

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
NOVEMBER 5, 2008**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 5<sup>th</sup> day of November, 2008, at the hour of 6:38 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

**PLEDGE TO FLAG**

Priya Chatwani, a 5<sup>th</sup> Grade Student at Pacific Elementary School led the pledge of allegiance.

**ROLL CALL**

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

**CEREMONIAL CALENDAR**

11/05/08-1. Presentation of a Certificate Recognizing AdventurePlex General Manager Cindy Foster for Her Efforts in Saving an Infant from Choking

The Council presented a certificate of Commendation to AdventurePlex General Manager Cindy Foster for her quick thinking, courage and compassion in saving an infant from choking.

Fire Chief Scott Ferguson and **Beach Cities Health District's Director of Youth Services Gretchen Oshita** related their deep appreciation of Ms. Foster's efforts.

**CONSENT CALENDAR**

The Consent Calendar (Item Nos. 2 through 12), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Aldinger, seconded by Mayor Pro Tem Cohen, and passed by unanimous roll call vote, with the exception of Item Nos. 7 and 12, which were 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**

11/05/08-2. Approve Minutes of the City Council Regular Meeting of October 21, 2008

The Council continued the subject minutes to the November 18, 2008 City Council meeting.

11/05/08-3. This Space Intentionally Left Blank

11/05/08-4. Approval of Contract Agreement with Willdan Engineering for Design Services for the Peck Avenue Improvement Project, Not-to-Exceed \$38,180.00

The Council approved a contract agreement with Willdan Engineering to provide design services for the Peck Avenue Improvement Project in an amount not-to-exceed \$38,180.00

11/05/08-5. Consideration of the Award of a Three-Year Parks and Recreation Activity Guide Printing Services Contract to American Print Media (Estimated Value \$130,800)

The Council approved the award of RFP # 753-09 to American Print Media for a three-year activity guide printing services with an estimated value of \$130,800, and approved a supplemental appropriation of \$11,025 from the available unreserved General Fund balance.

11/05/08-6. Consideration of Financial Reports:

a) Ratification of Demands: October 30, 2008

b) Investment Portfolio for the Month Ending September 30, 2008

c) Financial Reports for the Month Ending September 30, 2008

The Council approved with no exception Warrant Register No. 10B in the amount of \$1,486,701.20 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 September 30, 2008; and received and filed the Financial Reports for the month ending September 30, 2008.

11/05/08-7. Consideration of the Wording Submitted by the Ellis Family for a Plaque on Their Strand Alcove Bench

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

11/05/08-8. Disbursement of Progress Payments:

a) Final Payment in the Net Amount of \$212,909.67 to American Asphalt South, Inc; Formally Accept the 2008 Slurry Seal Project as Complete; and Authorize Filing of the Appropriate Notice of Completion

b) Progress Payment No. 3 in the Net Amount of \$168,848.42 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 2008 Slurry Seal project as complete; and authorized the filing of the appropriate Notice of Completion.

11/05/08-9. Donation of Surplus Sport Utility Vehicle to the Community Emergency Response Team (CERT)

The Council approved the donation of a surplus sport utility vehicle to the Community Emergency Response Team (CERT).

## **BOARDS AND COMMISSIONS**

### **Cultural Arts Commission**

11/05/08-10. Consideration of Draft Minutes, Cultural Arts Commission Meeting of October 14, 2008

The Council received and filed the subject draft minutes.

### **Planning Commission**

11/05/08-11. Consideration of Action Minutes, Planning Commission Meeting of October 22, 2008

The Council received and filed the subject action minutes.

11/05/08-12. Consideration of Planning Commission Denial of a Sign Exception Regarding the Installation of Two Ground Based Electronic Changeable Copy Signs Totaling 648 Square Feet of Area at the Manhattan Beach Studios Facility at 1600 Rosecrans Avenue

Item No. 12 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

## **COMMUNITY ANNOUNCEMENTS**

11/05/08-17. Angela Silverman Re Local Artists' Reception

**Angela Silverman, No Address Provided**, thanked City staff, Councilmember Aldinger, Mayor Pro Tem Cohen and Mayor Montgomery for their support of the recent special reception for local artists, sponsored by Friends of Fine Art.

The Council commended the event.

11/05/08-18. Don Gould Re Library Events

**Los Angeles County Librarian Don Gould** announced numerous upcoming events at the Manhattan Beach Library.

11/05/08-19. Parks and Recreation Director Richard Gill Re Veterans Day

Parks and Recreation Director Richard Gill extended an invitation to the upcoming Veteran's Day event honoring all veterans on November 11, 2008 at 11:00 a.m.

11/05/08-20. Councilmember Ward Re Election

On behalf of precinct captains and President Elect Obama, Councilmember Ward thanked South Bay residents for their assistance during the recent campaign. He voiced his satisfaction with the success of Measure BB and, regarding Proposition 8, noted his continued efforts to ensure that all are treated equally.

