepulveda and Manhattan Beach Boulevard at 1129 North Sepulveda Boulevard

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

10/07/08-17. Consideration of the Planning Commission Decision Approving an 18-Foot Diameter Driveway Vehicular Turntable for a New Duplex at 729 Manhattan Beach Boulevard

The Council received and filed the Planning Commission's approval of a vehicular turntable for 729 Manhattan Beach Boulevard.

COMMUNITY ANNOUNCEMENTS

10/07/08-26. Diane Levitt Re Measure BB

On behalf of the "Yes for Mira Costa" and "Yes on Measure BB Committee", Diane Levitt related that tours of the Mira Costa High School campus are now being offered on Tuesdays at 12:15 p.m. and Thursdays at 5:30 p.m.; that reservations can be made at www.costayes.org; that a Citizens' Oversight Committee has been appointed; and that the Committee very much appreciates the Council's efforts toward Measure BB.

10/07/08-27. Brooke McIntyre-Tuley Re Golf Tournament

Brooke McIntyre-Tuley, 1300 Block of 10th Street, announced that the South Bay Healthcare Center's Shotgun Golf Tournament will take place on October 20, 2008 at Palos Verdes Golf Club to support the Healthy Kids' Express Van and that for further information, go to www.sbfhc.org.

10/07/08-28. Los Angeles County Librarian Don Gould Re Library Events

Los Angeles County Librarian Don Gould provided information on the following upcoming events at the Manhattan Beach Library: the Annual Bookmark Contest; Pajama Rama Story Time; and a presentation by comic book writer Mike Wellman.

10/07/08-29. Fred Manna and Wayne Powell Re Leadership Manhattan Beach Alumni Project

Leadership Manhattan Beach (LMB) Alumni Fred Manna and Wayne Powell announced LMB Alumni's first project to provide 72-hour emergency preparedness kits for seniors, funded by a grant from the Beach Cities Health District, with assistance from Leadership Manhattan Beach and Senior Services. **Mr. Manna and Mr. Powell** verified that the public can purchase similar kits from various sources for approximately \$35.00.

10/07/08-30. Jon Chaykowski Re Street Sweeping Concerns

Jon Chaykowski (No Address Provided) expressed his frustration and disappointment with the recent street sweeping very early in the morning due to the Hometown Fair.

City Manager Geoff Dolan assured **Mr. Chaykowski** that this problem will be addressed.

The Council explained that the street sweeping occurred earlier than usual because of a special event that occurs only once a year and that **Mr. Chaykowski** could have related his concerns in a more civil manner, both this evening and at the Fair.

10/07/08-31. Environmental Programs Manager Sona Kalapura Re Environmental Awards

Environmental Programs Manager Sona Kalapura announced that the City recently received two awards from the South Bay Business Environmental Coalition: the top award being the Southern California Environmental Excellence Development Award for Air-Greenhouse Gas/Pollution Reduction and a Certificate of Recognition for Resource Conservation.

10/07/08-32. Vickie Whipple Re Environmental Awards

In response to Mayor Montgomery's request, **Vicki Whipple, Waste Management Community Relations Manager**, explained the application that Waste Management submitted to the United States Conference of Mayors which included information about the 23% increase in recycling in the City.

10/07/08-33. Councilmember Ward Re Thank You

Councilmember Ward thanked staff and Dial-A-Ride for arranging transportation for seniors to attend the last performance of "Reunion in Bartersville," a play in which he performed.

10/07/08-34. Mayor Montgomery Re Pet Appreciation Day

Mayor Montgomery thanked the Parks and Recreation Department for their efforts in organizing Pet Appreciation Day.

10/07/08-35. Mayor Montgomery Re "Be Our Guest" Program

Mayor Montgomery announced that the Manhattan Beach Unified School District and the Parks and Recreation Department are sponsoring a "Be Our Guest" program whereby older adults will be admitted free of charge to school events and, if needed, transported via Dial-A-Ride. Additional information can be obtained at www.citymb.info.

10/07/08-36. Mayor Montgomery Re Hometown Fair

Mayor Montgomery related his appreciation of the Hometown Fair, including the dunk tank that raised \$10,000 for Police Officer Mark Vasquez's fight against cancer.

10/07/08-37. Councilmember Aldinger Re "Accidental President" Musical

Councilmember Aldinger encouraged the community to attend the musical "Accidental President" at the Manhattan Beach Community Church on October 19 – 25, 2008.

PUBLIC HEARINGS

None.

GENERAL BUSINESS

10/07/08-18. Consideration of a Resolution to Support the Manhattan Beach School Improvement Bond Measure BB

City Manager Geoff Dolan advised that the proposed resolution reflects the Council's support for Measure BB.

