

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
OCTOBER 21, 2008**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 21st day of October, 2008, at the hour of 6:35 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Assistant to the City Manager Lindy Coe-Juell led the pledge of allegiance.

ROLL CALL

Present: Ward, Tell, Aldinger and Mayor Pro Tem Cohen.
Absent: Mayor Montgomery.
Clerk: Tamura.

CEREMONIAL CALENDAR

10/21/08-1. Introduction of New Employees and Presentation of Service Awards

Police Chief Uyeda introduced new Police Community Services Officers Judy Affleck, Staci Cash and Jeffrey Grant and presented service awards to Officer Jaime Ruiz (30 years) and Community Services Officer (15 years).

Mayor Pro Tem Cohen noted that Principal Civil Engineer Michael Guerrero was not present to accept his 20 year service award.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 2 through 19), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Aldinger, seconded by Councilmember Tell and passed by unanimous roll call vote with the exception of Item Nos. 8, 13 and 17 which were considered later in the meeting under "*Items Removed from the Consent Calendar*".

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

GENERAL CONSENT

10/21/08-2. Approve Minutes of the Special Joint City Council/Manhattan Beach Unified School District Meeting of October 6, 2008

The Council approved the subject minutes.

10/21/08-3. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of October 7, 2008

The Council approved the subject minutes.

10/21/08-4. 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; and Adopting Regulations for Candidates for Elective Office

The Council adopted Resolution Nos. 6156, 6157 and 6158.

RESOLUTION NO. 6156

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2009, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

RESOLUTION NO. 6157

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2009

RESOLUTION NO. 6158

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2009

10/21/08-5. Adoption of an Ordinance Regarding Municipal Lobbying

The Council adopted Ordinance No. 2117.

ORDINANCE NO. 2117

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ADDING A NEW CHAPTER 4.132 TO TITLE 4 OF THE MANHATTAN BEACH MUNICIPAL CODE REGARDING MUNICIPAL LOBBYING

10/21/08-6. Adoption of an Ordinance Amending the Title 10 Appeal Process and Application of Robert's Rules of Order

The Council adopted Ordinance No. 2118.

ORDINANCE NO. 2118

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING MANHATTAN BEACH MUNICIPAL CODE SECTIONS 2.01.080, 10.100.040 AND 10.100.070 REGARDING CITY COUNCIL PROCESS AND TITLE 10 APPEALS

10/21/08-7. Consideration of the State Budget and Legislative Update

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

10/21/08-8. Approve a Request from the Chamber of Commerce to Cover Parking Meters from Saturday, November 29, 2008 through Thursday, December 25, 2008

Item No. 8 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

10/21/08-9. Consideration of the Budgeted Purchase of One Paramedic Rescue Ambulance for the Fire Department from Leader Industries in the Amount of \$87,069.90

The Council waived formal bidding per Municipal Code Section 2.36.150 (Cooperative Purchasing); approved an award of a purchase order to Leader Industries in the amount of \$87,069.90 for the budgeted purchase of a Paramedic rescue ambulance; and approved a supplemental appropriation of \$5,570 from the Fleet Management Fund.

10/21/08-10. Consideration of the Purchase of Five Police Patrol Cars from Fairview Ford (\$150,473.36), and Award of Contract to South Bay Regional Public Communications Authority to Equip the Vehicles (\$69,808.35)

The Council approved an award of RFB #754-09 to Fairview Ford in the amount of \$150,473.36 for the purchase of five Police patrol cars; waived formal bidding per Municipal Code Section 2.36.140 (Waivers); approved the award of an order to South Bay Regional Public Communications Authority for the outfitting of five Police patrol cars in the amount of \$69,808.35; and approved a supplemental appropriation of \$45,300 from the Fleet Management Fund.

10/21/08-11. Consideration of Financial Report: Ratification of Demands - October 16, 2008

The Council approved with no exception Warrant Register No. 9B in the amount of \$2,038,890.40 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.

10/21/08-12. Approve Memorandum of Agreement for Santa Monica Bay Beaches Bacteria TMDL Shoreline Monitoring (\$34,320)

The Council approved the Memorandum of Agreement between the City of Manhattan Beach and the City of Redondo Beach as contracting agent for responsible jurisdiction and agencies represented in Jurisdictional Groups Five and Six to conduct shoreline monitoring from 11/01/08 to 10/31/11 as required by the Santa Monica Bay Beaches Bacteria Total Maximum Daily Load (SMBBB TMDL) (\$34,320).

10/21/08-13. Consideration of a Resolution Adopting Tree Removal Permit Fee

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

10/21/08-14. Award a Contract (\$42,245.00) Vapor Recovery Retrofit – City of Manhattan Beach Corporate Yard to Fleming Environmental Incorporated

The Council approved the award of a contract for the Vapor Recovery Retrofit – City of Manhattan Beach Corporate Yard to Fleming Environmental Incorporated in the net amount of \$42,245.00.

