

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
MAY 5, 2009**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 5th day of May, 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

Alexis Johnson, a 5th Grade Student at Grand View Elementary School, led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

05/05/09-1. Presentation of a Proclamation Declaring the Month of May as "Older Americans Month"

Mayor Cohen, on behalf of the Council, presented a proclamation declaring the Month of May as Older Americans Month.

Jan Buike, Older Adults Programs Supervisor, Richard Zeif, Chair of the Senior Advisory Committee, Susan Jones, President of Manhattan Heights Senior Club and Florence Billington, President of the Joslyn Senior Club were there to accept the proclamation.

05/05/09-2. Presentation of a Proclamation to the Manhattan Beach Police Department Declaring May 10 – 16, 2009 as National Peace Officer's Memorial Week and to the Manhattan Beach Fire Department Declaring May 9, 2008 as Fire Service Recognition Day

Mayor Cohen, on behalf of the Council, presented Police Chief Rod Uyeda with a proclamation declaring May 10 – 16, 2009 as National Peace Officer's Memorial Week and Fire Chief Scott Ferguson with a proclamation declaring May 9, 2009 as Fire Service Recognition Day.

05/05/09-3. Introduction of New Employees, Employee Promotion and Service Awards; Recognition of Employee of the Year, Police Officer of the Year and Firefighter of the Year

Fire Chief Scott Ferguson introduced the following employees who were recognized by the Council: Jim Muth - Firefighter of the Year and John Weber - New Battalion Chief.

Police Chief Rod Uyeda introduced the following employees who were recognized by the Council: Hank Crossett - Police Officer of the Year (not present); Paul Ford - 15 Years of Service and Verdesiah Nasralla - Promoted to Police Records Manager.

Public Works Director Jim Arndt introduced the following employees who were recognized by the Council: Steve Finton - New City Engineer; Gilbert Gamboa - Promoted to Senior Civil Engineer and recognized as the City Employee of the Year; Bobby Dobson - 15 Years of Service (not present); and Juan Price - 20 Years of Service (not present).

CONSENT CALENDAR

The Consent Calendar (Item Nos. 4 through 16), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Powell, seconded by Mayor Pro Tem Ward and passed by unanimous roll call vote with the exception of Item No. 11, which was considered later in the meeting under “*Items Removed from the Consent Calendar*”.

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

GENERAL CONSENT

05/05/09-4. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of April 21, 2009

The Council continued the subject minutes to the May 19, 2009 City Council meeting.

05/05/09-5. Consideration of the State Budget and Legislative Update

The Council received and filed the May 2009 Budget and Legislative Update from Tony Rice, the City’s legislative advocate.

05/05/09-6. Authorize the City Manager to Enter Into a Five-Year Lease Agreement with Vera Janischova for Operation of the Food Concession on the Manhattan Beach Pier

The Council approved authorizing the City Manager to enter into a five-year lease agreement with Vera Janischova to operate a food concession in the Manhattan Beach Pier Roundhouse.

05/05/09-7. Adoption of Resolution No. 6187 Adopting a Policy Regarding Use of Tickets and Passes Donated to the City

The Council adopted Resolution No. 6187.

RESOLUTION NO. 6187

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ESTABLISHING A POLICY REGARDING USE OF TICKETS OR PASSES DONATED TO THE CITY

05/05/09-8. Consideration of the Purchase of One Budgeted Replacement Utility Truck for the Public Works Department from Villa Ford (\$29,491.99)

The Council approved the award of bid #776-09 to Villa Ford in the amount of \$29,491.99 for the purchase of one replacement Public Works vehicle.

05/05/09-9. Consideration of Financial Reports:

- a) Ratification of Demands: April 30, 2009
- b) Investment Portfolio for the Month ending March 31, 2009
- c) Financial Reports for the Month Ending March 31, 2009

The Council approved with no exception Warrant Register No. 23B in the amount of \$2,052,615.76 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 March 31, 2009; and received and filed the Financial Reports for the month ending March 31, 2009.