Councilmember Tell related the Council Ad Hoc School Committee's approval of Measure BB which would be used for much-needed renovations at Mira Costa High School.

Councilmember Aldinger related his support for Measure BB and noted the impressiveness of the proposed plans for Mira Costa which would make the campus more usable without raising taxes.

Councilmember Cohen commented on the very apparent need to renovate the archaic facilities at Mira Costa, particularly the science building, and related her enthusiastic support of Measure BB.

Councilmember Ward voiced his appreciation of the Council Ad Hoc School Committee's recommendation in favor of the proposed resolution. He voiced his strong support for Measure BB and stated that he is confident that Measure BB funds will be used to better Manhattan Beach schools.

Mayor Montgomery highlighted the need to improve technology and safety at Mira Costa High School and stated his definite support of Measure BB which will help improve the quality of education in Manhattan Beach.

MOTION: Councilmember Aldinger moved to adopt Resolution No. 6155 supporting passage of the Manhattan Beach School Improvement Bond Measure BB. The motion was seconded by Councilmember Ward and passed by the following unanimous roll call vote:

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

RESOLUTION NO. 6155

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA ENCOURAGING VOTER SUPPORT FOR PASSAGE OF MEASURE BB (THE MANHATTAN BEACH SCHOOL IMPROVEMENT MEASURE)

10/07/08-19. Presentation of a Status Report for the Los Angeles County West Coast Basin Seawater Barrier Project in Veteran's Parkway

City Manager Geoff Dolan advised that this item was before the Council several years ago, at which time the Council directed staff to make revisions.

Principal Civil Engineer Mike Guererro explained that the Los Angeles County's West Coast Basin Seawater Barrier Project in Veteran's Parkway includes the injection of fresh water into the underlying aquifers to prevent seawater from contaminating ground water. He said that the Project is scheduled to begin in April 2009 and will take approximately two months.

Eric Batman, Los Angeles County Department of Public Works, presented updated information on the Project which was approved by the Council in 2002, but did not move forward due to funding issues.

Councilmember Ward voiced his concern over the apparent bulkiness of the Monitoring Control Unit (MCU) cabinets proposed in the middle of the sidewalk along Oak Avenue, as shown in Attachment C of the staff report.

Mr. Batman verified that the MCU cabinets could be placed directly against a wall rather than

in the middle of the sidewalk and that they could be colored to blend with the wall.

The following individual spoke on this item:

- **Brooke McIntyre-Tuley, 1300 Block of 10th Street**

In response to **Ms. McIntyre-Tuley, Mr. Batman** clarified that the telemetry for this project only monitors chlorides.

MOTION: Councilmember Aldinger moved to receive and file the subject report and Los Angeles County's presentation regarding the status on the West Coast Basin Seawater Barrier Project in Veteran's Parkway. 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.
Abstain: None.
Absent: None.

10/07/08-20. Consideration of a One-Year Contract Extension of the Refuse Franchise Agreement with Waste Management

City Manager Geoff Dolan related staff's position that extending the contract with Waste Management for one year would be in the City's best interest.

Management Analyst Anna Luke related staff's recommendation that the Council approve a one-year contract extension with Waste Management. She reviewed the benefits of extending the existing contract; distributed a timeline relevant to preparing for the City's next solid waste contract; explained the City's and Waste Management's plans to further encourage recycling; and reported on the City's receipt of a Multi-Family Unit Recycling Grant in the amount of \$55,000. She further explained that recycling is available to businesses and seniors for free and that one of the Environmental Task Force's goals is to address spatial problems for commercial establishments that would like to recycle.

Vicki Whipple, Waste Management Community Relations Manager, offered information on the services provided by Waste Management, as well as their desire to offer the additional services of a waste audit of the City's recycling facilities, which would include a written report to the City. She spoke of a "sharps" disposal mail back program; Waste Management's successful service to Manhattan Beach over the years; and the Multi-Family Unit Recycling Grant the City received.

Management Analyst Luke clarified that State regulations currently prohibit the disposal of controlled substances, but a more convenient solution for residents' disposal of these substances is being examined. She extended an invitation to the Council and residents to tour Waste Management on October 23, 2008 at 10:00 a.m. and provided written information on other cities' solid waste disposal rates.

Mayor Montgomery related his appreciation of Waste Management's donations to the City's Toy Drive.

City Manager Dolan pointed out the importance of working quickly to stay within the timeline for the City's solid waste contract. He advised that it would be appropriate for the Environmental Task Force to examine the addition of these services when the solid waste contract is renewed and that a consultant could be hired to assist with this determination, write the request for proposal, evaluate responses and balance legal and financial impacts.