10/21/08-15. Disbursement of Progress Payments:

- a) Final Payment in the Net Amount of \$13,621.54 to Robert G. Castongia, Inc; Formally Accept the 2006-2007 Water Main Project as Complete; and Authorize Filing of the Appropriate Notice of Completion
- b) Progress Payment No. 2 in the Net Amount of \$39,865.68 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 2006-2007 Water Main Project as complete; and authorized the filing of the appropriate Notice of Completion.

10/21/08-16. Consideration of the Grant Funded Purchase of Two Automated License Plate Readers from PIPS Technology in an Amount Not-to-Exceed \$50,011 and Law Enforcement Equipment in the Amount of \$24,118

The Council approved the purchase of two automated license plate readers from PIPS Technology in an amount not-to-exceed \$50,011; waived formal bidding per Municipal Code Section 2.36.150 (cooperative purchasing); approved authorizing staff to administratively purchase law enforcement equipment in an amount not-to-exceed \$24,118; and appropriated \$74,129 from the General Fund which will be reimbursed at a later date by grant funds from the Department of Homeland Security (DHS).

BOARDS AND COMMISSIONS

Parks and Recreation Commission

10/21/08-17. Consideration of Draft Minutes, Parks and Recreation Commission Meeting of October 6, 2008

Item No. 17 was pulled from the “CONSENT CALENDAR”. Please refer to “ITEMS REMOVED FROM THE CONSENT CALENDAR.”

Parking & Public Improvements Commission

10/21/08-18. Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of September 25, 2008

The Council received and filed the subject action minutes.

Planning Commission

10/21/08-19. Consideration of Action Minutes, Planning Commission Meeting of October 8, 2008

The Council received and filed the subject action minutes.

COMMUNITY ANNOUNCEMENTS

10/21/08.24. Los Angeles County Librarian Don Gould Re Library Events

Los Angeles County Librarian Don Gould announced the following events at Manhattan Beach Library: Halloween Mask Activity on October 30, 2008; Brass Pacifica on November 13, 2008 at 4:00 p.m.; Paws 4 Healing Reading Program on November 1, 2008 at 2:00 p.m.; Pajama Rama Storytime on November 12, 2008 at 7:00 p.m.; and the annual Book Mark Contest with a submission deadline of October 31, 2008.

10/21/08.25. Martha Andreani Re Measure BB

Martha Andreani, Manhattan Beach Residents' Association, invited residents to a meeting about the pros and cons of Measure BB and a tour of Mira Costa High School, on October 23, 2008 at 5:00 p.m. at Mira Costa High School. She stated that those interested should call (310) 379-3277 or send an e-mail to mbra20@mac.com.

10/21/08-26. Francey Seckinger Re Beach Cities Toy Drive

Francey Seckinger, No Address Provided, announced that there will be a Beach Cities' Toy Drive in December and a wrap party on December 13, 2008 from 11:00 a.m. to 4:00 p.m., at the Joslyn Community Center. She listed the various locations where toys can be dropped off and reported that Mattel is offering 30% off on toys to be donated at 333 Continental Boulevard in El Segundo. She added that further information is available on the City's website at www.cityymb.info.

10/21/08-27. Fred Manna Re Leadership Manhattan Beach

Fred Manna, No Address Provided, provided input on the Leadership Manhattan Beach Alumni's successful distribution of "We Care 72 Hour Emergency Kits" to Seniors. He introduced fellow Alumni members Kathleen Terry-Manna, Kathleen Paralusz, Elizabeth Wos, Wayne Powell and Karen Hill and presented each Councilmember with a kit to give to a senior of their choice. **Mr. Manna** also stated that kits can be obtained by calling More Prepared at (888) 543-7548.

10/21/08-28. Bill Eisen Re Video of Measure BB Meeting

Manhattan Beach Unified School District Board of Trustee Member Bill Eisen asked that a video he plans to make about the Measure BB meeting and a tour of Mira Costa High School on October 23, 2008 be aired on Channel 8.

Mayor Pro Tem Cohen advised **Mr. Eisen** that the Council will consider his request and get back to him.

10/21/08-29. Scott Ferguson Re Thanks for 72 Hour Emergency Kits

Fire Chief Scott Ferguson related the Fire Department's appreciation of the "We Care 72 Emergency Kits" distributed to seniors by Leadership Manhattan Beach Alumni.

10/21/08-30. Scott Ferguson Re Fire Department Muster

Fire Chief Scott Ferguson presented a slide show and provided a brief overview of Manhattan Beach Fire Department's first "Muster" held on October 17, 2008. He distributed DVDs of the event to the Councilmembers and the Media and thanked all involved for their assistance and participation.

The Council presented Chief Ferguson with a plaque recognizing the first of many more Fire Musters to come.

PUBLIC HEARINGS

10/21/08-20. Consideration of Parking and Public Improvements Commission's Recommendations for the Implementation of the 2008 Downtown Parking Management Plan Measures and Public Hearing Adopting Increased Parking Meter Rates and Parking Citation Fines

City Manager Geoff Dolan advised that the 2008 Downtown Parking Management Plan has been part of the Council's Work Plan for quite some time. He provided direction to the Council on the procedures for considering this item.

