

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
JANUARY 6, 2009**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 6th day of January, 2009, at the hour of 6:30 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Taylor Dillon led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

01/06/09-1. Presentation of Certificate to Sharley McMullen for Her 25 Years of Service on the Hometown Fair Board

The Council presented a Certificate of Commendation to Sharley McMullen for her 25 years of service on the Hometown Fair Board.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 2 through 26), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Ward, seconded by Councilmember Tell and passed by unanimous roll call vote with the exception of Item No. 5 which was considered later in the meeting under "*Items Removed from the Consent Calendar*".

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

GENERAL CONSENT

01/06/09-2. Approve Minutes of the City Council Regular Meeting of November 18, 2008 (Continued from the December 2, 2008 City Council Meeting)

The Council approved the subject minutes.

01/06/09-3. Approve Minutes of the City Council Regular Meeting of December 2, 2008

The Council approved the subject minutes.

01/06/09-4. Approve Minutes of the City Council Special Meeting of December 9, 2008

The Council approved the subject minutes.

01/06/09-5. Consideration of Rescheduling the January 20, 2009 City Council Meeting to January 27, 2009

Item No. 5 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

01/06/09-6. Declare Vacancy: Parking and Public Improvements Commission, Seat No. 5

The Council declared vacant Parking and Public Improvements Commission, Seat No. 5.

01/06/09-7. Consideration of the Award of a Three-Year Graphic Design Services Contract to Pixel Graphic Design (Estimated Value of \$45,600)

The Council approved the award of RFP #755-09 to Pixel Graphic Design for a three-year contract to provide graphic design services for the quarterly Parks and Recreation Activity Guide with an estimated value of \$45,600.

01/06/09-8. Consideration of an Amendment to an Existing Contract with Fehr and Peers to Prepare the Traffic Impact Study for the Manhattan Village Shopping Center Expansion

The Council approved authorizing the City Manager to enter into a contract amendment with Fehr and Peers to prepare the Traffic Impact Study for the Manhattan Village Shopping Center Phased Expansion Project.

01/06/09-9. Consideration of Financial Reports:

- a) Ratification of Demands: December 11, 2008 & December 24, 2008
- b) Investment Portfolio for the Month Ending November 30, 2008
- c) Financial Reports for the Month Ending November 30, 2008

The Council approved with no exception Warrant Register Nos. 13B & 14 in the amount of \$6,081,815.50 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 November 30, 2008; and received and filed the Financial Reports for the month ending November 30, 2008.

01/06/09-10. Ratification of Purchase of Forty-Two Parking Meters and Accessories from Duncan Industries to Facilitate the Implementation of the Downtown Parking Management Plan Approved by the City Council on October 21, 2008 (Total Cost of \$29,150)

The Council waived formal bidding per Municipal Code Section 2.36.140 (waivers); approved the purchase of forty-two parking meter assemblies and parts from Duncan Industries in the amount of \$27,350; and appropriated \$29,150 from the available Parking Fund balance and set a Public Hearing for February 3, 2009.

01/06/09-11. Consideration of Resolution of Intention to Provide for Annual Levy and Collection of Assessments for the North Manhattan Beach Business Improvement District and Setting February 3, 2009 for a Public Hearing

The Council adopted Resolution No. 6168.

RESOLUTION NO. 6168

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

01/06/09-12. Lease of Groundwater Rights from the City of El Segundo

The Council approved authorizing the Mayor to enter into an agreement to lease 461 acre feet of water rights at \$75 per acre feet from the City of El Segundo. Total costs of the lease amounts to \$34,575.

01/06/09-13. Consideration of Award of a Three-Year Restaurant Stormwater Inspections Contract to John L. Hunter and Associates (Estimated Value \$48,450)

The Council approved an award of Request for Proposal (RFP) #760-09 to John L. Hunter and Associates for a three-year restaurant stormwater inspections contract with an estimated value of \$48,450.

01/06/09-14. Approval of Contract Agreement with Psomas for Design Services for the Rosecrans Avenue Widening Project, Not-to-Exceed \$54,470

The Council approved a professional engineering services contract agreement with Psomas to provide design services for the Rosecrans Avenue Widening Project (Redondo Avenue to Manhattan Gateway) in an amount not to exceed \$54,470.

