

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
ADJOURNED REGULAR MEETING  
MARCH 4, 2009**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 4<sup>th</sup> day of March, 2009, at the hour of 5:37 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

**ROLL CALL**

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

**CLOSED SESSION**

The Council recessed into Closed Session at 5:37 p.m. and moved to open session at 6:24 p.m.

**ADJOURNMENT**

The meeting was duly adjourned at 6:24 p.m.

Robert V. Wadden, Jr.  
Recording Secretary

Richard Montgomery  
Mayor

ATTEST:

Liza Tamura  
City Clerk

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
MARCH 4, 2009**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 4<sup>th</sup> day of March, 2009, at the hour of 6:32 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

**PLEDGE TO FLAG**

Mira Costa High School Student Maximilian Rhodes led the Pledge of Allegiance.

**ROLL CALL**

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

**CEREMONIAL CALENDAR**

None.

**REORGANIZATION**

03/04/09-1. City Council Reorganization:

*a) Recognition of Outgoing Mayor Richard Montgomery*

The Council presented outgoing Mayor Richard Montgomery with various mementos in recognition of his outstanding service as Mayor.

**Helen Duncan, Manhattan Beach Chamber of Commerce**, presented a certificate of appreciation to outgoing Mayor Montgomery.

*b) Selection of Mayor and Mayor Pro Tem*

**MOTION:** Councilmember Ward moved to appoint Mayor Pro Tem Cohen to serve as Mayor. 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.

**MOTION:** Councilmember Aldinger moved to appoint Councilmember Ward to serve as Mayor Pro Tem. The motion was seconded by Councilmember Montgomery and passed by the following unanimous roll call vote:

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

**RECESS AND RECONVENE**

At 7:05 p.m. the Council recessed and reconvened at 7:25 p.m. with all Councilmembers present.

**CONSENT CALENDAR**

The Consent Calendar (Item Nos. 2 through 11), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Aldinger, seconded by Councilmember Montgomery and passed by the following unanimous roll call vote, with the exception of Item No.7, which was considered later in the meeting under “*Items Removed from the Consent Calendar*”.

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

**GENERAL CONSENT**

03/04/09-2. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of February 3, 2009

The Council approved the subject minutes.

03/04/09-3. Approve Minutes of the City Council Regular Meeting of February 17, 2009

The Council approved the subject minutes.

03/04/09-4. Adoption of an Ordinance Approving Zoning Code Amendments to the Tree Preservation Regulations, a City Council 2008-2009 Work Plan Item, to Provide More Flexibility and to Require a Tree Trimmers Permit

The Council adopted Ordinance No. 2121.

**ORDINANCE NO. 2121**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH APPROVING AMENDMENTS TO THE CITY ZONING CODE (SECTION 10.52.120) TO REVISE THE TREE PRESERVATION REGULATIONS**

03/04/09-5. Consideration of Financial Report: Ratification of Demands - February 19, 2009

The Council approved with no exception Warrant Register No. 18B in the amount of \$3,160,662.18 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.

03/04/09-6. Consideration of a Resolution Renewing a Three-Year Agreement for Participation in the Federal Surplus Property Program

The Council adopted Resolution No. 6177.

RESOLUTION NO. 6177

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AUTHORIZING PARTICIPATION IN THE CALIFORNIA STATE AGENCY FOR SURPLUS PROPERTY

03/04/09-7. Award of Five Year Taxicab Franchises to All Yellow, Bell, South Bay Yellow and United Independent Cab Companies to Provide Taxicab Services (First Year Revenue of \$136,950)

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

03/04/09-8. Consideration of Joint Powers Agreement (JPA) to Establish the Los Angeles Regional Interoperable Communications System (LA-RICS)

The Council adopted Resolution No. 6178.

RESOLUTION NO. 6178

A RESOLUTION OF THE CITY COUNCIL OF MANHATTAN BEACH APPROVING THE LOS ANGELES REGIONAL INTEROPERABLE COMMUNICATIONS SYSTEM (LA-RICS) JOINT POWERS AGREEMENT (JPA) THUS AUTHORIZING THE CITY'S MEMBERSHIP IN THE LA-RICS AUTHORITY; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE JPA AGREEMENT

03/04/09-9. Disbursement of Progress Payment No. 1 in the Net Amount of \$13,859.56 to A.J. Fistes Corporation for the Peck Reservoir Rehabilitation Project

The Council approved the issuance of the subject progress payment.