With the aid of a PowerPoint presentation, Traffic Engineer Erik Zandvliet offered input on the 2008 Downtown Parking Management Plan, including: background information; the purpose of the Plan; Plan elements; items excluded from the Plan; the study area; the downtown parking supply; the approved strategies; and public input. He reviewed the implementation measures recommended by the Parking and Public Improvements Commission (PPIC); explained the objective to change the habits of drivers parking in the downtown area; clarified that the idea of reducing parking rates for energy efficient vehicles was not recommended by the PPIC; and noted the Downtown Business Professional Association's (DBPA) opposition to removing parking spaces to provide a loading zone in Lot 1. Traffic Engineer Zandvliet related staff's recommendations to conduct a Public Hearing; discuss and provide direction on the implementation measures in the staff report; and adopt Resolution Nos. 6160 (to increase on-street parking meter rates from \$1.00 per hour to \$1.50 per hour within the non-appealable coastal zone) and Resolution No. 6161 (to increase the parking meter rates within the State Pier lots and the County lots from \$1.00 per hour to \$2.00 per hour within the appealable coastal zone and increase on-street parking meter rates from \$1.00 per hour to \$1.50 per hour within the appealable coastal zone); and Resolution No. 6162 (to increase parking citation fees).

The Council discussed the importance of changing drivers' parking habits and the difficulty of doing so; offering a discount to businesses purchasing five or more parking permits at one time, with the idea that they could be offered for free in the future if this does not work; making downtown parking lot hours more flexible to better serve employees; implementing a residential override program; offering cash keys at downtown businesses; and installing change machines, even if only on a trial basis, until parking meters with improved technology are available. The Council questioned if State or Federal requirements prohibit dual loading/disabled spaces and noted the difficulty of ensuring that only employees use hang tags.

Traffic Engineer Zandvliet related staffs' understanding that employees of downtown businesses will park in residential areas unless there is affordable parking close by. He provided information on the approximate number of employees working downtown, as well as the idea of reducing the number of vehicles parked on the street by 75%.

Mayor Pro Tem Cohen opened the Public Hearing at 7:56 p.m.

David Levin, 300 Block of Manhattan Beach Boulevard, commended the City's efforts to try to manage parking; noted the need to encourage retail sales; and cautioned the Council to be careful about what is eventually decided. He related the following: his agreement with the DBPA's proposal that any future parking structures be funded with bonds; his opinion that the single biggest issue is getting employees and merchants not to park on the street; his support of offering parking permits purchased in volume at a discounted rate and providing vigorous parking enforcement; and his concern about imposing escalating fines for continued parking offenses.

Don Murphy, 600 Block of 11th Street, voiced his agreement with the staff recommendation for a resident permit parking program which, he contended, should be offered immediately. He shared information about his confrontation with a driver who was attempting to park in front of his home.

Maryann Varney, (No Address Provided), related the DBPA's recommendations to: mandate employers to purchase parking permits at 25% of their cost; wait six months to implement a resident parking permit program to determine if other measures have reduced the problems (since patronage at Downtown businesses could be negatively impacted); and install a dual loading/handicapped zone in Lot 1.

David Arias, No Address Provided, explained that Downtown businesses would be negatively affected by an increase in parking meter rates; that bonds could be used to refurbish/construct parking structures; that parking permits should be offered to employers at 25% of their cost; that reasonable parking costs and enforcement are what will change drivers' behavior; that a very small number of citations for expired meters are issued each month; that transferring hang tags from one employee to another does not work; and that he supports a resident parking permit program. **Mr. Arias** indicated that, while he does not support requiring the purchase of hang tags on a monthly basis, some type of control is needed to ensure they are used by employees only.

Andy Fouch, 600 Block of 11th Street, offered information about problems resulting from employees parking on the street near his home, such as noise, trash, poor attitudes and safety. He supported a resident parking permit program.

Stephanie Chais, No Address Provided, expressed her concern that while many residents have agreed to a resident parking permit program, out of desperation, residents would be inconvenienced; however, should such a program be approved, she recommended that it be implemented immediately. **Ms. Chais** stated her opposition to an interim solution and her opinion that employers should be required to pay for their employees' parking. She added that residents are so desperate, they are willing to agree to a resident parking permit program; that the parking difficulties in the downtown area are due to the Metlox development; and that she does not object to the City subsidizing parking, or other solutions, as long as residents are not inconvenienced.

Expressing his concern over the parking situation in front of his home, **David Okada, 600 Block of 11th Street**, deemed that a resident permit parking program would be a wonderful solution.

Martha Andreani, No Address Provided, related her opinion that downtown businesses are adversely affected by the lack of available parking in the downtown area resulting from employees parking there. She supported some type of incentive for employees to park in lots and said that merchants need to be responsible for where their employees park.

Don McPherson, 1000 Block of 1st Street, suggested moving the business parking into the lower level of the Metlox lot to create more spaces for Downtown customers; registering parking permits with vehicles; and increasing enforcement. He opposed moving merchant parking from Lot 2 to Lot 3 and noted that there is room at the entrance to Lot 1 for loading.

Lester Silverman, No Address Provided, addressed the DBPA's idea of delaying the implementation of a resident permit parking program until other measures are taken.

Mayor Pro Tem Cohen closed the Public Hearing at 8:41 p.m.