01/06/09-15. Award of Contract for Manhattan Beach Structures 2 & 4 Corrosion Treatment Project in the Amount of \$201,610 to KC Industries

The Council approved an award of contract for the Manhattan Beach Structures 2 & 4 Corrosion Treatment Project to KC Industries in the net amount of \$201,610.

01/06/09-16. Award of Contract (\$328,516) for the Section 4 Concrete Repairs Project to Kalban, Inc.

The Council approved an award of contract for the Section 4 Concrete Repair Project to Kalban, Inc. in the net amount of \$328,516 and authorized the Director of Public Works to extend the contract by 25% (\$82,144) per Section 3-2 of the 2006 Edition Standards Specifications for Public Works Construction.

01/06/09-17. Disbursement of Progress Payment No. 5 in the Net Amount of \$357,033.83 to C.S. Legacy Construction, Inc. for the Manhattan Beach Park Improvement Project

The Council approved the issuance of the subject progress payment.

BOARDS AND COMMISSIONS

Cultural Arts Commission

01/06/09-18. Consideration of Draft Minutes, Cultural Arts Commission Meeting of November 18, 2008

The Council received and filed the subject draft minutes.

01/06/09-19. Consideration of Draft Minutes, Cultural Arts Commission Meeting of December 9, 2008

The Council received and filed the subject draft minutes.

Library Commission

01/06/09-20. Consideration of Draft Minutes, Library Commission Meeting of December 8, 2008

The Council received and filed the subject draft minutes.

Parking & Public Improvements Commission

01/06/09-21. Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of October 23, 2008

The Council received and filed the subject action minutes.

01/06/09-22. Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of December 4, 2008

The Council received and filed the subject action minutes.

01/06/09-23. Consideration of the Parking and Public Improvements Commission Recommendation to Remove the Existing Stop Signs on Peck Avenue at Curtis Avenue and to Maintain the Existing Crosswalk with Additional Traffic Control Signs

The Council approved the Parking and Public Improvements Commission recommendation to maintain the existing measures at the intersection of Peck Avenue and Curtis Avenue, with the exception that the stops signs be removed on Peck Avenue in the northbound and southbound directions at Curtis Avenue, and that additional traffic control signs be installed on Peck Avenue for the school crosswalk.

01/06/09-24. Consideration of the Parking and Public Improvements Commission Recommendation to Maintain the Current Crosswalk Locations on 25th Street at Alma Avenue and Vista Drive

The Council approved the Parking and Public Improvements Commission Recommendation to maintain the current crosswalk locations on 25th Street at Alma Avenue and Vista Drive.

Planning Commission

01/06/09-25. Consideration of Action Minutes, Planning Commission Meeting of December 10, 2008

The Council received and filed the subject action minutes.

01/06/09-26. Consideration of Planning Commission Approval of a Use Permit for an Expansion at 1826-1832 Manhattan Beach Boulevard of an Existing School (Manhattan Academy) Located at 1740 and 1808 Manhattan Beach Boulevard

The Council received and filed the subject report.

COMMUNITY ANNOUNCEMENTS

01/06/09-31. Milan McBride Re Local Senior

Milan McBride, 5th Street and Peck Avenue, announced that a painting by Manhattan Beach senior citizen Helen Oake Mellon is included in the Huffington Center on Aging's annual calendar for 2009, copies of which she distributed to the Council.

01/06/09.32 Patrick Donahue Re State of the City Address

Patrick Donahue, Laguna Court, invited everyone to Mayor Montgomery's "State of the City Address" at the Coordinating Council's upcoming luncheon on January 22, 2009 at 11:30 a.m., at the Belamar Hotel.

01/06/09.33 Los Angeles County Librarian Don Gould Re Library Events

Los Angeles County Librarian Don Gould announced upcoming Manhattan Beach Library programs and events.

