

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
MARCH 17, 2009**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 17th day of March, 2009, at the hour of 6:35 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

PLEDGE TO FLAG

Mandy McKeegan led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

None.

REORGANIZATION

03/17/09-1. a) Recite the Facts and Declare the Results of the March 3, 2009 General Municipal Election

MOTION: Mayor Pro Tem Ward moved to adopt Resolution No. 6181 declaring the results of the March 3, 2009 General Municipal Election. 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.
Absent: None.
Abstain: None.

RESOLUTION NO. 6181

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON TUESDAY, MARCH 3, 2009, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

b) Approve Minutes of the City Council Adjourned Regular and Regular Meeting of March 4, 2009

MOTION: Councilmember Aldinger moved to approve the subject minutes. The motion was seconded by Mayor Pro Tem Ward and passed by the following unanimous roll call vote:

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

c) Recognition of Outgoing Elected Official

The Council and many other elected officials and dignitaries from neighboring cities and governmental agencies recognized outgoing Councilmember Aldinger with various mementos in appreciation of his service to Manhattan Beach.

d) Administer Oath of Office to Newly Elected Councilmembers

City Clerk Liza Tamura administered the Oath of Office to incumbent Councilmembers Richard Montgomery and Nick Tell, newly elected City Councilmember Wayne Powell and City Treasurer Tim Lilligren which was followed by their comments.

e) Ratification of New Council Assignments

Mayor Cohen announced that this item will be considered after the recess.

RECESS AND RECONVENE

At 7:55 p.m. the Council recessed and reconvened at 8:15 p.m. with all Councilmembers present.

e) Ratification of New Council Assignments

City Manager Geoff Dolan explained the Council practice whereby the Council assignments are at the discretion of the newly-elected Mayor.

The following individuals spoke on this item:

- Faith Lyons, 33rd Street
- Loralie Ogden, 32nd Street
- Gerry O'Connor, No Address Provided
- Heather Donalessen, Gates Avenue
- Ira Wallis, 18th Street

Following a brief discussion, the Council unanimously voiced their support for Mayor Cohen's appointment of Councilmember Montgomery to the Finance Subcommittee and the following motion was offered.

MOTION: Mayor Pro Tem Ward moved to approve the new Council assignments. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote:

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

CONSENT CALENDAR

The Consent Calendar (Item Nos. 2 through 10), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Powell, seconded by Councilmember Tell and passed by the following unanimous roll call vote.

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

GENERAL CONSENT

03/17/09-2. This Space Intentionally Left Blank

03/17/09-3. Declare Vacancy: Planning Commission, Seat No. 2 (Powell)

The Council declared vacant Planning Commission, Seat No. 2.

03/17/09-4. Consideration of Financial Reports:

a) Ratification of Demands: March 5, 2009

b) Investment Portfolio for the Month Ending February 28, 2008

b) Financial Reports for the Month Ending February 28, 2008

The Council approved with no exception Warrant Register No. 19B in the amount of \$1,945,621.28 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 February 28, 2009; and received and filed the Financial Reports for the month ending February 28, 2009.

03/17/09-5. Consideration of the Purchase of One Budgeted Replacement Hybrid Utility Pick-Up Truck for the Fire Department from West Covina Motors (\$42,618.99)

The Council approved an award of bid #771-09 to West Covina Motors in the amount of \$42,618.99 for the purchase of one replacement Fire vehicle and approved a supplemental appropriation of \$6,300 from the AB 2766 Subvention Fund in order to fund the additional cost of the hybrid alternative.

03/17/09-6. Consideration of a Resolution Adjusting Parking Citation Fines to Accommodate an Increase in the State Courthouse Construction Surcharge, and Authorization to Pass Through Future Surcharges Levied Against Parking Citations

The Council adopted Resolution No. 6180.

RESOLUTION NO. 6180

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING AN INCREASE IN CERTAIN PARKING CITATION RATES AND AUTHORIZING FUTURE ADJUSTMENTS DUE TO GOVERNMENTAL SURCHARGES

03/17/09-7. Consideration of Ratification of Emergency Water Pump Motor Repair Expenses in the Amount of \$36,000

The Council waived formal bidding per Municipal Code Section 2.36.120 Emergency Procurement; approved a purchase order to Sun-Star Electric in the amount of \$20,861.94 for the purchase of one motor for a water pump located at Peck Reservoir; and approved the procurement of pump repairs (Vaughn's Industrial Repair) in the amount of \$15,138.06.