11/05/08-21. Councilmember Tell Re Measure BB

Councilmember Tell thanked all who worked toward the success of Measure BB.

11/05/08-22. Mayor Montgomery Re Election

Mayor Montgomery congratulated President Elect Obama on his successful campaign and related his appreciation that Measure BB passed.

**PUBLIC HEARINGS**

None.

**GENERAL BUSINESS**

11/05/08-13. Presentation of an Annual Report for the Roundhouse Marine Studies Lab & Aquarium by the Oceanographic Teaching Station, Inc.

**Dick Fruin, Secretary of Oceanographic Teaching Stations (OTS), Inc.**, presented the Annual Report for the Roundhouse; provided information about activities at the Roundhouse; and distributed copies of the Beachwalker's Guide to Manhattan Beach, which was developed by the **OTS**. **Mr. Fruin** introduced the following additional members of the **OTS** in attendance: Matt Friedman, President; Jean Souva, facility maintenance, Paul Blieden, photographer and personnel, and Chuck Milam, Treasurer.

The Council commended the Roundhouse staff and announced that the Guide can be purchased at the Roundhouse for \$2.00.

Mayor Montgomery suggested that the "Ocean Neighbor" pledge in the Guide be placed on the City's website.

11/05/08-14. Report on Statewide Water Shortage and Conservation Strategies (Continued from the October 21, 2008 City Council Meeting)

City Manager Geoff Dolan advised that this item was continued from the last Council meeting due to the late hour. He related staff's recommendation to refer this topic to the Environmental Task Force to develop education about the drought and outreach programs to provide recommendations on a revised water conservation ordinance.

Public Works Director Jim Arndt gave an in-depth presentation on the statewide water shortage and conservation strategies. He elaborated on the following: the source of the City's water supply; the drought, including Metropolitan Water District's (MWD's) declaration of a water supply alert on June 10, 2008; MWD's water shortage allocation plan and related adverse financial impacts; the base rate and unit costs; the importance of financial incentives for residents to conserve water; the increases in water costs if the City does not meet the water allocation requirements; the City of Long Beach's proactive water conservation efforts; the importance of balancing maintenance needs and water usage; the City of El Segundo's offer to lease ground water to Manhattan Beach and the positive aspects of a Conjunctive Use Water Agreement; the Council's future development of a new set of water rate structures; the procedures for the Environmental Task Force's consideration of this matter; and the recommended timeline pertaining to this item.

The Council discussed the severity of this situation and the importance of continuing to notify residents about it while the Environmental Task Force is developing a recommendation and before tiered rates become effective. They also spoke of the goal to conserve water; the importance of notifying the Environmental Task Force of this goal and deciding how much conservation to achieve through a tiered rate structure; the idea of the City mimicking MWD's water rates; whether the Environmental Task Force should determine the best rates; the idea of covering fixed costs by a base rate and incentivizing conservation for everything after that; the City's inability to make money on water; and if the revised ordinance should be delayed until tiered rates are examined so they can be addressed in the ordinance. The Council agreed that the Environmental Task Force should not discuss fixed versus variable rates.

City Attorney Robert Wadden provided information about the legal limits pertaining to water rates.

City Manager Dolan verified that information about this situation has been distributed to residents; that alternative water rate structures will be examined; that the Environmental Task Force will philosophically discuss tiered rates and related impacts on conservation; and that a consultant will be hired to examine how water rates should be structured. He related staff's recommendation to present a revised water conservation ordinance to the Council, along with recommendations on how to best notify residents about this situation, by February 2009. He also explained that water rates will increase if less water is used.

Public Works Director Arndt verified staff's intent to examine ways to reduce water usage through improved operating practices, such as street sweepers, and indicated that a revised water conservation ordinance will be presented for the Council's consideration in spring of 2009. He additionally offered information about the Marriott Hotel's lack of reclaimed water usage on their golf course.

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

- **Patrick McBride, 5<sup>th</sup> Street and Peck Avenue**

City Manager Dolan shared input on staff's continued discussions with the Marriott Hotel about using reclaimed water on the Marriott Hotel's golf course.

Councilmember Ward and Mayor Pro Tem Cohen related their intent to present the information provided this evening to the Environmental Task Force, on which they serve.

*11/05/08-15. Consideration of Approval of the City of Manhattan Beach Natural Hazards Mitigation Plan*

Assistant Planner Esteban Danna presented the staff report on the Natural Hazards Mitigation Plan required by the Federal Emergency Management Agency (FEMA). He explained that adoption of the Plan and approval by FEMA would make the City eligible for Federal emergency disaster funding.

**Carolyn Harshman, President of Emergency Planning Consultants**, summarized the City of Manhattan Beach's Natural Hazards Mitigation Plan and explained the lengthy regulatory process associated with the Plan.