01/06/09.34 Mercedes Smith Re Karma Rescue

Mercedes Smith, Karma Rescue, extended invitations to **Karma Rescue's** Happy New Year Benefit on January 14, 2009 from 5:30 to 8:30 p.m., at the Upper Manhattan Lounge and encouraged those wanting additional information to visit www.karmarescue.org.

01/06/09.35 Robert Bush Re Local Newspapers and Journalists

Robert Bush, No Address Provided, paid tribute to local newspapers and journalists for their objective reporting.

01/06/09.36 Mayor Pro Tem Cohen Re Tree Trimming Instruction

Mayor Pro Tem Cohen called attention to the Free Tree Trimming Workshop on January 24, 2009 at 9:00 a.m. in the Botanical Garden and thanked the Tree Canopy Committee and others for their time in organizing this event.

01/06/09-37 Mayor Montgomery Re Holiday Fireworks

Mayor Montgomery thanked staff and residents for the great Holiday fireworks display.

01/06/09.38 Mayor Montgomery Re Toy Drive

Mayor Montgomery thanked volunteers for the successful Toy Drive.

01/06/09.39 Council Re Employee Breakfast

Councilmembers related their enjoyment with the recent Employee Breakfast.

01/06/09.40 Mayor Montgomery Re Mira Costa High School Football Team

Mayor Montgomery commended the Mira Costa High School Football Team on their accomplishment in achieving the number two standing in the State.

PUBLIC HEARINGS

01/06/09-27. Consideration of Annual Resolution Adjusting the Fiscal Year 2009-2010 Business License Tax by the Consumer Price Index

City Manager Geoff Dolan advised that a resolution adjusting the Business License Tax is presented for the Council's consideration annually.

Revenue Services Manager Steve Charelian highlighted the proposed changes to the Business License Tax, including a 4.5% increase to coincide with an increase in the Consumer Price Index (CPI). He explained that the proposed increase would result in approximately \$111,000 in revenue and would be an average increase of approximately \$26.00. Revenue Services Manager Charelian gave a detailed explanation of the minimal financial impact the proposed increase would have on businesses.

Mayor Montgomery opened the public hearing at 7:00 p.m.

Patrick McBride, 5th Street and Peck Avenue, asked that the poor economical condition be taken into consideration when making a determination on the proposed increase to the Business License Tax.

Helen Duncan (No Address Provided) related the **Manhattan Beach Chamber of Commerce's** support of the proposed Business License Tax increase which, she indicated, would be a maximum of \$100.00.

Mayor Montgomery closed the public hearing at 7:02 p.m.

MOTION: Councilmember Aldinger moved to adopt Resolution No. 6169 increasing the Business License Tax rate by 4.5% to adjust for the Consumer Price Index. The motion was seconded by Councilmember Tell.

Prior to roll call vote, Mayor Montgomery noted that most business owners recognize that there is a cost of doing business in the City.

Councilmember Ward stated his opinion that the proposed increase would be reasonable, especially given what the City of Manhattan Beach offers.

Mayor Montgomery called for the vote.

MOTION: Councilmember Aldinger moved to approve the proposed increase to the Business License Tax for Fiscal Year 2009-2010 and adopt Resolution No. 6169. 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. 6169

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, INCREASING THE BUSINESS LICENSE TAX BY CPI AND RESCINDING RESOLUTION NO. 6121 AND ALL RESOLUTIONS OR ORDERS IN CONCEPT THEREWITH

01/06/09-28. Consideration of an Appeal of the Planning Commission Approval of Clarification that 3500 Sepulveda Boulevard is Part of the Manhattan Village Shopping Center Master Use Permit, and a Master Use Permit Amendment to Allow Alcohol Service at a New Restaurant

City Manager Geoff Dolan advised that this is an appeal of an item previously considered by the Planning Commission.