RECESS AND RECONVENE

At 8:40 p.m. the Council recessed and reconvened at 8:55 p.m. with all Councilmembers present, except Mayor Montgomery who was absent.

Consideration of Agenda Item No. 20 continued.

Implementation Measure No. 1 (Increase the street parking meter rates to \$1.50 per hour in the Downtown Commercial District.)

Councilmember Ward indicated that he would not be opposed to a street parking meter rate of \$1.50 per hour in the Downtown area; but he would prefer \$1.25, which would be in the middle of the rates charged in other cities cited in the staff report.

Councilmember Tell said that parking meter rates will not determine drivers' behavior and that he could support an increase to \$1.25 if the City needs the revenue.

Councilmember Aldinger pointed out that the street parking meter rates were raised recently. It was his opinion that they do somewhat determine where drivers park and that a rate of \$1.25 would be acceptable.

Mayor Pro Tem Cohen related her sensitivity to downtown merchants' concerns over raising the parking meter rates, particularly in this uncertain economy. It was her opinion that rates should not be raised at this time; that they should be reviewed in one year; and that other measures should be implemented to discourage employees from parking on Downtown streets.

City Manager Geoff Dolan advised that parking meter revenue is used for operating costs; that parking meter rates are an incentive for employees to park in lots; and that the rates will not solely change behavior but, in conjunction with other measures, will hopefully modify it.

Finance Director Bruce Moe explained that street parking meter rates were recently raised to correct an operational deficit and that additional revenue realized from the parking meters will help build the City's fund balance.

MOTION: Councilmember Aldinger moved to adopt Resolution No. 6160 with the modification of increasing the street parking meter rates by \$0.25 per hour to \$1.25 per hour in the Downtown Commercial District. The motion was seconded by Councilmember Ward and passed by the following roll call vote:

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

RESOLUTION NO. 6160

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH APPROVING A COASTAL DEVELOPMENT PERMIT TO ALLOW MODIFICATIONS TO PUBLIC PARKING METER RATES WITHIN THE NON-APPEALABLE PORTION OF THE CITY'S COASTAL ZONE, CA 06-32 (City of Manhattan Beach)

Implementation Measure No. 2 (A. Maintain the current public parking lot rates at \$0.75 per hour in all lots; and B. Request an amendment to the State and County agreements for a parking meter rate increase to \$1.50 in the upper and lower Pier lots equal to the City's street meter rate.)

The Council supported maintaining the current public parking lot rates at \$0.75 per hour in all lots and an increase in the upper and lower Pier lots to \$1.50, as recommended by the PPIC, noting that the funds realized could be used toward looking into alternative means to pay for parking.

City Manager Geoff Dolan explained staff's recommendation to increase parking rates in the upper and lower Pier lots to \$2.00. He advised that this revenue must remain in the Pier Parking Lot Fund.

MOTION: Councilmember Ward moved to adopt Resolution No. 6161 with the following modifications: that current public parking lot rates of \$0.75 per hour in all lots are maintained; that and that parking in the upper and lower Pier lots be increased to \$1.50 per hour. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote:

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

RESOLUTION NO. 6161

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH APPROVING A COASTAL DEVELOPMENT PERMIT TO ALLOW MODIFICATIONS TO PUBLIC PARKING METER RATES WITHIN THE APEALABLE PORTION OF THE CITY'S COASTAL ZONE, CA 06-33 (City of Manhattan Beach)

Recommended Implementation Measure Nos. 3, 4 and 5 were considered together:

Implementation Measure No. 3 (Authorize administrative modification of street parking time limits upon the request of nearby businesses in concurrence with the Traffic Engineer's recommendations.)

Implementation Measure No. 4 (Increase parking time limits in the upper level of the Metlox parking structure [Lot M] from two hours to three hours.)

Implementation Measure No. 5 (Approve an increase in parking time limits in the lower level of the Metlox parking structure (Lot M) and upper level of Lot 3 from eight hours to ten hours.)

The Council (absent Mayor Montgomery) agreed with Implementation Measure Nos. 3, 4 and 5 as recommended.

Implementation Measure No. 6 (A. Short-term trial installation of a multi-payment change machine station in the vicinity of the upper Pier, Metlox and Lot 3 parking structures and/or a Downtown business with extended hours; B. Staff conduct an evaluation of newer technology parking payment systems for all metered spaces within the Downtown area for future consideration by the PPIC.)

Traffic Engineer Zandvliet advised that changing these measures would cost approximately \$10,000 and that the current trend is toward using credit cards, cell phones, etc., to pay for parking - not cash machines.

City Manager Dolan explained that Finance Director Moe has concerns about the safety, maintenance and management of change machines; that this would be a short-term solution; and that new technology should be developed in approximately 18 months.

Finance Director Moe provided input on staff's concerns over safety, maintenance and management associated with payment machines and the need for an infrastructure to support them. He noted the DBPA's support of payment machines.

Police Chief Rod Uyeda offered information about safety concerns related to change machines.

Mayor Pro Tem Cohen observed that change machines could be installed only for the Metlox lot, where they would be utilized more and where there would be less safety/security concerns. She noted that downtown businesses would be willing to host the machines.