The Council voiced their appreciation of the comprehensive, detailed Plan provided by **Ms. Harshman**.

**MOTION:** Councilmember Ward moved to adopt Resolution No. 6164 approving the City of Manhattan Beach’s Natural Hazards Mitigation Plan. 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.

**RESOLUTION NO. 6164**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ADOPTING THE MANHATTAN BEACH NATURAL HAZARDS MITIGATION PLAN IN ACCORDANCE WITH 44 C.F.R. §201.6**

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

11/05/08-7. Consideration of the Wording Submitted by the Ellis Family for a Plaque on Their Strand Alcove Bench

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

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

- **Tobin Ellis, No Address Provided**

In response to **Mr. Ellis’** comments, City Manager Dolan verified that the proposal includes a standard bench approved by the City.

The Council extensively discussed whether the plaque is memorial in nature; entertained various possibilities for wording on the plaque; and supported the bench as proposed. The Council and **Mr. Ellis** agreed to wording on the plaque as follows: “Donated by Friends and Family for Susan M. Ellis – Artist: Stacy Dukes.”

**MOTION:** Councilmember Ward moved to approve the proposed bench and wording, as specified above, which is consistent with the Council approved donor guidelines. 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.

11/05/08-12. Consideration of Planning Commission Denial of a Sign Exception Regarding the Installation of Two Ground Based Electronic Changeable Copy Signs Totaling 648 Square Feet of Area at the Manhattan Beach Studios Facility at 1600 Rosecrans Avenue

Mayor Montgomery related his opinion that this item should be set for a Public Hearing to consider a revised proposal that includes a reduction in the size of the sign.

City Attorney Robert Wadden advised that the law is very clear on this matter and that it is within the Council's purview to either consider this item or return it to the Planning Commission; but, if no action is taken, the Planning Commission's denial of the project stands.

The Council held a lengthy discussion on whether this issue should be sent back to the Planning Commission for review or considered by the Council; the integrity of the process and ensuring the Council understands it. The Council agreed to set it for a Public Hearing.

City Manager Geoff Dolan verified that a Public Hearing date for this item will be set.

**AUDIENCE PARTICIPATION**

11/05/08-23. Patrick McBride Re Solar Panels

**Patrick McBride, 5<sup>th</sup> Street and Peck Avenue**, advocated the installation of solar panels on City facilities.

Fire Chief Scott Ferguson stated the Fire Department's support of solar panels; however, emphasized that there are safety issues related thereto.

City Manager Geoff Dolan advised that a solar panel program is part of the Council's Work Plan; that funds have been budgeted for a consultant to examine the feasibility of solar panels on City facilities, street lights and HVACs; that safety concerns will be integrated into a solar panel plan; that solar panels are part of the City code, which is reviewed each year. He explained that installing solar panels on Fire Station 2 was determined to be ineffective; however, they are being considered for the Public Safety Facility and the Library remodel.

11/05/08-24. Peter DeMaria Re Plastic Bags and Solar Panels

**Peter DeMaria, No Address Provided**, recognized the Council's ban on plastic bags and encouraged the installation of solar panels on City facilities.

11/05/08-25. Wayne Powell Re Surplus Vehicle Donation

**Wayne Powell, Community Emergency Response Team (CERT) Board of Directors**, expressed gratitude for the Council's donation of a surplus vehicle. He advised that input about the upcoming "Great American Shake Out" on November 13, 2008 can be accessed at [www.mbcert.org](http://www.mbcert.org).

City Manager Geoff Dolan reminded the Council and the community about the upcoming "Great American Shake Out" Drill on November 13, 2008. He invited interested parties to attend a review of the event on December 9, 2008, 6:30 p.m., in the Public Safety Facility.

Fire Battalion Chief Frank Chiella provided information about the Drill and advised that additional information about the Drill can be obtained on the City's website and at [www.shakeout.org](http://www.shakeout.org).

**CITY MANAGER REPORT(S)**

None.

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

*11/05/08-16. Review of City Council Assignments*

Council reviewed the City Council assignments and agreed to the following changes:

- move “Council Standing Committees” to “Ad Hoc/Subcommittees”
- add “General Assembly Member” to Southern California Association of Government (SCAG) under “Regional /State Government” with Mayor Montgomery as the alternate
- add Mayor Pro Tem Cohen as a second alternate to SBCCOG
- remove the Facility Strategic Plan (FSP) from “Ad Hoc/Subcommittees”
- modify wording at the bottom of the page to read “Appointed Councilmembers Must File a 700 Form.”

**MOTION:** Councilmember Aldinger moved to approve the above mentioned changes to the 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.

**ADJOURNMENT**

At 9:24 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, November 18, 2008, in the City Council Chambers of City Hall, 1400 Highland Avenue, 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