Planning Manager Laurie Jester presented background information on this appeal of the Planning Commission's decision affirming 3500 Sepulveda Boulevard as part of the Manhattan Village Shopping Center Master Use Permit (MUP) and approving a related Master Use Permit Amendment to allow full alcohol service at a new restaurant. She explained that the subject property is not owned by the Manhattan Village Shopping Center, but is part of the MUP for the Center, which allows the sale of beer and wine, but not full alcohol service, thereby requiring an amendment to the MUP. She explained that this matter is before the Council due to the appellant's desire to delete Condition No. 11 of the Planning Commission's approval (*The property owner shall submit an irrevocable offer to dedicate right-of-way at no cost to the City for future street and bridge widening, and associated construction, as required by and subject to approval of the Director of Public Works, for future road widening along Sepulveda Boulevard. Said dedication shall provide a minimum 3-foot distance from the west wall of the existing building. The irrevocable offer to dedicate shall be submitted prior to the issuance of a building permit on the site. The approved irrevocable offer to dedicate shall be recorded prior to issuance of a Certificate of Occupancy, or building final. The property owner shall cooperate fully with the City in the future roadway widening*). Planning Manager Jester verified that the Planning Commission approved the project and deleted a condition requiring fair share contributions due to the appellant's agreement to dedicate property for the future widening of Sepulveda Boulevard; that the property dedication was extensively discussed by the Planning Commission; and that staff is unaware of any significant events that changed in the value or use of the property between the time the project was approved and the appeal was filed.

Council discussed their concerns over changing only a portion of a project approved by the Planning Commission, in that doing so would undermine the City process and alter the project as the public understood it to have been approved, as well as their understanding that the appellant agreed to Condition No. 11 before the Planning Commission to avoid further delays, but now wants to change part of what was agreed to through the City's process.

Scott Campbell, Best, Best & Kramer, related the appellant's agreement with the Conditions of Approval required by the Planning Commission, with the exception of Condition No. 11, which he asked be deleted in that, as required by the State of California, there is no nexus between the full service of alcohol and the dedication of property. He reviewed the history behind this appeal and the provisions of the MUP for the Manhattan Village Shopping Center, which includes the sale of beer and wine. He contended that the appellant has been treated unfairly.

City Manager Dolan advised that, had the appellant disagreed with Condition No. 11 before the Planning Commission and the project was denied, an appeal before the City Council would have been the proper process.

Mark Neumann, 3200 Block of Laurel Avenue, related his concern that the City Attorney did not attend the Planning Commission meetings when the subject project was being considered. He distributed written material verifying that his property is part of the MUP for Manhattan Village Shopping Center; related his concern over loss of money with lengthy delays associated with this project; and stated his desire to be treated fairly by the City. **Mr. Neumann** maintained that returning the project to the Planning Commission would be unfair, especially considering what the City has put him through up to this point and that the widening of Sepulveda Boulevard would result in increased noise in his building. He clarified that his property has always had three owners; that the parking for the Manhattan Village Shopping Center is available to patrons of his building; that a settlement agreement between Manhattan Village Shopping Center and himself gives him no future entitlements; and that he agreed with the Conditions of Approval before the Planning Commission in order to avoid further delays. **Mr. Neumann** indicated that he does not intend to stop the property dedication and observed that the City could purchase the land that would be dedicated or require noise mitigation measures when Sepulveda Boulevard is widened. He encouraged the City to install sound barriers when Sepulveda Boulevard is widened.

Mayor Montgomery opened the public hearing at 7:59 p.m.

Mike Sims, owner of the Kettle Restaurant and the restaurant proposed at 3500 Sepulveda Boulevard, entertained the idea of addressing noise from the widening of Sepulveda Boulevard in the Environmental Impact Report for the project.

Jean Gee, tenant of 3500 Sepulveda Boulevard, commented on the potential for increased noise when Sepulveda Boulevard is widened.

On behalf of **RREEF** owners of the Manhattan Village Shopping Center, **Peter Gutierrez, Latham & Watkins**, related **RREEF's** neutrality with regard to Condition No. 11 and their support of the full service alcohol permit for the proposed restaurant at 3500 Sepulveda Boulevard.

Mayor Pro Tem Cohen asked if **RREEF** would be willing to make a financial contribution to the resolution of the land dedication and noise mitigation.

Mr. Gutierrez indicated that he could not address those matters at this time due to the obligation of the settlement agreement between **RREEF** and the appellant; but, he will relate the Council's desires to **RREEF**.

