

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
FEBRURY 3, 2009**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 3rd day of February, 2009, at the hour of 6:34 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Braden Currey, an 8th grade student at Manhattan Beach Middle School, led the Pledge of Allegiance.

ROLL CALL

Present: Ward, Tell, Cohen and Mayor Montgomery.
Aldinger (arrived at 7:40 p.m.)
Absent: None.
Clerk: Tamura.

CEREMONIAL CALENDAR

02/03/09-1. Presentation of a "Baby Passport" to Jon and Ana Stevenson

The Council presented a Baby Passport to Jon and Ana Stevenson in honor of the birth of their daughter, Tessa Eleanor.

02/03/09-2. Presentation of the United States Conference of Mayors 2008 Outstanding Award in Public Private Partnership and Grant Check from Waste Management to Planet Pals for Their Ongoing Environmental Work

Vicki Whipple, Waste Management, announced that the City of Manhattan Beach, along with **Waste Management**, received the United States' Conference of Mayors' 2008 Outstanding Award in Public Private Partnership for ongoing environmental efforts. On behalf of **Waste Management**, she presented a check to Planet Pals in appreciation of their ongoing environmental work.

The Council presented Planet Pals with the 2008 Outstanding Award in Public Private Partnership for Ongoing Environmental Efforts that they received from the United States Conference of Mayors'. Numerous Planet Pals' volunteers were introduced and recognized.

02/03/09-3. Presentation of a Grant from the Manhattan Beach Property Owners Association to the Oceanographic Teaching Station

City Manager Geoff Dolan announced that this item will be continued to the City Council meeting of February 17, 2009.

02/03/09-4. Presentation of Certificates to Mira Costa High School Students in Honor of Their National Scholastic Press Association Broadcast Journalism Awards

The Council presented Certificates of Recognition to Mira Costa High School students **Sara Baeuchler, Mark Duralde, Alicia Hastey, Colleen Safarik** and **Ian Satterfeld** in honor of their National Scholastic Press Association Broadcast Journalism Awards and recognized their teacher Michael Hernandez for his efforts.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 5 through 10), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Ward, seconded by Mayor Pro Tem Cohen, and passed by unanimous roll call vote.

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

GENERAL CONSENT

02/03/09-5. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of January 27, 2009

The Council continued the subject minutes to the February 17, 2009 City Council Meeting.

02/03/09-6. Consideration of the Manhattan Village Soccer Field Netting Installation

The Council approved the installation of a light weight barrier to contain soccer balls within the field of play at Manhattan Village soccer field.

BOARDS AND COMMISSIONS

Cultural Arts Commission

02/03/09-7. Consideration of Draft Minutes, Cultural Arts Commission Meeting of January 13, 2009

The Council received and filed the subject draft minutes.

Parking & Public Improvements Commission

02/03/09-8. Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of January 22, 2009

The Council received and filed the subject action minutes.

Planning Commission

02/03/09-9. Consideration of Action Minutes, Planning Commission Meeting of January 28, 2009

The Council received and filed the subject action minutes.

02/03/09-10. Consideration of the Planning Commission Approval of a Use Permit Amendment to Change an Alcoholic Beverage License from a Brewpub with a Restaurant (Type 75) to a Restaurant only (Type 47) at Manhattan Beach Brewery, 124 Manhattan Beach Boulevard

The Council received and filed the decision of the Planning Commission to approve a Use Permit amendment to change an Alcohol Beverage License at the existing Brewpub/Restaurant located at 124 Manhattan Beach Boulevard and determined that the public convenience and necessity convenience would be served by the issuance of a liquor license.

In answer to a question from Councilmember Ward, the unidentified owner of Manhattan Beach Brewery verified that the establishment will no longer be a brewery.

COMMUNITY ANNOUNCEMENTS

02/03/09-18. Faith Bacchus Re Manhattan Beach Unified School District Funding

Faith Bacchus, No Address Provided, outlined the Manhattan Beach Unified School District's advocacy efforts toward funding; encouraged residents to send e-mails to the State in support of allowing flexibility in funding; and noted the District's upcoming annual State Capitol Convoy.

02/03/09-19. Don Gould Re Library Activities

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

02/03/09-20 John Bohner Re Proliferation of Crows

John Bohner, 1300 Block of Gates Avenue, asked the City to look into the proliferation of crows near his home.