Councilmember Ward noted that extending the contract would not fiscally impact the City and that Waste Management has been a good partner to the City.

Mayor Pro Tem Cohen commended the enthusiastic and competent efforts of Management Analyst Luke and **Waste Management Community Relations Manager Vicki Whipple**. She said that the programs in place are working very well; that she wholeheartedly supports the extension of the contract; and that it is important for a consultant to integrate into the Environmental Task Force process so that the Task Force does not waste time making a determination that the City might not be able to afford.

Councilmember Aldinger related his lack of clarity with regard to this process and his dilemma to confirm a contract with Waste Management, which includes these additional items, without more information, such as costs.

City Manager Dolan indicated that the consultant who previously worked with the City could be asked to provide his view of the process.

Public Works Director Jim Arndt advised that, because it is important to move forward in a timely manner, staff is researching services (that were not available when the previous contract was negotiated) to help prepare for the Environmental Task Force's consideration of this matter.

There were no public comments.

MOTION: Councilmember Ward moved to approve the one-year extension with Waste Management. 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.
Abstain: None.
Absent: None.

RECESS AND RECONVENE

At 8:10 p.m. the Council recessed and reconvened at 8:25 p.m. with all Councilmembers present.

10/07/08-21. Status Report on the City Council Work Plan Item Regarding the Gas Lamp Conversion Feasibility Study

City Manager Geoff Dolan advised that this item was identified in the Green Report as a possibility for reducing carbon emissions. He related staff's recommendation that the Council review the report and refer this issue to the Environmental Task Force for consideration along with other strategies for reducing carbon emissions.

Principal Civil Engineer Mike Guererro provided information on the Gas Lamp Districts in Manhattan Beach and the alternatives, including costs, of decorative electrical lights, standard electrical lights and solar powered lights.

Councilmember Aldinger related his understanding that the Council did not intend to convert the gas lamps to regular street lights.

City Manager Dolan explained that he directed staff to research the cost of converting the gas lamps to regular street lights; that the cost of converting the gas lamps to electrical would be high because it would be necessary to run electrical conduit; and that neighborhood resistance could make a transition difficult.

Councilmember Tell recalled that this matter resulted from the Council's impression that some electrical lamps look very similar to the gas lamps. He related his opinion that the community would reject a conversion to electrical lamps; that staff should look into more efficient natural gas technology; and that this item should not be referred to the Environmental Task Force.

Councilmember Aldinger commented that neighborhood resistance could be eliminated with lights that look very similar to the gas lamps; that it is necessary to reduce carbon emissions by 7% by 2012 and 2.5% is a very significant amount; and that the per ton cost of the reduction should be calculated.

Mayor Pro Tem Cohen observed that the gas lamps are a very quaint element of the community and that the approximately 3% reduction in carbon emissions, that could be accomplished by eliminating them, could be accomplished in another area.

Councilmember Ward pointed out that the Gas Lamp District is part of the City's "fabric" and related his concern that the lamps are on 24 hours per day.

Principal Civil Engineer Guererro advised that the pilot light that could be used to regulate the gas lamps has a reliability issue; however, staff could examine the alternative of natural gas lamps.

City Manager Dolan explained staff's recommendation to refer this issue to the Environmental Task Force for consideration along with other strategies for reducing carbon emissions. He added, however, that should the Council be unwilling to spend the amount necessary for conversion, the item should be rejected.

Councilmember Ward favored rejecting this item, with the understanding that doing so should not prevent the City from looking at technologies for controlling when the lights are on and off.

Mayor Montgomery mentioned that the Environmental Task Force members are welcome to contact the Council about any ideas they might have; that a lot of money should not be spent on this matter at this time; and that staff should examine other ideas, such as natural gas, that could be shut off during the day.

The following individuals spoke on this item:

- **David Wachtfogel, No Address Provided**
- **Patrick McBride, 5th Street and Peck Avenue**

City Manager Dolan verified that staff will further examine possible alternatives and that this item will not be referred to the Environmental Task Force.

Councilmember Ward asked staff to take this matter seriously and pointed out that the Council could direct staff to provide additional information in six months.

10/07/08-22. Consideration of the City Council Work Plan Item to Discuss the Vehicle Replacement Options

City Manager Geoff Dolan advised that this item was identified in the Green Report as a means of reducing carbon emissions and that the Council asked staff to look into the idea of replacing the City's entire fleet with alternative fuel vehicles. He verified that a significant amount of carbon emissions would be reduced and that the goal is to achieve reductions by 2012; however, current technologies do not suit all of the City's needs.