05/05/09-10. Consideration of a Three Year Contract with Lance, Soll & Lunghard, LLP to Provide Professional Audit Services (Estimated Value \$113,504)

The Council approved authorizing the City Manager to negotiate and execute a contract with Lance, Soll & Lunghard, LLP, Certified Public Accountants, to provide financial audit services for three fiscal years. Services will commence with the Fiscal Year ending June 30, 2009 and include the two subsequent Fiscal Years ending June 30, 2010 and June 30, 2011. The subject contract also provides for two additional optional years subject to future Finance Subcommittee and City Council approval.

05/05/09-11. Consideration of Status Report on the Upgrade of the City Utility Billing System and Appropriation of Additional Funds Necessary to Complete the Project (\$19,000)

Item No. 11 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

05/05/09-12. Disbursement of Progress Payment No. 1 in the Net Amount of \$100,190.70 to All American Asphalt for the Manhattan Beach Boulevard Improvement Project

The Council approved the issuance of the subject progress payment.

BOARDS AND COMMISSIONS

Cultural Arts Commission

05/05/09-13. Consideration of Draft Minutes, Cultural Arts Commission Meeting of March 24, 2009

The Council received and filed the subject draft minutes.

05/05/09-14. Consideration of Draft Minutes, Cultural Arts Commission Meeting of April 14, 2009

The Council received and filed the subject draft minutes.

Parking & Public Improvements Commission

05/05/09-15. Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of April 23, 2009

The Council received and filed the subject action minutes.

Planning Commission

05/05/09-16. Consideration of Action Minutes, Planning Commission Meeting of April 22, 2009

The Council received and filed the subject action minutes.

COMMUNITY ANNOUNCEMENTS

05/05/09-21. Jan Dennis Re Neptunian's 100th Anniversary

Jan Dennis, 900 Block of Highland Avenue, extended invitations to the Neptunian's 100th Anniversary celebration on May 15, 2009, from 2:00 to 5:00 p.m.

05/05/09-22. Jan Dennis Re Neptunian's Donation to the Library

Jan Dennis, 900 Block of Highland Avenue, noted that the Neptunian's are accepting donations to be given to the Manhattan Beach Library.

05/05/09-23. Don Gould Re Manhattan Beach Library

Los Angeles County Librarian Don Gould shared information about upcoming events at the Manhattan Beach Library.

05/05/09-24. Fred Manna Re Leadership Manhattan Beach Alumni "We Care Project"

Fred Manna, 700 Block of 30th Street, thanked the Beach Cities Health District and Leadership Manhattan Beach Alumni for their efforts toward the Alumni's "We Care Project," which will be displayed at the Senior Advisory Committee's Senior Health Fair on May 15, 2009. For further information about the emergency preparedness kits, contact the "More Prepared" company.

05/05/09-25. Fred Manna Re Senior Health Fair

Fred Manna, 700 Block of 30th Street, announced the Senior Advisory Committee's Senior Health Fair is scheduled for May 15, 2009.

05/05/09-26. Edie Babbe Re Thank You

Edie Babbe, President of the Manhattan Beach Council PTA's, 400 Block of 35th Street, presented a "Thank You Petition" to the Council signed in appreciation of the Council's recent \$1,300,000 donation to the Manhattan Beach Unified School District.

05/05/09-27. Rhonda Steinberg Re Thank You

Rhonda Steinberg, Grandview Elementary School Principal, presented artistic displays to the Council in appreciation of the recent \$1,300,000 donation to the Manhattan Beach Unified School District.

05/05/09-28. Rich Berry Re Baskin Robbins

Rich Berry, Baskin Robbins, thanked all involved in Baskin Robbins' successful \$.31 Scoop event.

05/05/09-29. Faith Lyons Re School Activities

Faith Lyons, No Address Provided, offered updated information about activities in Manhattan Beach schools.

05/05/09-30. Fire Chief Ferguson Re Swine Flu

Fire Chief Scott Ferguson provided an update on the recent outbreak of the H1N1 Swine Flu Virus.

05/05/09-31. Councilmember Powell Re Solar Home Tour

Councilmember Powell announced the Environmental Task Force's Solar Home Tour on May 16, 2009, from 9:30 a.m. to 3:30 p.m. For further information, call (310) 545-1384.