02/03/09-21. Heather Donaleschen Re Manhattan Beach Coordinating Council

Heather Donaleschen, No Address Provided, announced that Fire Chief Scott Ferguson will be the guest speaker at the Manhattan Beach Coordinating Council luncheon on February 26, 2009, from 11:30 a.m. to 1:30 p.m.

PUBLIC HEARINGS

02/03/09-11. Renewal of the North Manhattan Beach Business Improvement District (BID) for Fiscal Year 2008-2009

Finance Director Bruce Moe explained the following: that the renewal of the North Manhattan Beach Business Improvement District (BID) for Fiscal Year 2008-2009 is required by the State; that, if a majority of assessment payers do not protest, the Resolution to maintain the BID and associated assessments for Fiscal Year 2008-2009 can be adopted; and that staff recommends the ratification of the BID Board for 2009. Finance Director Moe affirmed that the Council adopted a Resolution on January 6, 2009 setting the Public Hearing for this evening and that the legal requirements for the Public Hearing have been met.

Melissa Ray, BID Advisory Board Chairperson, shared information about the BID Advisory Board's goals for the year, including improvements to crosswalks, landscaping/streetscape and parking.

The Council commended the BID Advisory Board's efforts.

Mayor Montgomery opened the Public Hearing at 7:27 p.m.

Hearing no requests to speak, Mayor Montgomery closed the Public Hearing at 7:28 p.m.

Councilmember Ward related his wish for the BID to compile some creative recommendations for valet parking to help resolve parking issues. He related his understanding that the City is in the process of addressing landscaping/tress and determining what is appropriate for the area and that the discretion for signage and hanging pots lies with Cal Trans.

City Manager Geoff Dolan advised that the Parking and Public Improvements Commission will be considering ideas for valet parking; that their recommendations will be presented for the Council's consideration; and that Cal Trans' permission would be necessary to hang pots on lights. He explained that one of the City's Capital Improvements Projects (CIP) is to overlay Highland Avenue from 15th Street to the City limits; that alternatives for crosswalks will be examined and the Council's approval for a design would be necessary; and that State funding has been put on hold due to the financial crisis, but issues related to safety will be addressed.

Mayor Pro Tem Cohen noted the importance of reducing traffic speeds on Highland Avenue.

City Manager Dolan commented on the pros and cons of traffic calming measures which, he noted, the City is looking into along with additional Police Department enforcement.

Mayor Montgomery related his appreciation of the BID Advisory Board's efforts thus far. He entertained the idea of installing solar powered crosswalks on Highland Avenue, or the type of crosswalk lights used in the City of El Segundo.

City Manager Dolan recalled that a previous Council decision determined that solar powered crosswalks are inconsistent with the City's small town atmosphere, but, this idea could be revisited should the Council choose to. He also indicated that staff will examine the type of crosswalk lights in El Segundo.

Councilmember Ward pointed out that newer, less intrusive technology might have become available since the Council's previous consideration of solar powered crosswalk lights.

MOTION: Councilmember Ward moved to adopt Resolution No. 6171 authorizing the collection of BID assessments. The motion was seconded by Councilmember Tell and passed by unanimous roll call vote, absent Councilmember Aldinger.

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

RESOLUTION NO. 6171

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, OVERRULING PROTESTS AND PROVIDING FOR THE ANNUAL LEVY AND COLLECTING OF ASSESSMENTS FOR THE EXISTING NORTH MANHATTAN BEACH BUSINESS IMPROVEMENT DISTRICT, PURSUANT TO THE STREETS AND HIGHWAYS CODE SECTION 36500 ET. SEQ. (SB 1424 - PARKING & BUSINESS IMPROVEMENT LAW OF 1989, CHAPTER 2) OF THE STATE OF CALIFORNIA

MOTION: Mayor Pro Tem Cohen moved to ratify the Business Improvement District Advisory Board Members for 2009. The motion was seconded by Councilmember ward and passed by the following roll call vote:

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

GENERAL BUSINESS

02/03/09-12. Reconsideration of City Council's Decision to Remove Existing Stop Signs on Peck Avenue at Curtis Avenue and to Maintain the Existing Crosswalk with Additional Traffic Control Signs

City Manager Geoff Dolan explained that this item is before the Council this evening, at the Council's request, due to requests from the public subsequent to the Council's previous approval of the Parking and Public Improvements Commission's recommendations.

Traffic Engineer Erik Zandvliet provided detailed information on the existing conditions at the intersection of Peck and Curtis Avenues, as well as the Parking and Public Improvements Commission's recommendations.