Public Works Director Jim Arndt explained that this item was part of the City Council's Work Plan and that some of the City's vehicles, such as public safety vehicles, cannot be replaced with alternative fuel vehicles at this time. He relayed staff's recommendation to refer this item to the Environmental Task Force; that the information provided to the Council included the purchase of some new vehicles, the conversion of some and the money obtained from selling some vehicles; and that the amount of carbon emissions that would be reduced was not calculated, but staff could compute that information.

Councilmember Tell requested information on the carbon emissions savings with alternative fuel vehicles, the compressed natural gas cycle and the savings with incremental costs.

Councilmember Aldinger asked for information on the life of existing vehicles, how long it would take to convert the City's fleet with the normal replacement cycle and how much this would cost.

Mayor Pro Tem Cohen voiced her preference for the information requested by Councilmembers Tell and Aldinger, even if this item is referred to the Environmental Task Force and commended the information provided by staff.

The Council generally agreed to refer this item to the Environmental Task Force as recommended by staff.

City Manager Dolan affirmed that the Council's comments will be provided to the Task Force.

10/07/08-23. Consideration of an Ordinance Regarding Municipal Lobbying

City Attorney Robert Wadden advised that the Council previously directed staff to provide an ordinance requiring lobbyists to register; that staff did not examine other cities' fees to register lobbyists/maintain the information; and that the cost would be based on the City's actual costs. Clarifying the definition of "lobbyist" and those who would be exempted, City Attorney Wadden recommended that *Section 4.132.080, Exemptions, No. F*, be amended to read, "any owner of a business which is an applicant."

Councilmember Ward stated that the City generally does not have problems with lobbyists; that this is an effort to be proactive; and that the proposed exemptions seem practical and fair. He related his opinion that a \$75.00 registration fee should be charged.

The following individual spoke on this item:

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

City Attorney Wadden read aloud the title of Ordinance No. 2117.

MOTION: Councilmember Aldinger moved to waive further reading and introduce Ordinance No. 2117 regarding municipal lobbying. The motion was seconded by Councilmember Ward and passed by the following unanimous roll call vote:

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

10/07/08-24. Consideration of an Ordinance Amending the Title 10 Appeal Process and Application of Robert's Rules of Order

City Attorney Robert Wadden advised that the proposed ordinance addresses changes previously recommended by the Council and that two Councilmembers would be required to initiate an appeal on any matter that requires a noticed public hearing.

Mayor Pro Tem Cohen recalled the Council's previous discussion to place the two-year waiting process (so that it is apparent) on the City's website.

Councilmember Ward related his understanding of the Council's previous agreement that only one Councilmember should be required to initiate an appeal for matters requiring a noticed public hearing.

Councilmember Aldinger commented on the difficulty of convincing another Councilmember to support an appeal without discussing the issue.

City Manager Geoff Dolan advised that, for many years, three Councilmembers were required to initiate an appeal.

Mayor Montgomery expressed his opinion that it would be a waste of time if there is not a second vote in favor of an appeal.

City Attorney Wadden read aloud the title of Ordinance No. 2118.

MOTION: Councilmember Aldinger moved to waive further reading and introduce Ordinance No. 2118 which amends the Title 10 Appeal Process and Application of Robert's Rules of Order. The motion was seconded by Councilmember Ward and passed by the following 4-1 majority roll call vote:

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

ITEMS REMOVED FROM THE CONSENT CALENDAR

10/07/08-13. Consideration of a Proposal from Beach Cities Transit to Participate in Funding Operation For the 109 Line for Two Years in Conjunction with the Cities of Hermosa Beach, El Segundo and Redondo Beach (\$61,300)

Councilmember Aldinger explained that he removed this item from the *Consent Calendar* due to his understanding that there would be no additional cost for this program and that the idea of not subsidizing the Ocean Express could be discussed.

City Manager Geoff Dolan offered information on the cost of this program, which is contingent on other cities participating, and provides service to many individuals who work in Manhattan Beach. He indicated that the program should be self-sufficient in approximately two years and that the Ocean Express is a good investment for the City.

Councilmember Ward said that there is nothing wrong with the City subsidizing workers who come to Manhattan Beach, but he would like to see ridership statistics; that the idea was to bring people to Downtown businesses, which has been quite successful; and that, since it appears the purpose has been accomplished, the idea of helping businesses along Sepulveda Boulevard instead could be considered.

Community Development Director Richard Thompson advised that Beach Cities Transit has been asked to provide better statistics in the future.

Mayor Montgomery pointed out that, should Council decide not to participate, more cars and carbon emissions would be added to the City.