03/04/09-10. Award of Contract (\$618,750) for the Manhattan Beach Boulevard Improvements Project to All American Asphalt and Authorize Supplemental Appropriation in the Net Amount of \$100,000

The Council approved an award of contract in the net amount of \$618,750 for the Manhattan Beach Boulevard Improvement Project to All American Asphalt and approved a supplemental appropriation of \$100,000 (\$40,000 from the Proposition C Local Return Program and \$60,000 from the Gas Tax Funds).

**BOARDS AND COMMISSIONS**

**Cultural Arts Commission**

03/04/09-11. Consideration of Draft Minutes, Cultural Arts Commission Meeting of February 10, 2009

The Council received and filed the subject draft minutes.

## COMMUNITY ANNOUNCEMENTS

### 03/04/09-15. Martha Andreani Re 1<sup>st</sup> Quarter Information Meeting

**Martha Andreani, Manhattan Beach Residents' Association**, extended an invitation to the Association's 1<sup>st</sup> Quarter Information Meeting on March 25, 2009 at 7:00 p.m. in the Police/Fire Conference Room. She reported that speakers will include City Manager Geoff Dolan, West Basin Municipal Water District, and the City's Environmental Task Force and for further information or to offer questions, visit [mbra20@mac.com](mailto:mbra20@mac.com); send a letter to MBRA, P.O. Box 1149 or call (310) 379-3277.

### 03/04/09-16. Mayor Cohen Re Final Election Results

Mayor Portia Cohen announced that the final results of the election on March 3, 2009 will be available at 5:00 p.m. on March 10, 2009.

### 03/04/09-17. Kelly Parker Re Leadership Manhattan Beach Fundraiser

**Kelly Parker, Leadership Manhattan Beach** announced a fundraiser for the Class of 2009's Big Belly Solar Project on March 15, 2009 from 5:00 to 8:00 p.m. at the Upper Manhattan Restaurant and Lounge and that those interested may purchase tickets and obtain additional information by contacting [lmbfundraiser.com](http://lmbfundraiser.com).

### 03/04/09-18. Linda Reinstein Re Asbestos Disease Awareness

**Linda Reinstein, Executive Director and Co-Founder of the Asbestos Disease Awareness Organization**, noted the Organization's 5<sup>th</sup> annual conference from March 27 - 29, 2009, which will feature Mayor Cohen as the keynote speaker. She expressed appreciation for the City's support of the Organization's work.

### 03/04/09-19. Don Gould Re Library Events

**Los Angeles County Librarian Don Gould** provided input on upcoming events at the Manhattan Beach Library.

### 03/04/09-20. James Gill Re Leadership Manhattan Beach Class of 2010

**James Gill** advised that Leadership Manhattan Beach is recruiting for the Class of 2010 and that an information session is scheduled for March 24, 2009 at 6:30 p.m. in the City Council Chambers. He added that further information may be obtained by contacting [www.leadershipmb.org](http://www.leadershipmb.org).

### 03/04/09-21. Mayor Pro Tem Ward Re Youth Recognition Award

Mayor Pro Tem Mitch Ward offered input on the Manhattan Beach Youth Recognition Award, noting the application submission deadline of March 30, 2009 and that applications can be accessed at [www.citymb.info](http://www.citymb.info).

## PUBLIC HEARINGS

None.

## GENERAL BUSINESS

### **THE FOLLOWING ITEM WAS TAKEN OUT OF ORDER**

#### *03/04/09-13. Presentation of Alternate Locations for the Big Belly Solar Trash Compactor*

City Manager Geoff Dolan provided background information on this item, explaining that the Council previously approved Leadership Manhattan Beach's Big Belly Solar Trash Compactor Project in concept with direction to provide possible alternate locations. He advised that staff worked with Leadership Manhattan Beach in the selection of the locations, which were determined to be priorities from a trash standpoint.

**Andrew Wachtfogel, Leadership Manhattan Beach**, reviewed the four proposed alternative locations: the southeast corner of 15<sup>th</sup> Street and Valley Drive at Lot 8; the Premier Field Snack Shack by Polliwog Park; the Sand Dune Park picnic area; and outside the public restrooms at Polliwog Park. He also asked the Council to decide between the Big Belly Trash Compactor and the all in one Big Belly with attachable recycle unit for paper and cans. **Mr. Wachtfogel** assured the Council that Leadership Manhattan Beach could work with staff to develop educational wording on the side panel, at an additional cost of approximately \$100.00.