Prior to receiving input from the public, the Council held a lengthy discussion with staff concerning the topography of the subject property and its relationship to the Manhattan Beach Community Church; parking; loading/unloading; traffic circulation; procedures related to stop signs when residents living on corners adjacent to them are opposed; and pedestrian safety.

On behalf of the Montessori School of Manhattan Beach, Phillip Tumi discussed the following with the Council: the physical limitations of the property; the idea of altering the parking area/developing a long-term parking agreement between the School and the Church; Montessori School's efforts to address traffic problems; the increased use of Peck Avenue by cut-through traffic; and the safety provided by the existing stop signs.

The following individuals spoke on this item:

- **Al Fletcher, Curtis Avenue**
- **Bruce Laramy, No Address Provided**
- **Sandy Dunlap, Curtis Avenue**
- **Duncan Eisner, Hermosa Beach**
- **Lisa Zadoyan, 1200 Block of 9th Street**
- **Monica Campbell, No Address Provided**
- **Brian Singer, No Address Provided**
- **Maria Cruz, Montessori School Staff member**
- **Mariell Wohler, 4700 Block of Voorhees**
- **John Ernst, Owner, Montessori School**
- **Jim Belt, 400 Block of 11th Street**
- **Delores Harrison, No Address Provided**
- **Nancy Dunn, No Address Provided**

Traffic Engineer Zandvliet verified that the stop signs make exiting the School driveway easier. He and the Council discussed the following: the various options for managing parking at the School; the lack of collision history at the location; the recommendation to remove the stop signs to prevent rear-end collisions, providing pedestrian safety and eliminating vandalism of the stop signs; the School's existing agreement with the Church to operate on Church property; the idea of asking the Church to consider options to move traffic off the street and into the parking lot; the Traffic Management Plan included in the Conditions of Approval for the School; and the reduction in the number of parking spaces at the Church as a result of recent construction.

Mr. Belt returned to the podium to provide information on the Church's efforts to accommodate parking for Montessori School, including the Church's lack of objection to drivers utilizing their parking structure.

Mayor Pro Tem Cohen expressed her understanding that the issue before the Council is whether to keep the stop signs. She noted the drop off problem at the School and voiced her hope that the Church and the School will work this out.

Councilmember Aldinger emphasized the importance of the safety of the children. He related his support of retaining the stop signs which, he said, also help the flow of traffic.

MOTION: Councilmember Aldinger moved to approve maintaining the existing measures, including the stop signs, at the intersection of Peck Avenue and Curtis Avenue.

Mayor Pro Tem Cohen indicated that the drop off problem at the School will not be resolved this evening. She said that, while she respects the well thought out statistical staff report, she also respects the real time experience of parents and the crossing guard. Mayor Pro Tem Cohen related her understanding that there have been no problems since the stop signs were installed; agreed that safety is the number one concern; and stated her agreement with retaining the stop signs.

Councilmember Tell related his agreement with Councilmember Aldinger and Mayor Pro Tem Cohen. He explained his previous support for speed bumps, but they are not an option on commuter streets such as Peck Avenue. He added that the conditions are safer with the stop signs than without them; that they help with traffic flow and assist with exiting the parking lot; and that parents must be encouraged to utilize the Church parking lot.

Councilmember Ward commented on the possibility of litigation if the stop signs are retained and a rear end accident occurs and the possibility of unsafe conditions if the stop signs are removed. He pointed out that the ideal situation would be for parents to become accustomed to going onto the School campus to drop off their children and that the Church and School need to work more closely to resolve these problems, especially since he believes that the Church will grow. It was his viewpoint that the stop signs should be retained and that various other traffic control measures should also be installed.

Mayor Montgomery recalled the previous decision to install stop signs during construction at the Church. It was his opinion that it would not be worth the risk to remove the stop signs.

Mayor Montgomery called for the vote.

MOTION: Councilmember Aldinger moved to approve maintaining the existing measures, including the stop signs, at the intersection of Peck Avenue and Curtis Avenue. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote.

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

RECESS AND RECONVENE

At 9:22 p.m. the Council recessed and reconvened at 9:35 p.m. with all Councilmembers present.

02/03/09-13. Presentation of City Crime Rates for 2008 and the Revised Manhattan Beach Police Department Volunteer and Citizens on Patrol (COPS) Programs

Police Chief Rod Uyeda presented the staff report on the City crime rates for 2008. He highlighted that Manhattan Beach continues to be a safe community and encouraged residents to contact the Police Department should they see something suspicious.