05/05/09-32. Councilmember Powell Re Ribbon Cutting

Councilmember Powell highlighted Leadership Manhattan Beach's ribbon cutting ceremony for the Big Belly Solar Trash Containers on May 9, 2009, at Polliwog Park.

PUBLIC HEARINGS

None.

GENERAL BUSINESS

05/05/09-17. Select Members for City's Boards and Commissions

The Council unanimously selected the following individuals to serve on City Boards and Commissions as shown:

Planning Commission (Seat No. 1)

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>
Montgomery	Sandra Seville-Jones		
Tell	Sandra Seville-Jones		
Powell	Sandra Seville-Jones		
Ward	Sandra Seville-Jones		
Cohen	Sandra Seville-Jones		

MOTION: Mayor Cohen moved to unanimously re-appoint Sandra Seville-Jones to Planning Commission Seat No. 1. The motion was seconded by Mayor Pro Tem Ward.

Hearing no objection it was so ordered.

Planning Commission (Seat No. 2)

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>
Ward	Ed Lear	Ed Lear Lester Silverman	Ed Lear
Cohen	Martha Andreani	Martha Andreani Ed Lear	Martha Andreani
Montgomery	Rafael Menkes	Rafael Menkes Paul Gross	Paul Gross
Tell	Lester Silverman	Ed Lear Martha Andreani	Martha Andreani
Powell	Paul Gross	Paul Gross Martha Andreani	Martha Andreani

MOTION: Councilmember Tell moved to make it unanimous to appoint Martha Andreani to Seat No. 2 of the Planning Commission. The motion was seconded by Councilmember Montgomery.

Hearing no objection it was so ordered.

Parks and Recreation Commission (Seat No. 4)

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>
Tell	Deirdre Murray	Deirdre Murray Steven Rothans	Deirdre Murray
Powell	Richard Zeif	Deirdre Murray Richard Zeif	Deirdre Murray
Ward	None Further	Deirdre Murray J.J. Turkmany	Deirdre Murray
Cohen	J.J. Turkmany	J.J. Turkmany Deirdre Murray	Deirdre Murray
Montgomery	Steven Rothans	Steven Rothans J.J. Turkmany	Steven Rothans

MOTION: Councilmember Tell moved to make it unanimous to re-appoint Deirdre Murray to Seat No. 4 of the Parks and Recreation Commission. The motion was seconded by Councilmember Powell.

Hearing no objection it was so ordered.

Parks and Recreation Commission (Seat No. 5)

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>
Cohen	Josh Cooperman	Daniel Kurz Eugene Yee	
Montgomery	Eugene Yee	Eugene Yee Steven Nicholson	
Tell	Steven Nicholson	Steven Nicholson Daniel Kurz	Steven Nicholson
Powell	Fred Manna	Fred Manna Steven Nicholson	Steven Nicholson
Ward	Daniel Kurz	Steven Nicholson Daniel Kurz	Steven Nicholson

Prior to Councilmember Montgomery and Mayor Cohen voting, the following motion was made:

MOTION: Mayor Pro Tem Ward moved to make it unanimous to re-appoint Steven Nicholson to Seat No. 5 of the Parks and Recreation Commission. The motion was seconded by Mayor Cohen.

Hearing no objection it was so ordered.

Cultural Arts Commission (Seat No. 5)

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>
Powell	Steven Rothans	Susannah Rosenthal Steven Rothans	Susannah Rosenthal
Ward	Josh Cooperman	Josh Cooperman	Susannah Rosenthal
Cohen	Susannah Rosenthal	Josh Cooperman Susannah Rosenthal	Susannah Rosenthal
Montgomery	None Further	Josh Cooperman Steven Rothans	Josh Cooperman
Tell	None Further	Susannah Rosenthal Josh Cooperman	Susannah Rosenthal

MOTION: Mayor Pro Tem Ward moved to make it unanimous to re-appoint Susannah Rosenthal to Seat No. 5 of the Cultural Arts Commission. The motion was seconded by Councilmember Tell.