City Manager Dolan advised the Council as to the large amount of trash generated at the Premier Field Snack Shack and recalled the Council's previous support of high-traffic locations other than the Downtown area.

Mayor Pro Tem Ward related his opinion that this Project is about altering behavior and reducing the amount of trash accumulated. He supported both the trash compactor and recycling unit, the location of the Premier Snack Shack (due to the heavy trash overflow there) and educational wording on the side panel of the unit to encourage the reduction of waste to be disposed.

Councilmember Tell observed that the gazebo at Polliwog Park would be a good location from both trash and foot traffic standpoints.

Mayor Cohen supported either the Premier Field Snack Shack or outside the restrooms at Polliwog Park locations.

Councilmember Aldinger preferred the location outside the restrooms at Polliwog Park, particularly due to the high volume of and varied patronage there, as opposed to the narrow aspect of the community that patronizes Premier Field.

Councilmember Montgomery commented that Premier Field is a small area and that trash overflow is a key element of this Project.

City Manager Dolan noted that the unit could be relocated as desired by the Council.

**MOTION:** Councilmember Montgomery moved to approve both a solar trash compactor and recycling receptacle with educational panel at the Premier Snack Shack site. The motion was seconded by Mayor Pro Tem Ward.

Prior to the vote the following substitute motion was offered.

**MOTION:** Councilmember Aldinger moved to approve both a solar trash compactor and recycling unit, with educational wording on the side panel, outside the public restrooms (near the gazebo) at Polliwog Park. The motion was seconded by Councilmember Tell and passed by the following majority roll call vote:

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

The Council congratulated Leadership Manhattan Beach on the Project and noted their upcoming fundraiser

**THE COUNCIL RETURNED TO THE REGULAR AGENDA ORDER**

03/04/09-12. Consideration of a Resolution Approving the City's Participation in Earth Hour on March 28, 2009

City Manager Geoff Dolan's introduction of this item included the staff recommendation for the Council to approve the City's participation in Earth Hour 2009 activities and adopt Resolution No. 6179.

Assistant to the City Manager Lindy Coe-Juell and Environmental Programs Manager Sona Kalapura informed the Council about the specifics of Earth Hour, to be held on March 28, 2009 from 8:30 p.m. to 9:30 p.m., and asked the Council to designate Manhattan Beach as a participating city in Earth Hour. They encouraged interested parties to sign up and obtain further information at [www.earthhour.us.org](http://www.earthhour.us.org).

**MOTION:** Councilmember Aldinger moved to approve the City's participation in Earth Hour 2009 and adopt Resolution No. 6179. The motion was seconded by Councilmember Montgomery and passed by the following unanimous roll call vote:

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

**RESOLUTION NO. 6179**

**RESOLUTION TO SUPPORT TURNING OFF ALL NON-ESSENTIAL LIGHTING IN ALL CITY GOVERNMENT FACILITIES AND PUBLIC LANDMARKS FOR THE HOUR BETWEEN 8:30 PM AND 9:30 PM ON MARCH 28, 2009 AS PART OF THE CITY-WIDE CLIMATE CHANGE EVENT: EARTH HOUR 2009**

03/04/09-14. Status Report on the Metlox Music Series, Local Artist Activities and Artist Outreach

City Manager Geoff Dolan explained that the Metlox Music Series, Local Artist Activities and Artist Outreach Program were initiated by the Council approximately two years ago.

Cultural Arts Manager Juanita Purner related staff's recommendation that the Council review the Local Artists Program and provide direction. She outlined various aspects of and future suggestions for the Program, with recommendations that the Program continue and the roster of participating artists be expanded.

The Council held a discussion with staff regarding the idea of establishing a local artists' link on the City's website, emphasizing the importance of a screening/review process. The Council also discussed the following ideas: utilizing the connector areas to the main Metlox Plaza for artist exhibitions; exploring the placement of one or two featured artists in the main Plaza area on Sundays; having music in the Plaza; and holding an artists' exhibition in the main Plaza on Tuesdays in conjunction with the Farmer's Market.