Patrick McBride, 5th Street and Peck Avenue, voiced his concern that many owners of businesses along Sepulveda Boulevard are unaware of plans to widen Sepulveda Boulevard.

Mayor Montgomery closed the public hearing at 8:17 p.m.

Mayor Pro Tem Cohen clarified that the widening of Sepulveda Boulevard is conceptual at this time and the owners of property along Sepulveda will be notified before it is widened. She related her understanding that the Condition of Approval for full service alcohol cannot be tied to the dedication of land and that such a requirement would not be legally enforceable because it was not a Condition that could be imposed. She added that the reality is that Sepulveda Boulevard will eventually be widened to serve the public at large; that, according to the General Plan, reasonable noise mitigation measures would be required with the widening of Sepulveda Boulevard; and that much of the delay in the project was due to the dispute between the appellant and the owners of Manhattan Village Shopping Center as to whether the appellant's property is part of the MUP for the Center.

Councilmember Tell stated his impression that Condition No. 11 would be legally enforceable because the appellant consented to it before the Planning Commission and that it could be argued that no particular Condition of Approval has any nexus to the full service of alcohol; that all of the issues pertaining to the project would be addressed through the EIR process; and that much of the delay in the project resulted from a dispute between private parties.

Councilmember Aldinger related his understanding that, when an approval is appealed, it is within the Council's purview to look at the entire project and cautioned the appellant that, should this project be reconsidered, there would be much to discuss. It was his viewpoint that a sound barrier along Sepulveda Boulevard would be aesthetically displeasing.

Mayor Montgomery affirmed that notification to property owners along Sepulveda Boulevard is required in advance of any construction. He advised that he had conversations with **Mr. Neumann** prior to this meeting, but nothing new was discussed.

Councilmember Ward considered the idea of returning this item to the Planning Commission, but realized doing so would not be appropriate. He related his understanding that, should the Council uphold the Planning Commission's approval and deny the appeal, it would be a final decision.

City Attorney Robert Wadden advised that an applicant has two years from the date an application is finalized to complete the project.

The Councilmembers agreed to uphold the Planning Commission's approval of the project and to add a Condition of Approval to require that the City and Cal Trans shall work with the appellant to effectively mitigate noise from the widening of Sepulveda Boulevard.

Mr. Neumann confirmed his agreement with Condition No. 11 based on the City's willingness to make a good faith effort to address noise concerns associated with the widening of Sepulveda Boulevard.

MOTION: Councilmember Ward moved to uphold the Planning Commission's approval of the project at 3500 Sepulveda Boulevard with the addition of a Condition of Approval as follows: that the City shall make a good faith effort as part of the Environmental Impact Report (EIR) process to address noise concerns associated with the widening of Sepulveda Boulevard. The motion was seconded by Councilmember Aldinger and passed by following unanimous roll call vote:

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

RECESS AND RECONVENE

At 8:17 p.m. the Council recessed and reconvened at 8:37 p.m. with all Councilmembers present.

GENERAL BUSINESS

01/06/09-29. Discuss Renovation and Expansion of the Manhattan Beach Library

City Manager Geoff Dolan expressed his appreciation of **County Librarian Margaret Todd's** support of this project. He explained that the Manhattan Beach Library is owned and operated by the Los Angeles County Library District and that the library proved to be a high priority through the Facilities Strategic Plan process. He reported that the Library Commission's unanimous support of a library renovation includes the addition of a second story; that the project would take approximately three years to complete and, if begun in 2009, it could be finished during the City's centennial year; and that, because the library would be closed during the renovation, libraries in other cities could be utilized and a temporary library facility could be provided at Joslyn Center. City Manager Dolan stated staff's recommendation that this be a County project; however, stressed the importance of the City being involved in certain decisions (such as the selection of an architect, the design, etc.), which would be addressed in an agreement between the City and the County. He explained the unique funding opportunity associated with this project (created by excess property tax revenue paid in Manhattan Beach to the County Library District) and noted that the funds already accumulated, along with future excess property tax revenue, might pay for the project; if not, funds raised by the community or other City resources could be used.