Hearing no objection it was so ordered.

Library Commission (Seat No. 5)

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>
Montgomery	Josh Cooperman	Josh Cooperman Phil Reimert	Josh Cooperman
Tell	Virginia Gembica	Virginia Gembica Josh Cooperman	Josh Cooperman
Powell	Stewart Fournier	Stewart Fournier Virginia Gembica	Virginia Gembica
Ward	Phil Reimert	Phil Reimert Josh Cooperman	Josh Cooperman
Cohen	Sherrie Brand	Sherrie Brand Josh Cooperman	Josh Cooperman

While Phil Reimert did not participate in the Application and Interview Process, Mayor Pro Tem Ward announced that he has confirmed (with Mr. Reimert) his interest in serving on the Library Commission.

MOTION: Councilmember Tell moved to make it unanimous to appoint Josh Cooperman to Seat No. 5 of the Library Commission. The motion was seconded by Councilmember Montgomery.

Hearing no objection it was so ordered.

L.A. County West Vector Control

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>
Ward	Collin Ron Cooper	Mark Sprague	Collin Ron Cooper
Cohen	Mark Sprague	Mark Sprague Collin Ron Cooper	Mark Sprague
Montgomery	Mark Sprague	Mark Sprague	Mark Sprague
Tell	None Further	Mark Sprague Collin Ron Cooper	Collin Ron Cooper
Powell	None Further	Mark Sprague Collin Ron Cooper	Collin Ron Cooper

MOTION: Councilmember Tell moved to make it unanimous to re-appoint Collin Ron Cooper to the Los Angeles County West Vector Control Board - Board of Trustee Seat. The motion was seconded by Mayor Pro Tem Ward.

Hearing no objection it was so ordered

Parks and Recreation Commission (Seat No. 7)

MOTION: Mayor Pro Tem Ward moved to ratify Parks & Recreation Commission Seat No. 7 and appoint Mira Costa High School Junior Jennifer Rosenthal to a one-year seat. The motion was seconded by Councilmember Montgomery and passed by the following roll call vote:

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

The Council thanked the residents who applied for these positions.

Councilmember Tell suggested that the idea of longer terms be considered at the Work Plan meeting and that those terms be considered as one term appointments.

Councilmember Montgomery also suggested the idea of creating a “Senior Citizen” seat (age 60 or over) to be considered as part of the Parks & Recreation Commission.

05/05/09-18. Environmental Task Force Solid Waste and Recycling Subcommittee (SWRS) Recommendations for the Next Solid Waste Contract and Discussion of the Expiring Contract

City Manager Geoff Dolan related staff’s recommendations as follows: Item 18A) discuss and affirm which Environmental Task Force Solid Waste and Recycling Subcommittee (SWRS) recommendations the Council would like to include in the draft of the next solid waste contract; Item 18B) consider going out to bid for the City’s next solid waste contract and direct staff to develop a Request For Proposal (RFP) to be returned for the Council’s approval; Item 18C) authorize the City Manager to negotiate a solid waste professional services contract with Hilton, Farnkopf & Hobson, LLC; and Item 18D) approve a Letter of Notice so the City has the option to franchise a construction and demolition hauler in five years. City Manager Dolan explained that the City’s solid waste contract expires in October 2010 and that allows for an opportunity to consider several changes, including the programs and various service elements to be included in the next contract.

SWRS Member Andrea Zislis, presented an extensive report on Item 18A covering the SWRS’s recommendations for solid waste reduction and recycling programs for the City Council’s consideration to include in the City’s next sold waste contract. She stated that the overall goal behind the SWRS’s recommendations is to increase the City’s overall waste diversion rate. She outlined current practices, recommendations, benefits of change and practices in other cities, according to the four categories of residential, commercial, Manhattan Beach Unified School District schools and additional items (as included in the staff report).

One of the SWRS’s recommendations related to implementing a tiered rate structure for residential solid waste collection. Public Works Director Jim Arndt explained the tiered rate process for residential and commercial establishments. He noted that the tiered rates could result in reduced rates for some; would encourage diversion; and clarified that the City does not make a profit on solid waste collection.