City Manager Dolan noted that patronage at the Plaza is greater on Sundays than during the Farmer's Market on Tuesdays, which would provide greater exposure for artists.

Cultural Arts Manager Purner advised the Council of resistance expressed by Metlox management with regard to artists exhibiting in the main Plaza due to the restaurants' concerns over blocking the entrances to their establishments. She verified that the jurisdiction over this Program should remain with the Ad Hoc Committee and noted the importance of involving the Cultural Arts Commission in the review process for the artists.

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

- **Angela Silverman, No Address Provided**

Councilmember Aldinger related his support for the Program which, he said, is about providing local artists with a means of exhibiting their work as well as using 13<sup>th</sup> Street.

Mayor Cohen commended the recent Art Tour, which she attended, and suggested that Council direct staff to investigate the possibility of showcasing artists in the segue portion of the Metlox Plaza on Sundays and that staff and the Council Ad Hoc Committee work out the specifics.

Mayor Pro Tem Ward explained that his concerns over placing artists on the City's website were satisfied due to the review process for the artists. He supported placing one or two featured artists in the main Plaza, without overcrowding.

The Council directed staff to: investigate the possibility of utilizing the connector areas to the main Metlox Plaza for artist exhibitions; explore the placement of a few featured artists in the main Plaza area on Sundays; allow music in the Plaza; and hold an artists' exhibition in the main Plaza on Tuesdays in conjunction with the Farmer's Market.

**ADJOURN THE CITY COUNCIL MEETING**  
**TO A MEETING OF THE**  
**MANHATTAN BEACH CAPITAL IMPROVEMENTS CORPORATION**

**MOTION:** At 8:21 p.m. Councilmember Aldinger moved to adjourn the City Council meeting of March 4, 2009 to the meeting of the Manhattan Beach Capital Improvements Corporation. The motion was seconded by Councilmember Montgomery and passed by the following unanimous roll call vote:



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

03/04/09-A. Annual Meeting of the Board of Directors of the Manhattan Beach Capital Improvements Corporation

City Manager Geoff Dolan advised that this is the annual meeting of the Manhattan Beach Capital Improvements Corporation. He recommended that the Council appoint Mayor Cohen as the President and Mayor Pro Tem Ward as the Vice President of the Corporation.

**MOTION:** Councilmember Aldinger moved to elect Mayor Cohen as President and Mayor Pro Tem Ward as Vice President of the Manhattan Beach Capital Improvements Corporation. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote:

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

**MOTION:** At 8:24 p.m. Councilmember Aldinger moved to adjourn the Manhattan Beach Capital Improvements Corporation meeting and reconvene the Regular Meeting of the March 4, 2009 City Council Meeting. The motion was seconded by Councilmember Montgomery and passed by the following unanimous roll call vote:

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

**ADJOURN THE MANHATTAN BEACH  
CAPITAL IMPROVEMENTS CORPORATION MEETING  
AND RECONVENE TO THE CITY COUNCIL MEETING**

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

03/04/09-7. Award of Five Year Taxicab Franchises to All Yellow, Bell, South Bay Yellow and United Independent Cab Companies to Provide Taxicab Services (First Year Revenue of \$136,950)

City Manager Geoff Dolan related the Finance Subcommittee's recommendation to award four franchises to the following taxicab companies: All Yellow Taxi (30 cabs), Bell Cab (30 cabs), South Bay Yellow Cab Cooperative (which includes Manhattan Yellow) (65 cabs) and United Independent Cab (40 cabs). He advised that the taxicab franchise is moving in the direction of alternative fuel; that the Council passed an ordinance to this effect; that the number of taxicabs serving Manhattan Beach would remain the same; and that the Police Department verified that this would be the appropriate number. He related staff's recommendation for the Council to authorize the City Manager to execute the agreements with each of the taxicab companies.

The following individuals spoke on this item:

- **Richard Zeif, Senior Advisory Committee**
- **Patrick McBride, 5<sup>th</sup> Street and Peck Avenue**
- **Shirley (last name inaudible), South Bay Yellow Cab**

City Manager Dolan advised that the City currently offers vouchers to seniors, but more vouchers could be made available should the Council so desire. He added that transportation is a component of the Senior Survey, which will be presented for the Council's consideration in the future.