The Council reviewed the processes leading up to this point and discussed the high priority of the library as determined through the Facilities Strategic Plan process; the importance of the possibility that this project could be self-funded; and the need to determine the parameters of this project and ensure that the renovated library would fit in with the desires of the community.

Linda Demmers, Library Consultant, presented a historical overview of the project offering detailed information on the amenities that could be realized with renovations of approximately 17,000 and 22,000 square feet and explained the County requirements according to service population.

City Manager Dolan related staffs' understanding that a 22,000 square foot renovation would cost approximately \$15,000,000, while a new 28,000 square foot library would cost approximately \$40,000,000.

Jim Favaro of MDA Johnson Favaro, verified that the library was overwhelmingly the priority in the community feedback for the Facilities Strategic Plan and that all of the renovation options would be consistent with the Plan. He provided an assessment of the existing inadequate conditions at the library; explained how the library relates to the site and related **Johnson Favaro's** recommendation for a two-story, approximately 22,000 square foot library with food and beverage service.

County Librarian Margaret Todd stated her appreciation of the services provided by **Linda Demmers** and **Johnson Favaro**. She affirmed that food and beverages are now allowed in County libraries and explained that, because operating costs will probably increase with a larger library, excess library revenue from property taxes will most likely diminish.

The following individuals spoke on this item:

- **Jan Dennis, No Address Provided**
- **Robert Bush, No Address Provided**
- **Patrick McBride, 5th Street and Peck Avenue**

Councilmember Aldinger supported moving forward with discussions for an approximate 22,000 square foot library and emphasized the need to discuss funding, preferably in a Council work session. He voiced his wish to examine the Facilities Strategic Plan priorities and how renovating other City facilities would tie into the renovation of the library. He stated his opinion that the Library Commission should become more involved in the library renovation process.

Councilmember Tell related his understanding that the renovation of the library would be consistent with the Facilities Strategic Plan and the desires of the community. He suggested that the process of negotiating with the County proceed, with the understanding that broader issues will be discussed before signing a contract. He noted the importance of discussing the possibility that the project could require additional funding, as well as other City facilities that need upgrading.

Mayor Pro Tem Cohen supported directing City Manager Dolan to engage in negotiations with the County regarding the renovation of the library, but that funding must be discussed before entering into a contract. She said that the library is clearly a top priority for the community; that approximately 22,000 square feet would be best; that an effort must be made to ensure that the library will not be overburdened with use, such as the Joslyn Center; and that the library should be designed around programming needs, which drive it.

Councilmember Ward voiced his viewpoint that a library renovation will fit into the Facilities Strategic Plan and that proceeding with it would be the right approach, particularly given the fiscal constraints the City will be facing for a number of years. He agreed with a size of approximately 22,000 square feet and with the idea of designing the library around programming needs. Councilmember Ward related his concern that a second story might look fine from Highland Avenue, but not from the plaza side and suggested that an effort be made to ensure that the renovated library will not look out of place. He expressed his uncertainty as to why the Library Commission should become more involved in the process, which will include sensitive negotiations between the City and the County.

Mayor Montgomery commended the two-story design recommended by **Johnson Favaro** and agreed with a library having approximately 22,000 square feet. He called attention to the importance of taking advantage of this opportunity and noted that there will be plenty of time to discuss costs before a contract is signed.

City Manager Dolan explained the anticipated time frame for discussions with the County and clarified that the signing of a contract is within the Council's authority. With regard to the idea of the Library Commission becoming more involved in the renovation process, he recommended that they be asked to discuss temporary locations during construction.

MOTION: Councilmember Ward moved to approve authorizing the City Manager to negotiate a contract with the Los Angeles County Library District for a renovation and expansion of the existing 12,000 square foot library to a new library of approximately 22,500 square feet. 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.

City Manager Dolan stated staff's intent to keep the Council apprised on the status of discussions with the County, commencing at the next Council meeting. He explained that the financing for the project would be included in the forthcoming Capital Improvements Projects process.