During the presentation, Council touched on the following: whether a commercial recycling recognition program would be effective; the importance of verifying that the City meets the requirements of AB939 (with which construction and demolition recycling would contribute and would provide greater accountability/accuracy in reporting); the recommendation of one full-time “Recycle Ranger” to perform commercial and residential solid waste disposal outreach; if City costs associated with the SWRS’s recommendations could legally be distributed across residential and commercial rates; if MBUSD could be under the City’s umbrella to reduce rates; the idea of a food waste recycling program; the City of Los Angeles’ Styrofoam recycling program; the lengthy duration of solid waste hauling contracts; and the possibility that some land fills will close. Concerns over the lack of cost information provided, relative to the recommended changes, were also expressed.

Management Analyst Anna Luke provided input on the SWRS's recommendation for curbside food waste recycling. She commented that residents frequently inquire about the potential for adding some type of food waste recycling program for the City. Anna also noted that food waste recycling would count toward Assembly Bill AB 939 requiring California cities to divert 50% of their waste from the landfill. However one of the challenges in implementing a food recycling program that has been faced in the past is that there are no regional facilities in Southern California that accept food waste. Some currently established landfill facility operators in Southern California are moving to designate a portion of their facilities for food waste and it is possible that the City would be able to make use of one of those facilities.

Regarding the SWRS's recommendation to consider the school facilities as City facilities to allow the schools to receive waste and recycling services at no cost to the schools with those costs being distributed across all rate payers in the City, City Attorney Robert Wadden advised that specific provisions about rate structures for public agencies are contained in Proposition 218, which includes ...“public agencies must pay their own rates” and, therefore, distributing costs related to the school programs across residential and commercial rates could be an issue. He stated his willingness to further research this matter.

City Manager Dolan advised that solid waste hauling contracts typically have a lengthy duration because they are a very expensive investment for the contractor.

The following individuals spoke on this item:

- **Paul Gross, No Address Provided**
- **Susan Moulton, Waste Management**
- **Martha Andreani, Manhattan Beach Residents' Association**
- **Sam Perdomo, Waste Resources Inc.**

City Manager Dolan recalled that solid waste collection was not yet automated when the City entered into the current contract with **Waste Management** and a requirement to automate the entire City could be included in the new contract. He affirmed staff's willingness to meet with **Mr. Perdomo** to discuss the public/private partnership concept offered by his company and confirmed that the RFP process could proceed with the understanding that staff will provide the Council with information obtained from **Mr. Perdomo**. He related staff's desire for progress with regard to the RFP; however, should the Council not be ready to make a decision this evening, it could be continued.

Councilmember Powell stated his discomfort with making a decision about the RFP prior to receiving input about staff's discussion with **Mr. Perdomo** and with making a decision without cost information. He suggested “ala carte” pricing in order to ensure that the components of the RFP are specified to include like services.

Councilmember Tell related his understanding that the costs associated with most of the recommendations would be minimal and that items such as tiered rates and automated collection could reduce rather than increase costs. He noted the challenge of determining costs in that different facilities have different capabilities, and the difficulty of determining if a consultant is needed without knowing the true value one would provide.

Public Works Director Arndt requested Council's input on items in the RFP. He explained that this is an interim process; that action taken by the Council tonight would not be final; that there are different costs associated with each solid waste hauler; and that the SWRS suggested that items about which the Council is uncertain be included in the RFP and determinations made

after cost information is obtained. Public Works Director Arndt acknowledged that the Council could take a slower approach and obtain input from a consultant prior to making a decision about the RFP.

As Co-Chair of the Environmental Task Force, Mayor Cohen expressed her previous reluctance to bring the discussion of programs and services to include in the next solid waste contract forward without costs, but it was decided that the SWRS's work up to this point should be brought forward to the Council tonight. She related that the SWRS has vetted many different program options and has provided a total recommended package for the City Council to consider and then request bids from multiple haulers.

Also serving as Co-Chairman of the Environmental Task Force, Mayor Pro Tem Ward related his impression that it was the SWRS's intent not to include costs for the various elements.