3/17/09-8. Disbursement of Progress Payments:

- a) Final Payment in the Net Amount of \$369,576.90 to Kalban Construction; Formally Accept the Section 4 Concrete Repair Project as Complete; and Authorize Filing of the Appropriate Notice of Completion
- b) Final Payment in the Net Amount of \$38,020.50 to Fleming Environmental Incorporated; Formally Accept the Vapor Recovery Retrofit - City of Manhattan Beach Corporate Yard Project as Complete; and Authorize Filing of the Appropriate Notice of Completion

The Council approved the issuance of the subject final payments; formally accepted the Section 4 Concrete Repair Project and Vapor Recovery Retrofit - City of Manhattan Beach Corporate Yard Project as Complete; and authorized the filing of the appropriate Notices of Completion.

BOARDS AND COMMISSIONS

Parks and Recreation Commission

03/17/09-9. Consideration of Draft Minutes, Parks and Recreation Commission Meeting of February 23, 2009

The Council received and filed the subject draft minutes.

Parking & Public Improvements Commission

03/17/09-10. Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of February 26, 2009

The Council received and filed the subject action minutes.

COMMUNITY ANNOUNCEMENTS

03/17/09-13. Richard Zief Re Older Adult Needs Assessment Survey

Richard Zeif, No Address Provided, called attention to the Older Adult Needs Assessment Survey in the City's "Manhappenings" publication, the return date for which was extended to March 31st.

03/17/09-14. Heather Donaleshen Re Coordinating Council

Heather Donaleshen, No Address Provided, announced the Coordinating Council's luncheon at the Belamar Hotel on March 19, 2009 from 11:30 a.m. to 1:00 p.m., with Manhattan Beach Middle School Student Adam Girard and Mira Costa High School Student Austin Jones as speakers.

03/17/09-15. Heather Donaleshen Re Scholarships for Graduating Seniors

Heather Donaleschen, No Address Provided, announced that, in conjunction with ADIA, the Manhattan Beach Coordinating Council will host a Seniors Helping Seniors event on April 1, 2009 at 5:30 p.m. at the Shade Hotel and that for further information, those interested should call (310) 374-3426.

03/17/09-16. Don Gould Re Lawndale Library

Los Angeles County Librarian Don Gould highlighted the grand opening of the new Lawndale Library which will take place on March 18, 2009 at 5:30 p.m.

03/17/09-17. Robert Bush Re Undergrounding

Robert Bush, No Address Provided, related his intent to discuss the extension of the recent Council election to Utility Undergrounding. Once he was reminded that this portion of the meeting was for “Community Announcements”, **Mr. Bush** stated that he would continue with his comments during “Audience Participation”.

03/17/09-18. Lester Silverman Re Friends of Local Artist

Lester Silverman, No Address Provided, announced that Beach Cities Culture will be honoring Mayor Cohen and former Mayor Montgomery on March 20, 2009 from 6:30 p.m. to 8:00 p.m., at the 12th and Highland restaurant/bar as well as showcasing local artists.

03/17/09-19. Hilary Henson Re Project Touch

Hilary Henson, Executive Director of Project Touch, called attention to the “Sand & Strand Event” on March 22, 2009. She stated that further information can be obtained at www.projettouch.org.

03/17/09-20. Bill Victor Re Undergrounding

Bill Victor, No Address Provided, encouraged interested parties to contact the **Property Owners Against Undergrounding** organization at (310) 318-5000. He voiced his concern that the current Council Subcommittee on Undergrounding will remain the same.

03/17/09-21. Patrick McBride Re Women’s History Month

Patrick McBride, 5th Street and Peck Avenue, announced that a meeting will be held in honor of Women’s History Month on March 29, 2009 at 2:00 p.m. at the Joslyn Center and added that Jan Dennis will be the presenter.

03/17/09-22. Martha Andreani Re MBRA’s First Quarter Meeting

Martha Andreani, No Address Provided, announced the **Manhattan Beach Residents’ Association’s** first quarter meeting on March 25, 2009 at 6:30 p.m. in the Police/Fire Conference Room. The topic of discussion will be “What Does It Mean to Go Green?” and Councilmember Tell, City Manager Dolan and representatives from the Metropolitan Water District and Environmental Task Force will speak.

03/17/09-23. Mayor Pro Tem Mitch Ward Re Garden Tour

On behalf of an individual who could not attend the meeting, Mayor Pro Tem Ward announced the Earth Day Concert and the Water Wise Pond Garden Tour, both on April 18, 2009.

03/17/09-24. Mayor Pro Tem Mitch Ward Re Smart Landscape Expo

Mayor Pro Tem Ward announced the Smart Land Expo on May 2, 2009 from 9:00 a.m. to 1:00 p.m. at 1935 South Hughes Way in El Segundo.