Councilmembers Ward and Tell voiced their viewpoint that change machines should not be utilized due to concerns expressed by staff and that new technologies should be explored.

Councilmember Tell and Mayor Pro Tem Cohen agreed with City Manager Dolan's idea that, as an interim step, downtown businesses could sell cash keys on consignment

The Council (absent Mayor Montgomery) directed staff to work with downtown businesses to offer cash keys in various businesses and to evaluate newer type technology for parking payment systems for all metered spaces within the downtown area, for future consideration by the PPIC.

Implementation Measure No. 7 (No recommendation for the initial implementation phase.)

Implementation Measure No. 8 (None.)

Implementation Measure No. 9 (Approve a monthly public parking permit program in the lower level of the Metlox lot and third level of Lot 3, with the following conditions on a trial basis: A. Expand the existing Metlox Parking Permit Program to allow the purchase of monthly permit stickers to be placed on a special hangtag; B. Permits could be purchased up to six months in advance; C. The monthly permit fee would be equivalent to the monthly prorated amount of a bi-yearly permit. No prorated fee would be available for partial months; D. Monthly permit stickers would only be valid for the months that are purchased and displayed on the hangtag; E. The hangtag would be transferable to other vehicles or users; and F. Business owners could obtain multiple monthly stickers on a consignment basis and only pay for those that were distributed to their employees. Unused permit stickers would be returned to the Finance Department at no cost.)

Councilmember Tell favored linking hangtags to the number of employees and making them mandatory.

Councilmember Ward mentioned that, should they be mandatory, hangtags could be connected to employees' vehicle license plate numbers.

Traffic Engineer Zandvliet noted that the transfer of hangtags amongst employees would allow them to use the tags in more than one car.

Mayor Pro Tem Cohen suggested that staff examine whether hangtags can be connected to vehicle license plate numbers.

The Council (absent Mayor Montgomery) concurred with Implementation Measure No. 9 as recommended. The Council (absent Mayor Montgomery) generally agreed that hangtags should be transferable to other vehicles.

Implementation Measure No. 10 (Approve a volume discount for five biannual parking permits purchased at one time, at a cost of \$500.00 for five permits.)

Councilmember Tell commented that Implementation Measure No. 10 could be part of the program. He related his understanding of the DBPA's logic in recommending that they be available at a volume discount of 25% of the existing rates. Councilmember Tell noted the need to think outside the box with regard to this matter, such as assessing businesses a specific amount on a per-employee basis, and devising a program so employees are not ticketed.

City Manager Dolan explained that offering a volume discount to employers should be further examined because it is necessary to offer discounts to everyone in the Coastal Zone.

Councilmember Aldinger related his impression that this is included in the Local Coastal Program and would not have to be approved by the Coastal Commission.

City Attorney Robert Wadden advised that any parking management program in the Coastal Zone must be approved by Coastal Commission staff; that a parking permit includes a requirement to make them available to anyone who would like one; and that, should

requirements such as those entertained by Councilmember Tell be implemented, it would be necessary to examine how they would correspond with Coastal Commission requirements.

Mayor Pro Tem Cohen commented on the importance of doing something, in that parking permits are a key element of managing parking in the downtown area.

Traffic Engineer Zandvliet related staff's recommendation for something within Coastal Zone requirements. He explained the idea offering a volume discount for biannual parking permits which, he noted, could be offered on monthly basis at a cost of approximately \$16.27.

The Council (absent Mayor Montgomery) concurred to Implementation Measure No. 10 as recommended.

Implementation Measure No. 11 (Approve a residential override program with the following conditions in two parts: east of Ardmore Avenue and west of Ardmore Avenue. A. The area would encompass the Downtown study area as identified in the DPMP; B. Residents can opt in/out of the program in the same manner; C. Permits would be valid within a parking zone to be determined by the City; D. Posted parking restrictions will be one or two-hour time limit parking on both sides of the street at the preference of the petitioning residents; E. Up to two hangtags for vehicles registered to the residential address would be allowed, with one transferable guest permit; F. Permits would not be valid to override metered spaces; and G. If feasible, allow provisions for small and large group functions.)

Councilmember Tell noted that the Resident Parking Permit Program in the area of Mira Costa High School has been successful; that parking must be moved off the streets and into parking lots; and that parking time restrictions would be helpful to some extent. He related his support of Implementation Measure No. 11 in that there is a real problem in the residential area near downtown that must be resolved.

Mayor Pro Tem Cohen commented on the importance of residents having the ability to park close to their homes and stated her impression that the DBPA's desire to delay the implementation of a resident permit parking program is because downtown businesses need residential parking.

Councilmember Aldinger voiced his concern over the cumulative impact of a residential permit parking program, particularly with beach parking demand during peak times of use. He said that he could support Implementation Measure No. 11 with the caveat that it be revisited in the future and with a two-hour time limit parking on both sides of the street.

Councilmember Ward stated his support for Implementation Measure No. 11. However, he noted the importance ensuring that residential streets do not become private and questioned if it would be necessary to revisit this in the future.