City Manager Dolan noted the difficulty of determining costs for the various program elements before obtaining competitive bids from multiple haulers. He indicated that one can intuitively see if there would be a cost associated with an item, but the current hauler was reluctant to give charges because this is a competitive service. He also pointed out that the benefits of hiring a professional consultant would include providing input on expected program costs prior to approving the RFP.

Based on discussion points raised by several Councilmembers, Councilmember Montgomery entertained the idea of hiring a consultant if need be to assist the Council with analyzing the responses to an RFP.

Councilmember Tell noted the difficulty of moving forward with a decision to hire a professional consultant to help analyze potential costs and benefits for the SWRS recommended programs without first hearing from that potential consultant regarding the value add he would bring to the process.

RECESS AND RECONVENE

At 9:20 p.m. the Council recessed and reconvened at 9:34 p.m. with all Councilmembers present.

Mayor Cohen supported the idea of wrapping up consideration of item 18A by waiting to consider all of the program recommendations from the SWRS in concert with hearing from a professional consultant. Regarding Item 18B, the Mayor supported the idea of having the City Council also consider the question of whether to bid out the next solid waste contract or renegotiate with the current contractor after hearing more regarding the pros and cons of that decision from the professional consultant. Regarding Item 18C, the Mayor supported waiting to make a decision on hiring the professional consultant after interviewing the identified potential consultant and hearing his ideas on the recommended programs and the RFP process.

Regarding Item 18D., Management Analyst Anna Luke provided a brief presentation and asked the City Council to approve a letter of notice to the construction community, which would result in mailing costs of approximately \$1,200 and provide the City Council's intent to consider the option to franchise a construction and demolition hauler in five years. She stated that this noticing process is a legal requirement to allow for the option of franchising the construction and demolition hauling service. She provided an overview of the current construction and demolition program; the program challenges; and the expected benefits of franchising the hauler. She also related staff's recommendation that the construction and demolition hauler be the same as the residential and commercial hauler if the City Council decides in five years time to franchise the service.

The following individuals spoke on this item:

- **Patrick McBride, 5th Street and Peck Avenue**

Councilmember Tell voiced his understanding that a franchise hauler for construction and demolition would provide greater accountability, better pricing and better service to residents.

MOTION: Councilmember Powell moved to approve a letter of notice giving the City the option to franchise a construction and demolition hauler in five years. 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.
Abstain: None.
Absent: None.

MOTION: Mayor Pro Tem Ward moved to continue No. 18A (affirming which of the Environmental Task Forces Solid Waste and Recycling Subcommittee's recommendations to include in the draft of the next solid waste contract); 18B (going out to bid for the City's next solid waste contract and a request for proposal); and 18C (authorizing the City Manager to negotiate a solid waste professional services contract with Hilton, Farnkopf & Hobson, LLC) to a future date whereby the contract requirements could still be met. 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.
Abstain: None.
Absent: None.

05/05/09-19. Discussion of Police Department Enforcement and Education of State Law Requiring Parked Cars to Curb Their Wheels

City Manager Geoff Dolan advised that this item arose out of the Downtown Traffic Management Study and that it corresponds with Agenda Item No. 20 (*Discussion Regarding Strategies to Support Small Businesses in Collaboration with the Chamber of Commerce, Downtown Business and Professional Association, the North Manhattan Beach BID and the City of Manhattan Beach*). He pointed out that this topic was before the Council several years ago, at which time the Council authorized education and enforcement, and that the number of incidents involving rollaway vehicles without curbed wheels has lessened since then.

Mayor Cohen explained that Downtown businesses asked for this item, which juxtaposes with the greater issue of supporting businesses in Agenda Item No. 20.

Police Lieutenant Andy Harrod presented information on the Police Department's enforcement and education efforts pertaining to State Law requiring parked cars to curb their wheels. He reviewed a small sample of situations where vehicles have rolled because their wheels were not curbed.

Police Chief Rod Uyeda explained the focus of the Police Department's enforcement efforts on east/west streets due to the street grades. He advised the Council of staff's intent to use signs and warning stickers on parking meters about curbing wheels, particularly near The Strand.