Councilmember Aldinger also expressed an interest in ridership statistics.

The following individual spoke on this item:

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

Mayor Pro Tem Cohen stated that this would be a much better use of City funds than some other programs; that the City benefits from this program; and that, as the Council liaison to the Downtown Business and Professional Association, she supports the proposed agreement.

MOTION: Councilmember Tell moved to approve authorizing the City Manager to enter into an agreement with the Beach Cities Transit to continue funding Bus Line 109 for two years subject to the following conditions as outlined in the staff report. 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.
Abstain: None.
Absent: None.

10/07/08-16. Consideration of a Planning Commission Decision to Approve a Use Permit and Variance for Construction of Two Commercial Buildings Located at the Northwest Corner of Sepulveda and Manhattan Beach Boulevard at 1129 North Sepulveda Boulevard

Councilmember Tell advised that he removed this item from the Consent Calendar to obtain clarification pertaining to the variance.

Community Development Director Richard Thompson answered numerous questions from the Council with regard to this project.

MOTION: Councilmember Tell moved to receive and file the decision of the Planning Commission approving the project subject to certain conditions. The motion was seconded by Councilmember Cohen and passed by the following unanimous roll call vote:

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

AUDIENCE PARTICIPATION

10/07/08-38. Patrick McBride Re Meeting Agenda and Soccer Citation

Patrick McBride, 5th Street and Peck Avenue, voiced his concern that the meeting agenda was not available on the City's website and that soccer players were cited for entering the closed soccer field behind the seniors' building.

CITY MANAGER REPORT(S)

10/07/08-39. City Manager Dolan Re Trolley

City Manager Geoff Dolan reported that staff has received a proposal (from the same consultant used by Ocean Express) to examine the possibility of a trolley in Manhattan Beach.

Councilmember Tell and Mayor Montgomery agreed to review the proposal and meet with the consultant to try and determine whether it is worthwhile to look at again.

City Manager Dolan stated that Assistant to the City Manager Coe-Juell will contact Councilmember Tell and Mayor Montgomery to setup the meeting.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

10/07/08-25. Request by Mayor Montgomery to Review the Current City Council Assignments

Mayor Montgomery recommended that the current Council assignments be reviewed to ensure that none of the Councilmembers are overburdened.

The Council agreed to the following: that Council subcommittees/task forces should be included on the Council assignments' list; that Councilmember Ward will replace Mayor Pro Tem Cohen as the Delegate to the South Bay Cities Council of Government; and that Risk Manager Howard Fishman will replace Mayor Pro Tem Cohen as the Delegate to the Independent Cities Risk Management Authority, with Mayor Pro Tem Cohen replacing Risk Manager Fishman as Alternate.

MOTION: Mayor Montgomery moved to approve the revised Council assignments. 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.
Abstain: None.
Absent: None.

10/07/08-40. Mayor Montgomery Re Hometown Fair

Mayor Montgomery thanked City Manager Geoff Dolan, Police Chief Rod Uyeda and Gold Medalist Eric Fonoimoana for their participation in the Mark Vasquez fundraiser at the Hometown Fair

10/07/08-41. Councilmember Aldinger Re Senate Bill 375

Councilmember Aldinger noted the Senate's recent approval of Senate Bill 375, pertaining to local land use.

Information about Senate Bill 375 was provided by City Attorney Robert Wadden.

City Manager Geoff Dolan advised that the City's Housing Element will be considered by the Planning Commission in the near future, and then the Council.

10/07/08-42. Councilmember Aldinger Re Library Funding

Councilmember Aldinger shared information about the County's funding of an 18,000 square foot library in the City of Hawthorne, which is an example of the positive aspects of a Councilmember serving on the Los Angeles Library Commission.

10/07/08-43. Councilmember Aldinger Re Measure R

Councilmember Aldinger noted the League of California Cities' decision not to take a position on Measure R.

10/07/08-44. Councilmember Aldinger Re Training

Councilmember Aldinger mentioned that the South Bay Cities Council of Governments will offer a course in media training on October 16, 2008.

ADJOURNMENT

At 10:38 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, October 21, 2008, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Wendy Weeks
Recording Secretary

Richard Montgomery
Mayor

ATTEST:

Liza Tamura
City Clerk

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR MEETING
OCTOBER 7, 2008**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 7th day of October, 2008, at the hour of 5:38 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 5:38 p.m. and moved to open session at 6:30 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:30 p.m.

Robert V. Wadden, Jr.
Recording Secretary

Richard Montgomery
Mayor

ATTEST:

Liza Tamura
City Clerk