03/17/09-25. Mayor Pro Tem Mitch Ward Re Youth Recognition Awards

Mayor Pro Tem Ward invited interested high school juniors and seniors to apply for the Youth Recognition Awards, the deadline for which is March 30th.

03/17/09-26. Councilmember Richard Montgomery Re Lawndale Library

Councilmember Montgomery encouraged everyone to attend the grand opening of the Lawndale Library tomorrow at 5:30 p.m.

03/17/09-27. Mayor Portia Cohen Re Earth Hour

Mayor Cohen encouraged residents and business owners to turn off non-essential lights on March 28, 2009 from 8:30 p.m. to 9:30 p.m. in observance of Earth Hour. She added that additional information can be accessed at www.earthhourus.com.

03/17/09-28. Mayor Portia Cohen Re Garage Sale

Mayor Cohen recognized the following Manhattan Beach children for their donation of \$500 (raised from a garage sale) and approximately 200 books, which they donated to St. John Evangelist Catholic School for underprivileged inner city children in Los Angeles: Cole and Adrian Anderson and Claire, Natalie and Eve Oliveras. She also pointed out that Manhattan Beach resident Carol Rowe is the Director of Marketing and Development at the school.

PUBLIC HEARINGS

None.

GENERAL BUSINESS

03/17/09-11. Consideration of the Environmental Task Force Green Building Recommendations for Municipal Buildings and Large Non-Residential Construction

City Manager Geoff Dolan advised that these green building recommendations were proposed by the Environmental Task Force; that they are conceptual; that the Council should provide feedback and direction; and that, should the Council support the recommendations, staff will prepare an ordinance for the Council's future consideration.

Environmental Task Force Green Building Subcommittee Member Chris Conaway presented information on the advantages of sustainable building practices; the methods to green building practices; what other communities are doing in this area; the Leadership in Energy and Environmental Design (LEED) Cost Impact Studies; and the 2007 Davis Langdon Study, which declared there is "...no significant difference in average costs for green buildings as compared to non-green buildings...the broad trend is that the green buildings are indistinguishable from the greater population on a cost basis." He explained the Task Force's recommendations that all new public facilities or publicly funded projects of 5,000 square feet or more of new construction or renovation shall attain a LEED certification of Gold or better and that all new private projects of 10,000 square feet or more of new construction or renovation shall show LEED equivalence of Silver or better, attested to by a LEED accredited professional.

The Council considered the idea of the Task Force examining the costs of constructing a green building, such as the new Wells Fargo building, in Manhattan Beach. Concerns over burdens that could be associated with requiring LEED silver/gold certification for buildings having 5,000/10,000 square feet or more that are undergoing renovations were expressed, particularly since the City plans to renovate some public facilities.

City Manager Dolan advised that the municipal buildings the City is considering for renovation are over 5,000 square feet.

Mr. Conaway explained the definition of “renovation” as a threshold of 50% according to the industry standard. He indicated that the Task Force is examining a number of regulations that could be complied with easily and would be unique to Manhattan Beach; called attention to the importance of leading by example; clarified that no discernable extra costs were found to be associated with requiring buildings under renovation to be made green as long as the building is retained by the owner.

Environmental Task Force Member Casey Beyer shared information about a study showing the positive aspects of making buildings green during renovation and the intangible positive aspects of LEED certification. He related the Task Force’s willingness to re-examine the costs of making a building green during renovation and highlighted the importance of setting green building standards in Manhattan Beach.

The following individuals spoke on this item:

- **Patrick McBride, 5th Street and Peck Avenue**
- **Mickey Knickerbocker, No Address Provided**
- **Bill Victor, No Address Provided**
- **Ivan Kan, technogreen**
- **Willy Leventhal, No Address Provided**

Councilmember Powell commended the efforts of the Environmental Task Force, the Green Building Subcommittee and staff. He related his support of the recommendations, noting the substantial energy efficiency and cost savings and the increased sales values and rents, etc. associated with green buildings, which should be factored into the analysis. Councilmember Powell asked if there is a survey for utilizing random verifications of green buildings, such as the one used by the City of Los Angeles, and entertained the idea of encouraging volunteer compliance. He agreed with the need to further address the cost of making a building green during renovation, as well as the return on investment, prior to developing an ordinance.

Mayor Pro Tem Ward thanked staff and the Green Building Subcommittee for their work. He called attention to areas needing further examination prior to considering an ordinance, such as return on investment, the length of time for a return on investment and how making buildings green will affect the return on investment. Councilmember Ward voiced his agreement with silver certification for commercial buildings and gold for and municipal buildings.