Traffic Engineer Zandvliet advised that a threshold could be set for the usage required to allow permit parking for residents. He related staff's recommendation to restrict times that parking is allowed in the residential areas except by permits, which could be lifted when additional parking is needed, and affirmed that it would be appropriate to review the Resident Permit Parking Program after summer.

The Council (absent Mayor Montgomery) concurred with Implementation Measure No. 11 as recommended, with the understanding that the Resident Permit Parking Program will be reviewed after next summer, and with a modification to No. D as follows: "D. Posted parking restrictions will be two-hour time limit parking on both sides of the street at the preference of

the petitioning residents.”

Implementation Measure No. 12 (None.)

Implementation Measure No. 13 (Authorize the Public Works Department to install four disabled parking spaces on a trial basis at the locations approved by the Commission: Highland Avenue and 13th Street; Highland Avenue between 12th and 13th Streets; Manhattan Avenue near 11th Place; and Manhattan Avenue on 11th Street.)

Traffic Engineer Zandvliet mentioned the DBPA’s opposition to adding too many disabled parking spaces in the southwest area of Manhattan Beach and pointed out that the areas recommended were determined by the PPIC.

Councilmember Ward commented that the loss of spaces would be minimal with the addition of four disabled parking spaces, and that this would be on a trial basis.

Councilmember Aldinger indicated that he could approve four disabled parking spaces as recommended on a trial basis.

The Council (absent Mayor Montgomery) concurred with Implementation Measure No. 13 as recommended.

Implementation Measure No. 14: (Authorize the Public Works Department to install “smart” and small vehicle parking spaces at locations approved by the PPIC as recommended by staff.)

Relating his support of Implementation Measure No. 14, Councilmember Aldinger expressed his hope that this would have been geared more toward alternative fuel vehicles.

The Council (absent Mayor Montgomery) concurred with Implementation Measure No. 14 as recommended.

Implementation Measure No. 15 (Form a small task force to determine optimum sign placement and style as well as create a joint City/DBPA promoted publicity program for the Downtown parking lots.)

Councilmember Aldinger commented on the importance of forming a task force as recommended as soon as possible.

Traffic Engineer Zandvliet advised that a task force would be formed to recommend where directional signs for parking would be placed and reformulate the entire parking sign program and that address signs for Metlox could be added immediately. He affirmed that a new sign program can be developed by staff, without a consultant.

City Manager Dolan explained that a task force made up of members from the Council, the PPIC, the DBPA and Traffic Engineer Zandvliet would review existing signs and propose the locations and the style for the new signs so that they conform with the old ones and that signs for Metlox could be installed by staff in the near future.

Mayor Pro Tem Cohen agreed with the need to address parking signs for Metlox immediately.

The Council (absent Mayor Montgomery) concurred with Implementation Measure No. 15 as

recommended.

Implementation Measure No. 16 (None.)

Implementation Measure No. 17 (Approve the following changes to the merchant permit program for Lots 1 and 2, subject to the Coastal Commission's approval: A. Lot 1: Remove merchant parking only spaces, add meters in all spaces and open them to everyone on a "first come, first serve" basis, with merchant permit override; B. Lot 2: Move merchant permits to the third level of Lot 3, meter the spaces and open them to everyone; C. Allow Lot 1 parking permit holders to park in Metlox and the third level of Lot 3 if there is no parking available in Lot 1; D. Designate a thirty-minute loading zone in both parking lots to address merchants' needs to load and unload; and E. Include a sunset clause so when the business closes merchant permits cannot be renewed in Lot 1.)

Councilmember Aldinger stated that he could support Implementation Measure No. 17 as recommended; but, one-half of Implementation Measure No. 17 could be done now, and one-half in one year. He commented that the number of merchant permit override spaces could be reduced to control the number of merchant parking permits and that one-half of the spaces could say, "Merchant Parking Permit Okay."

Councilmember Tell questioned what would be accomplished with dividing up Implementation Measure No. 17. He also questioned if it would be possible to limit the amount of times drivers park in the subject lots.

Traffic Engineer Zandvliet provided input on the recommendations, including the merchant permit override in Lot 1. He pointed out that the merchant only parking spaces would be removed in Lot 1, and meters installed to provide "first come, first serve" parking.

City Manager Dolan advised that the issue of how to control the number of merchant permits issued is an important topic and should be addressed.

The Council (absent Mayor Montgomery) concurred with Implementation Measure No. 17 as recommended.

Implementation Measure No. 18 (A. Additional parking enforcement at strategic times of the day and week to discourage meter violators; B. Approve increased fines for expired meters in the Downtown area to \$40.00; and C. Staff study an economical way to implement escalating rates for multiple offenses within one year by the same license plate number.)

Councilmembers Ward and Tell and Mayor Pro Tem Cohen stated their support for Implementation Measure No. 18, but expressed their concern with increasing the fines for expired meters in the downtown area.

Councilmembers Ward and Aldinger noted the need to address the problem of drivers removing chalk marks placed on tires by parking enforcement.

City Attorney Wadden advised that a citing officer must witness a violation, such as drivers removing chalk from their tires.

The Council briefly discussed this problem and what can be done to reduce it.