01/06/09-30. Review and Approve Request for Proposal - Level III Energy Audit of City Buildings, Equipment, and Facilities

City Manager Geoff Dolan advised that this item includes a Request For Proposal (RFP) for a Level III Energy Audit of City buildings, equipment and facilities to ensure an objective, in-depth energy use analysis.

Mayor Pro Tem Cohen recommended that the various components of the audit be itemized, in that the point of the audit is to save money.

MOTION: Mayor Pro Tem Cohen moved to approve a Request For Proposal (RFP) – Level III Energy Audit of City buildings, equipment and facilities, and direct staff to begin the RFP process to solicit for a qualified energy auditing firm. The motion was seconded by Councilmember Ward.

The Council agreed to take public comments and, due to the late hour, Councilmember Aldinger asked if the Council would like to continue this item.

City Manager Dolan requested that the Council consider this item tonight.

There were no requests to speak on this item.

MOTION: at 11:13 p.m., Councilmember Ward moved to waive the required adjournment time of 10:30 p.m. and hear Item No. 30. The motion was seconded by Councilmember Tell and passed by the following roll call vote:

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

Maintenance Supervisor Juan Price presented the staff report explaining the main idea of the energy audit, as well as staff's estimation that it will cost approximately \$125,000.

Councilmember Aldinger stated his preference that the cost of the audit be no more than \$150,000.

City Manager Dolan advised that project budgets are not included in RFPs.

MOTION: Councilmember Aldinger moved to approve a Request For Proposal (RFP) – Level III Energy Audit of City buildings, equipment and facilities with a \$150,000 limit and move \$50,000 to the Council Contingency Fund. The motion was seconded by Councilmember Tell and passed by the following roll call vote:

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

ITEMS REMOVED FROM THE CONSENT CALENDAR

01/06/09-5. Consideration of Rescheduling the January 20, 2009 City Council Meeting to

Councilmember Aldinger explained that he pulled this item from the Consent Calendar due to his concerns over holding a meeting on a date other than the Council's regular meeting date.

City Manager Geoff Dolan advised that the agenda for the next meeting does not contain any critical items, but it does contain a financial discussion.

After a brief discussion, the Council agreed to hold the next meeting on January 27, 2009.

MOTION: Councilmember Ward moved to approve rescheduling the January 20, 2009 City Council meeting to January 27, 2009. The motion was seconded by Mayor Pro Tem Cohen and passed by the following unanimous roll call vote:

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

Mayor Montgomery reiterated that the next City Council meeting will take place on Tuesday, January 27, 2009 at 6:30 p.m.

AUDIENCE PARTICIPATION

01/06/09-43 Robert Bush Re Southern California Edison

Robert Bush (No Address Provided) commented on the need for choice in utility providers and said that, because of Southern California Edison Company's fraudulent actions, Utility Undergrounding should be stopped.

01/06/09-44 Patrick McBride Re Ocean Express

Patrick McBride, 5th Street and Peck Avenue, stated his concern that the Ocean Express now goes to the new shopping center in El Segundo and charges riders.

Council held a brief discussion on the Ocean Express program and the service provided.

Mayor Pro Tem Cohen pointed out the importance of the service the Ocean Express provides by transporting residents to Downtown businesses.

01/06/09-45 City Attorney Wadden Re Closed Session

City Attorney Robert Wadden announced that, in Closed Session this evening, the Council unanimously voted to settle the case of Iacono versus the City of Manhattan Beach for the sum of \$335,000.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

01/06/09-46 Councilmember Aldinger Re Tree Subcommittee

Councilmember Aldinger announced that some new tree philosophies developed by the Tree Subcommittee and Community Development staff were forwarded for the Planning Commission's review.

ADJOURNMENT

At 11:48 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, January 27, 2009, 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
JANUARY 6, 2009**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 6th day of January, 2009, at the hour of 5:18 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

ROLL CALL

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

CLOSED SESSION

The Council recessed into Closed Session at 5:18 p.m. and moved to open session at 6:21 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:21 p.m.

Robert V. Wadden, Jr.
Recording Secretary

Jim Aldinger
Mayor

ATTEST:

Liza Tamura
City Clerk