Councilmember Montgomery supported the proposed green building recommendations. He favored the idea of examining a green building under construction in Manhattan Beach before developing an ordinance, but stated that the Wells Fargo building would be below the commercial building threshold of 10,000 square feet and emphasized the importance obtaining more information about return on investment.

Councilmember Tell also supported the proposed green building recommendations. He voiced his opinion that an ordinance should be prepared and that additional information about return on investment and the range of retention (years needed for return on investment, by type of project) should be provided prior to considering the ordinance. It was Councilmember Tell's opinion that the City taking the lead and flexibility for builders are both important.

Serving as the Co-Chair of the Environmental Task Force with Mayor Pro Tem Ward, Mayor Cohen related her agreement with the recommendations, noting that green buildings are inevitable due to forthcoming State requirements. She stated her desire for information about return on investment, as well as information about a green building in Manhattan Beach.

There was a consensus of the Council that additional information, as discussed during this meeting, should be provided at a future meeting, and that a proposed ordinance should be presented for the Council's consideration at that same meeting.

03/17/09-12. Consideration of Water Conservation Recommendations from the Environmental Task Force - Water and Storm Water Sub-Committee (WSWS)

City Manager Geoff Dolan explained that this item includes the Environmental Task Force's Water and Storm Water Subcommittee (WSWS) recommendations; that water conservation is a Council priority; and that the Metropolitan Water District is pressuring cities to adopt water conservation ordinances.

Bob Siemak, Chairman of the WSWS, highlighted the City's goal of a 20% reduction in potable water by 2020 and the related importance of a comprehensive public education/outreach program, an aggressive tiered water rate structure and a rate consultant to establish a water rate structure. He outlined the proposed water conservation ordinance, including permanent and drought-triggered conservation measures and discussed the negative aspects of residential reverse osmosis units and the idea of including water conservation requirements in the Building Code. **Mr. Siemak** verified that the WSWS did not make recommendations with regard to penalties for lack of compliance and that xeriscape landscaping is part of the City's landscape ordinance and comprehensive water conservation program.

The Council discussed the importance of education and an outreach program; the idea of a Smart Controller (automatic watering) giveaway program for residents; the water conservation requirements in other cities, including the City of Long Beach's volunteer compliance; and the idea of examining the water reduction achieved through education/voluntary compliance before expending funds on enforcement.

City Manager Dolan advised that tiered water rates, rather than the current flat rates, would help achieve the desired reduction in water use by 2020; that recycled water is used on most of the City's green spaces; that staff is looking into using it on the Marriott Hotel's golf course and on private properties; and that system-wide water use is measured daily. He related staff's recommendation for initial enforcement consisting of warnings for violations, with the understanding that more severe measures could be taken based on the responses to the warnings; stated staff's willingness to examine the training/type of procedures necessary for Community Service Officers to address violations; and indicated that staff could send letters to violators in an effort not to pit neighbor against neighbor.

Public Works Director Jim Arndt affirmed that the City would adhere to water conservation measures required of the public and clarified that the City's current water conservation ordinance includes a device to restrict water flow. He explained how reduction in water use will be measured and addressed enforcement and penalties for lack of enforcement, noting that

the proposed ordinance does not deal with excessive use of water.

The following individuals spoke on this item:

- **Willy Leventhal, No Address Provided**
- **Patrick McBride, 5th Street and Peck Avenue**
- **Ivan Kan, No Address Provided**
- **Bill Victor, No Address Provided**
- **Steve Morse, No Address Provided**
- **Mickey Knickerbocker, No Address Provided**

Jeffrey Neu, Member of the WSWS, suggested that the idea of implementing a recycled water ordinance be further explored.

Mayor Pro Tem Ward stated his wholehearted support of a water conservation program. He felt that the Police Department should not address violations; that education should be implemented immediately; that a gradual enforcement plan should be used; that a tiered water rate structure is evident and one applicable to Manhattan Beach should be developed; and that more research is necessary, particularly with regard to the cost of measures to be implemented within five years. He agreed with green business/home certifications and with recognition for them.

Councilmember Tell related his agreement with implementing the proposed ordinance immediately. He suggested that permanent measures be implemented immediately; that more detailed drought restriction measures be developed; and that the cost of permanent measures to be implemented within five years be examined.

Councilmember Powell commended the efforts of the WSWS. Concurring with the statements made by Mayor Pro Tem Ward and Councilmember Tell, Councilmember Powell commented on the importance of moving forward in a timely manner; ensuring that City revenue is not reduced; stressing education; requiring low-flow toilets; rewarding businesses and residents for water conservation efforts; and further examining the cost of measures to be implemented within five years.