Police Chief Uyeda advised that, in order to issue citations for chalk removal, an undercover

officer would have to watch for drivers removing chalk from tires and that business owners will be advised of this problem in hopes that it will be reduced.

Mayor Pro Tem Cohen voiced her hope that more aggressive enforcement will help alleviate some of the parking problems downtown.

City Manager Dolan explained that it appears to be downtown employees who are removing chalk from their tires and encouraged anyone witnessing this to report it to the Police Department.

MOTION: Councilmember Ward moved to adopt Resolution No. 6162, increasing fines for expired meters in the Downtown area to \$40.00. The motion was seconded by Councilmember Tell and passed by the following roll call vote:

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

RESOLUTION NO. 6162

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ESTABLISHING A SCHEDULE OF FEES TO BE CHARGED BY VARIOUS DEPARTMENTS OF THE CITY REGARDING PERMITS AND SERVICES, MODIFYING ALL RESOLUTIONS OR ORDERS IN CONCERT THEREWITH, AND APPROVING AN INCREASE IN CERTAIN PARKING CITATION RATES

City Manager Dolan thanked the Council and everyone involved in this process. He advised that the new parking meter rates and the Merchant Parking Program for the lower level of the Metlox lot, as recommended, will be effective January 1, 2009 and that the Resident Permit Parking Program will be prioritized. He also confirmed that the time frame for the implementation measures approved this evening will be provided to the Council in the near future.

GENERAL BUSINESS

The following motion was made at 10:05 p.m., before introducing the first General Business item.

MOTION: Councilmember Aldinger moved to continue Item No. 22 (*10/21/08-22. Report on Statewide Water Shortage and Conservation Strategies*) to the City Council meeting of November 5, 2008. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote.

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

10/21/08-21. Consideration of an Ordinance Amending Chapter 4.108 of the Manhattan Beach Municipal Code (Vehicles for Hire Franchise) Establishing Phased-In Requirements for Clean Air Vehicles Used in the Operation of the City Franchise

Finance Director Bruce Moe presented the staff report, noting that this is a Green Report item; that the current three-year franchise expires in November 2008; and that this is an opportunity to put forth new requirements for taxicabs to be more environmentally-friendly. He offered information on the goals of the proposed standards to reduce green house gases and air pollution; the four-year phase in, with 25% of the taxicabs being converted to “clean air” each year and 100% conversion in four years; the proposed ordinance, including a 25% exemption for disabled access/larger capacity vehicles; the vehicle options of compressed natural gas (CNG), hybrid or hydrogen-acceptable; staff’s preference for a five-year contract; the current contract stipulation of a seven-year life for taxicabs, which allows taxicab companies to amortize costs over seven years and helps provide aesthetic taxicabs; the possible CNG fueling station locations; the vehicles that would be available to comply with City standards; and other cities’ requirements pertaining to environmentally-friendly taxicabs.

Finance Director Moe clarified that the effective date of the proposed ordinance would coincide with the opening of a CNG fueling station in the South Bay and that taxicab companies would have one year after that date to convert the first 25% of their fleets to comply with City standards. He explained that CNG is a proven technology for the taxicab industry, but how hybrids would perform in the taxicab environment is questionable. He stated that the CNG companies do not want to build fueling stations without assurance that they will be used and taxicab companies do not want to invest in CNG vehicles if fueling stations are not available. He concluded by explaining that staff did not explore the specifics of taxicab companies not complying by the required dates; that the proposed ordinance does not include any incentives for completing the conversions quicker than four years, but, it is staff’s impression that some would be willing to comply immediately.

City Manager Geoff Dolan explained that the proposed ordinance was developed with the belief that CNG fueling stations will be available to coincide with the recommended timeline; however, should the Council be uncomfortable with this, the proposed ordinance should be modified. He further explained that, since this is a City franchise and the taxicab industry is very competitive, the City can set standards rather than provide incentives.

The following individuals spoke on this item:

- **William Rouse, South Bay and Manhattan Yellow Cab**
- **Jim Harder, Clean Energy and Manhattan Beach Resident**
- **Todd Campbell, Clean Energy and Manhattan Beach Resident**
- **Gil Archuletta, Yellow Taxi**
- **Name Inaudible, United Independent Taxi and United Taxi of the Southwest**
- **Michael Calin, Bell Cab, Redondo Beach, CA**

Finance Director Moe affirmed that the proposed requirement of a seven-year maximum life for taxicabs was generally for aesthetic purposes.

Councilmember Tell entertained the idea of requiring a certain percentage of hybrid vehicles by the end of the first year since the available date of a CNG fueling station is somewhat uncertain at this time, and hybrid vehicles are available now. He also related his concern that the issue of taxicab companies not complying with City standards by the required dates has not been addressed.

Councilmember Aldinger explained his viewpoint that the “life” of taxicabs could be dealt with in negotiations with the taxicab companies and that, even though he supports CNG, if it does not become available within the first year, more feasible alternatives should be required.

Mayor Pro Tem Cohen commented on the proposed four-year phase-in process and entertained the idea of a one-year contract in order to further examine the feasibility of CNG fueling stations, etc.