The Council and Police Chief Uyeda discussed the apparent increase in forced entries and bicycle thefts during 2008.

The Council expressed appreciation for the Manhattan Beach Police Department's efforts.

Mayor Pro Tem Cohen commended the assistance she received from the Manhattan Beach Police Department when she recently discovered bicycles missing from her garage.

Police Captain Randy Leaf briefed the Council on the Manhattan Beach Police Department's revised Volunteer and Citizens on Patrol (COPS) Programs. He recognized volunteers present at the meeting and assured the Council that the volunteers have been properly trained.

The Council extensively discussed the volunteer program, including the idea of forming a Police-Citizen Interaction Review Board; whether volunteers should be issuing parking citations and if they should record speed limits with laser guns; the training of the volunteers; and the use of volunteers to augment the lack of resources within the Police Department.

Police Chief Uyeda explained that the primary focus of the Police Department's volunteer program was to enhance the Police Department's relationship with the community; that some of these items must first be approved by the Police Officers' Association; and that volunteer conduct is included in a handbook. At the request of Mayor Pro Tem Cohen, Police Chief Uyeda provided input on the volunteers' ethics training and background checks.

The following individuals spoke on this item:

- **Patrick McBride, 5th Street & Peck Avenue**
- **Carol Curry, No Address Provided**

It was Councilmember Ward's opinion that volunteers should not be empowered with Police Officer duties, such as issuing parking citations, doing DMV checks, monitoring traffic speeds and policing neighborhoods. He questioned what precipitated the need for volunteers, rather than sworn officers, to perform these tasks; voiced his concern that the volunteers are not subjected to psychological testing; stated his opinion that the volunteer program is very aggressive and that volunteers might be better used for tasks such as monitoring the Metlox parking structure; and commented on the need for a volunteer Code of Conduct. He agreed, however, with the idea of forming a Police-Citizen Interaction Review Board.

Councilmember Aldinger voiced his complete agreement with the volunteer program.

Councilmember Tell expressed his appreciation of the volunteers and the Police Department's efforts to utilize them. He agreed with Councilmember Ward that volunteers should not be tasked with true Police Officer duties, such as issuing parking citations.

Mayor Pro Tem Cohen stated her agreement with utilizing community volunteers, provided the training is adequate, in that this provides residents with a better understanding of Police Officer duties. She thanked the volunteers for their contributions.

Mayor Montgomery noted that volunteers are not armed and that the power of arrest lies with the Police Department. He called attention to the importance of the additional eyes and ears provided by volunteers.

Police Chief Uyeda assured the Council that volunteers will not be utilized to issue traffic citations.

02/03/09-14. Presentation of a Status Report from the Environmental Task Force

Environmental Programs Manager Sona Kalapura presented updated information on the progress of the Environmental Task Force, including the goals of the Task Force subcommittees.

Serving as Council representatives to the Environmental Task Force, Mayor Pro Tem Cohen and Councilmember Ward commended staff's efforts to facilitate the Task Force.

Councilmember Aldinger expressed his desire for a list of items on which the Environmental Task Force subcommittees are working on to better understand how the Council's environmental Workplan items are being addressed.

Councilmember Tell observed that sustainable green design appears to be moving toward the public vetting process and contended that the Council should be briefed on this prior to it being considered by the public.

Mayor Pro Tem Cohen advised that the Environmental Task Force plans to discuss options for public vetting in the near future.

Environmental Programs Manager Sona Kalapura verified that staff will provide the Council with a list of items on which the Environmental Task Force subcommittees are working on.

City Manager Geoff Dolan advised that a status report on the Council's environmental Workplan items will be presented in the near future. He explained that items will be considered by the Environmental Task Force subcommittees, the Task Force, the relevant City commission/group and the Council prior to implementation.

The Council directed staff to bring Environmental Task Force items back to the Council before being considered by the public. They agreed that the Environmental Task Force is on the right track and encouraged them to move ahead quickly.

02/03/09-15. Discussion of Recreation Programs Available After School for Manhattan Beach Children of Special Needs

City Manager Geoff Dolan advised that that this information could be received and filed, or it could be continued.

MOTION: Councilmember Aldinger moved to continue Item Nos. 15 (*Discussion of Recreation Programs Available After School for Manhattan Beach Children of Special Needs*) and 16 (*Introduction of an Ordinance Amending The Title I Appeal Process and Adopting A City Claims Procedure*) to the next City Council meeting.

THE MOTION FAILED DUE TO THE LACK OF A SECOND.