Councilmember Montgomery expressed his agreement with the immediate implementation of permanent water conservation measures. He questioned if a volunteer program would be successful; suggested that plans for enforcement be examined; and emphasized the importance of education.

Mayor Cohen voiced her appreciation of the thorough information provided by the WSWS and supported all of their recommendations. She agreed with obtaining cost information on the measures to be implemented within five years and with utilizing letters from staff for enforcement in an effort not to pit neighbors against one another.

City Manager Dolan called attention to the critical nature of an education campaign and on the possibility that a water conservation ordinance could be effective by July 1, 2009.

ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

AUDIENCE PARTICIPATION

03/17/09-29. Patrick McBride Re Senior Survey/Dial-A-Ride

Patrick McBride, 5th Street and Peck Avenue, voiced his concern over portions of the Senior Survey, such as transportation and the difficulty of interpreting some of the data. He also clarified comments that he made at a previous Council meeting regarding Dial-A-Ride.

City Manager Geoff Dolan advised that a method for interpreting the Survey results will be determined after the results are received. He noted that much time and money was spent on the Survey; that the Council directed a more expansive Survey after a minimal number of responses were received initially; and that the consultant who assisted in preparing the Survey was not paid a lot of money.

03/17/09-30. Robert Bush Re Utility Undergrounding

Robert Bush, No Address Provided, compared the extension of the recent election to the extension of Utility Undergrounding which, he insisted, should be stopped immediately.

03/17/09-31. Bill Victor Re Election and Council Assignments

Bill Victor, No Address Provided, commended the efforts of all Council candidates and congratulated Councilmember Powell on his election to the Council. He related his wish that the Councilmembers will consider their credibility with the community and stated his preference for Councilmember Powell to serve on the Council's Finance Subcommittee.

03/17/09-32. Steve Morse Re Various Matters

Steve Morse, 900 Block of 1st Street, commended the contributions made by **Ivan Kan of technogreen** during Agenda Item Nos. 11 (*Consideration of the Environmental Task Force Green Building Recommendations for Municipal Buildings and Large Non-Residential Construction*) and 12 (*Consideration of Water Conservation Recommendations from the Environmental Task Force - Water and Storm Water Sub-Committee [WSWS]*). He commented on the importance of convenient transportation for seniors; voiced his concern over inappropriate questions in the Senior Survey; stated his support for Councilmember Powell to serve on the Council's Finance Subcommittee; and congratulated Councilmembers Tell and Montgomery on their re-election to the Council.

03/17/09-33. Willy Leventhal Re Various Concerns

Willy Leventhal, No Address Provided, discussed the following: Operation Hope's "Five Million Kids" Program; the need to clean up properties on The Strand and add wording about picking up dog waste on trash receptacles, especially between Marine and Rosecrans Avenues; the idea of having a poster contest for children; the safety problems on the bike path resulting from telephone poles blocking the views of oncoming traffic, particularly for children; and the status of mats to assist the disabled in accessing the beach.

City Manager Geoff Dolan advised that staff does not receive many complaints about the lack of cleanliness on The Strand and called attention to concerns over excessive signage on The Strand previously expressed by the Council during discussion of improvements to The Strand.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

03/17/09-34. Councilmember Montgomery Re Livable Cities/Available Grants

Councilmember Montgomery spoke of the available block grant funds for climate change, energy and the environment, information about which he obtained at a Livable Communities meeting.

03/17/09-35. Mayor Pro Tem Ward Re Business Summit

Mayor Pro Tem Ward advised that he and Mayor Cohen are working with the Chamber of Commerce to hold the Business Summit meeting in Manhattan Beach.

03/17/09-36. Mayor Cohen Re Stimulus Funds

Mayor Cohen shared information on her attendance at the City’s delegation to the State Capitol in hopes of obtaining funding and that those interested can obtain more information about financial relief for small businesses by visiting www.recovery.gov.

03/17/09-37. Mayor Cohen Re State of the Assembly Address

Mayor Cohen spoke of the State of the Assembly Address given by Assembly Member Ted Lieu and his comments about referendum that goes unfunded and the State of California being one of only three states requiring a two thirds majority to pass the budget.

ADJOURNMENT

At 11:45 p.m., the meeting was duly adjourned in memory of Louise Quigley to the 6:30 p.m. Adjourned Regular Fire Staffing Study Meeting on Tuesday, March 31, 2009, in the Police/Fire Conference Room, 400/420 15th Street, in said City.

Wendy Weeks
Recording Secretary

Portia Cohen
Mayor

ATTEST:

Liza Tamura
City Clerk