Councilmember Ward commented that the proposed ordinance appears to be centered on CNG and suggested that the number of hybrid vehicles to which taxicab companies would be willing to commit, as well as related costs, should be investigated prior to stipulating a conversion percentage.

City Manager Dolan advised that the franchise contract could be conducted on a month-to-month basis to see if a CNG fueling station has been completed and that request for proposals could address the taxicab companies’ lack of compliance by specified dates.

City Attorney Robert Wadden cautioned that the proposed ordinance must be consistent with the franchise ordinance.

The Council (absent Mayor Montgomery) concurred that taxicabs should have a maximum life of eight years and that a quarter of the 75% of taxicabs required to comply must meet the City’s environmentally-friendly standards in the first year, whether or not a CNG fueling station is opened.

City Manager Dolan affirmed staff’s intent to further discuss the direction provided by the Council with the taxicab companies and report back to the Council in the near future.

10/21/08-22. Report on Statewide Water Shortage and Conservation Strategies

The Council continued this item to the November 5, 2008 City Council meeting.

10/21/08-23. Consideration of a Resolution Providing for a Procedure to Resolve Tie Votes for Elected Offices at General Municipal Elections

MOTION: Councilmember Aldinger moved to consider Item No. 23 in deference to the 10:30 time limit. The motion was seconded by Councilmember Tell and passed by unanimous roll call vote as shown below:

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

City Manager Geoff Dolan advised that this item was presented in response to a request from the Council at a previous meeting; that most cities handle tie votes for elected offices at general municipal elections “by lot;” and that two resolutions were presented for the Council’s consideration – one continuing the current procedure of a runoff election and the other providing for a “by lot” procedure.

There were no requests to speak.

The Council agreed to a “by lot” procedure with a coin toss conducted by the City Clerk, unless related to those running.

MOTION: Councilmember Aldinger moved to adopt Resolution No. 6159B providing for a “by lot” procedure to resolve tie votes for elected offices at the March 3, 2009 General Municipal Election and all subsequent elections. The motion was seconded by Councilmember Ward and passed by the following unanimous roll call vote:

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

ITEMS REMOVED FROM THE CONSENT CALENDAR

10/21/08-8. Approve a Request from the Chamber of Commerce to Cover Parking Meters from Saturday, November 29, 2008 through Thursday, December 25, 2008

A member of the audience pulled this item from the Consent Calendar for Council discussion.

The following individual spoke on this item:

- **Don McPherson, No Address Provided**

City Manager Geoff Dolan related his impression that many people would agree with **Mr. McPherson’s** opinion, including the downtown business owners. He advised that the bags covering the parking meters include comments about time restrictions.

The Council discussed the idea of approving the request this year and the Chamber of Commerce discussing it with downtown merchants for next year.

Police Chief Rod Uyeda verified that the Police Department “chalks” tires during the time when the parking meters are covered.

MOTION: Councilmember Ward moved to approve the request from the Chamber of Commerce to cover all parking meters excluding the Pier and El Porto parking lots. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote:

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

10/21/08-13. Consideration of a Resolution Adopting Tree Removal Permit Fee

Councilmember Ward commented that his need to verify that trees were dying due to natural causes, not poison, was satisfied and offered the following motion:

MOTION: Councilmember Ward moved to adopt Resolution No. 6163 approving the tree removal fees. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote:

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

RESOLUTION NO. 6163

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ESTABLISHING FEES FOR TREE REMOVAL PERMITS, FOR DEAD OR DYING TREES DUE TO NATURAL CAUSES, IMMINENT EMERGENCIES AND PUBLIC NUISANCES

10/21/08-17. Consideration of Draft Minutes, Parks and Recreation Commission Meeting of
October 6, 2008

Although this item was originally pulled by a member of the audience who was no longer present at the meeting, Councilmember Tell explained that he was going to pull it also to stress the need to pursue the possible use of the empty lot at the Ladera School.

City Manager Geoff Dolan advised that renovating the field at Ladera School is more complicated than it might sound and that staff will provide further information to the Council's School Ad Hoc Committee.

The Council discussed referring this topic back to the Parks and Recreation Commission and agreed that the Council's School Ad Hoc Committee should discuss this matter with the School Board prior to doing so.

MOTION: Councilmember Tell moved to receive and file the subject draft minutes and direct the Council's School Ad Hoc Committee to review this issue and report back to the Council. The motion was seconded by Councilmember Aldinger and passed by the following unanimous roll call vote:

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

AUDIENCE PARTICIPATION

None.

CITY MANAGER REPORT(S)

10/21/08-31. City Manger Dolan Re Bill Eisen

Referring to **Manhattan Beach Unified School District Board of Trustee Member Bill Eisen's** request earlier in the meeting, City Manager Dolan advised that, based on past City practice, **Mr. Eisen** is welcome to film the upcoming tour of Mira Costa High School and meeting regarding Measure BB and show it on the Public Access Channel, but it has not been past practice to air a single-interest topic on the Government Channel.

The Council agreed that the tour of Mira Costa High School and debate about Measure BB could be shown on the Public Access Channel.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

None.

ADJOURNMENT

At 11:50 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 Wednesday, November 5, 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