Parks and Recreation Director Richard Gill explained the City's Taxicab Voucher Program (budgeted at approximately \$13,000), including the hours of operation and service areas for both taxicabs and Dial-A-Ride.

City Attorney Robert Wadden explained that taxicab companies are legally obligated, per the ordinance, to convert to alternative fuel and that the franchise right could be taken away if they do not comply.

The Council discussed the importance of the taxicab companies providing good customer service; the idea of requiring training for drivers; and the idea of offering discounts for seniors.

Finance Director Bruce Moe advised that the month-to-month agreements with the current taxicab franchises could be continued until any issues are resolved.

City Manager Dolan suggested that this item be continued in order for staff to research the senior discount and follow up on training.

**MOTION:** Councilmember Montgomery moved to continue this item to a future City Council meeting. The motion was seconded by Mayor Pro Tem Ward and passed by the following unanimous roll call vote:

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

#### **AUDIENCE PARTICIPATION**

*03/04/09-22. Jim Fisher Re Landscaping on The Strand*

**Jim Fisher, 2100 Block of Ardmore Avenue**, voiced his concern over the excessive planters at 1408 - 1410 The Strand. He asked the Council to develop an ordinance to ensure this type of situation is not created in the future.

City Manager Geoff Dolan advised that the large pots at the location were removed in response to input previously provided by **Mr. Fisher** and reminded Council of the adopted set of guidelines for this area with which this property complies.

Mayor Cohen related her understanding that this property is within the jurisdiction of the California Coastal Commission.

City Manager Dolan pointed out that the broader issue associated with this matter could be discussed at another Council meeting, in that many properties north of Marine Avenue contain stepping stones and other items throughout the area.

Mayor Pro Tem Ward related his opinion that the stones and walkways on this property should be removed; however, the planters could be necessary to retain soil.

Councilmember Aldinger noted that the stones and walkways on the properties north of Marine Avenue have been there for quite some time; that his biggest concern would be the potential for proliferation; and that he would prefer native plants.

Councilmember Montgomery mentioned that this property is considered “non-invasive art” by some organizations.

Mayor Cohen suggested that this item be discussed at the next City Council Work Plan meeting and Council concurred.

*03/04/09-23. Faith Lyons Re MBUSD's Capitol Convoy*

**Faith Lyons, No Address Provided**, shared information about the Manhattan Beach Unified School District's (MBUSD) recent “Capitol Convoy” to Sacramento. She asked the Council for additional financial assistance in order to retain the most critical programs and that the importance of schools be reflected in the City's budget.

Councilmember Montgomery advised that the Council is well aware of the financial situation with the School District and that the Council Subcommittee (to the District) provides information to the Council.

*03/04/09-24. Patrick McBride Re Communication and Transparency*

**Patrick McBride, 5<sup>th</sup> Street and Peck Avenue**, voiced his concern over lack of communication and transparency from the City.

#### **CITY MANAGER REPORT(S)**

*03/04/09-25. City Manager Dolan Re Congratulations to Mayor Cohen*

On behalf of staff, City Manager Dolan congratulated Mayor Cohen on her appointment as Mayor.

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

*03/04/09-26. City Attorney Wadden Re Alliance of Water Agencies*

City Attorney Robert Wadden advised that, during Closed Session, prior to the regular meeting, the Council unanimously voted to join an alliance of water agencies in legal action to amend the existing water judgment for the West and Central Water Basins.

*03/04/09-27. Councilmember Montgomery Re Solar Powered Lights*

Councilmember Montgomery asked if it would be possible to install solar lighting on power poles in the area of the Manhattan Beach Boulevard Street Lighting and Repaving Project since the streets will already be torn up.

Public Works Director Jim Arndt advised that this idea could be suggested to Edison and that staff will check the ownership of the poles.

The Council agreed that whether or not solar can be used, the suggestion should be explored.

03/04/09-28. Councilmember Tell Re Council Subcommittee

Councilmember Tell reported that the Council Subcommittee to the Manhattan Beach Unified School District (MBUSD) is in the process of working with the MBUSD Board and City staff to develop ideas to address budget reductions and that this information is tentatively scheduled for the Council's consideration on April 21, 2009.

**ADJOURNMENT**

At 9:10 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, March 17, 2009, 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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Portia Cohen  
Mayor

ATTEST:

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Liza Tamura  
City Clerk