MOTION: Mayor Pro Tem Cohen moved to consider Item Nos. 15 (*Discussion of Recreation Programs Available After School for Manhattan Beach Children of Special Needs*), 16 (*Introduction of an Ordinance Amending The Title I Appeal Process and Adopting A City Claims Procedure*) and 17 (*Presentation of the Parks and Recreation Annual Report for Fiscal Year 2007-2008*). The motion was seconded by Councilmember Ward and passed by the following roll call vote:

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

Recreation Supervisor Michael Brooke briefed the Council on programs for children with special needs, inclusive of recreation, and plans for the City to partner with the Manhattan Beach Unified School District in these efforts.

The Council discussed the lack of costs associated with this program, excepting some workshops and the importance of integrating programs for children with special needs with the teen center. The Council congratulated staff on the installation of equipment for the disabled at Polliwog Park and thanked staff for this project.

MOTION: Councilmember Aldinger moved to receive and file the staff report on Recreation programs available after school for Manhattan Beach children with special needs. 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.

02/03/09-16. Introduction of an Ordinance Amending The Title I Appeal Process and Adopting A City Claims Procedure

City Attorney Robert Wadden read aloud the title of Ordinance No. 2120 amending the Title I appeal process and adopting a City claims procedure. He advised that the proposed Ordinance, which arose from a lawsuit, clarifies the appeal process in Title I, including the term “administrative decision,” and, as authorized by State Law, adopts a local claims procedure that shortens the statute of limitations and subjects the claims to a process of review and investigation. City Attorney Wadden verified that “tolling” can apply in certain circumstances to the claims statute.

There were no requests to speak on this item.

MOTION: Councilmember Ward moved to waive further reading and introduce Ordinance No. 2120. 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.

02/03/09-17. Presentation of the Parks and Recreation Annual Report for Fiscal Year 2007-2008

Parks and Recreation Director Richard Gill introduced Recreation Services Manager Gina Allen, who was instrumental in developing a DVD video of the Department's classes and special events and programs, a portion of which the Council viewed during the meeting.

The following individuals spoke on this item:

- **Patrick McBride, 5th Street and Peck Avenue**
- **Willie Leventhal, No Address Provided**

The Council briefly discussed Parks and Recreation facility and field bookings; Dial-A-Ride expenditures; the need to add local artists to the "Art in Public Places" section on page 25 of the Parks and Recreation Department's 2007/2008 Annual Report; and non-fee based programs.

Parks and Recreation Director Gill affirmed that local artists will be added to the "Art in Public Places" section of the Parks and Recreation Department's 2007/2008 Annual Report.

ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

AUDIENCE PARTICIPATION

02/03/09-22. Willy Leventhal Re "Mutt Mitt" Signs

Willy Leventhal, No Address Provided, suggested installing "Mutt Mitt" signs in City parks, such as those in Redondo Beach.

02/03/09-23. Willy Leventhal Re Beach Access

Willy Leventhal, No Address Provided, commented on the importance of providing access to the beach for people with ambulatory problems, specifically placing "Mobi Mats" near the Pier.

02/03/09-24. Willy Leventhal Re No Dogs on the Beach and Parking Lot

Willy Leventhal, No Address Provided, voiced his opinion that the parking lot and restrooms near the Pier should be available to pedestrians with dogs.

02/03/09-25. Willy Leventhal Re Recent Robbery

Willy Leventhal, No Address Provided, shared information about the positive aspects of his recent dealings with the Manhattan Beach Police Department when his laptop computer was stolen.

02/03/09-26. Patrick McBride Re Dogs

Patrick McBride, 5th Street and Peck Avenue, stated his understanding that dog owners in Manhattan Beach can be cited for tying their dogs up outside.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

02/03/09-27. Mayor Montgomery Re State of the City Address

Mayor Montgomery announced the State of the City Address on February 10, 2009, at the Belamar Hotel at 7:30 a.m.

ADJOURNMENT

At 11:45 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, February 17, 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
FEBRUARY 3, 2009**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 3rd day of February, 2009, at the hour of 6:06 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

ROLL CALL

Present: Tell, Cohen and Mayor Montgomery.
Absent: Ward and Aldinger.
Clerk: Wadden (Acting).

CLOSED SESSION

The Council recessed into Closed Session at 6:06 p.m. and moved to open session at 6:28 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:28 p.m.

Robert V. Wadden, Jr.
Recording Secretary

Jim Aldinger
Mayor

ATTEST:

Liza Tamura
City Clerk