The Council held a brief discussion with Lieutenant Harrod and Chief Uyeda regarding street grade; the large number of citations issued to drivers who did not curb their wheels; the safety issues associated with rollaway vehicles; and the number of rollaway vehicles without curbed wheels in Manhattan Beach since 2004.

City Manager Dolan clarified that citations are not a revenue source for the City and that they are issued for not curbing wheels in hopes of changing behavior and providing safety.

Police Chief Uyeda verified that the Police Department does not have citation quotas, which are illegal.

The following individuals spoke on this item:

- **Michael Zislis, No Address Provided**
- **Dave Wachtfogel, No Address Provided**
- **Teri Anderson, No Address Provided**
- **Bill Victor, No Address Provided**
- **Maryann Varney, No Address Provided**
- **Patrick McBride, 5th Street and Peck Avenue**

Councilmember Tell noted his wish for signs or stickers to inform drivers to curb wheels and he related his receipt of e-mails from Downtown visitors who have been cited for not curbing their wheels. Emphasizing the importance of reducing this problem, Councilmember Tell supported using warning stickers on parking meters and issuing citations if the warning is not heeded.

Mayor Pro Tem Ward indicated that he could support warning stickers on parking meters if they will make drivers more compliant with the law, but further expressed that it is not up to the City to educate drivers and caution must be used in this approach.

Councilmember Montgomery related his impression that the Downtown area believes that the Police Department is biased against them, even though that is not the case, and pointed out that other cities issue citations for not curbing wheels. He pointed out that, if education is the key, warning stickers on parking meters will reduce the problem. Councilmember Montgomery noted that information about traffic and bicycle safety awareness attached to the staff report for this item is incorrect, in that there was a bicycle safety fair at the middle school recently this year.

Relating safety concerns, Councilmember Powell felt that citations should not be issued without fair warning; but, if the warning stickers on parking meters are ignored, they should be issued.

Mayor Cohen commented that she takes the incidents involving uncurbed wheels seriously and the number must be reduced through education, in that it is the City's number one responsibility to provide for the safety and welfare of residents. She agreed that drivers should be warned to curb their wheels via stickers on parking meters and that citations should only be issued if the warning is ignored.

Hearing no objection, the Council affirmed staffs decision to purchase stickers for the signs/meters to remind people to curb their wheels and received and filed the subject report.

05/05/09-20. Discussion Regarding Strategies to Support Small Businesses in Collaboration with the Chamber of Commerce, Downtown Business and Professional Association, the North Manhattan Beach BID and the City of Manhattan Beach

City Manager Geoff Dolan explained that the Council has had several discussions recently about how to assist small businesses in the community and asked that this item be placed on a meeting agenda for discussion and direction.

As liaison to the Downtown Business and Professional Association and the Chamber of Commerce, Mayor Cohen noted the difficulties small businesses in Manhattan Beach are having as a result of the poor economy and her desire for discussion on how the City and businesses can work together to preserve the small “boutique” type businesses, which affect the quality of life in Manhattan Beach.

The Council discussed what the focus of this discussion should be; the idea of working with other communities to pool resources; the apparent concerns over parking meter rates in the Downtown area (noting that parking meters are not a revenue source and that the funds from meters support parking); that parking rates were increased recently to fund a potential shortfall; and the idea of rolling back the parking meter rates.

City Manager Dolan explained that parking meter rates were raised from \$.75 to \$1.00 in July 2008 and then to \$1.25 after a parking study was performed and that parking lot meter rates were raised from \$.50 to \$.75, which covers annual operating costs, but does not provide for future capital needs.

Finance Director Bruce Moe provided information on the financial implications of reducing parking meter rates, including that sales in the Downtown area would have to increase substantially to make up for the revenue lost in reducing meter rates.

Helen Duncan, Manhattan Beach Chamber of Commerce, provided input on the Chamber’s efforts to improve business in the Downtown area.

The following individuals spoke on this item:

- **David Levin, Downtown Business and Professional Association**
- **Michael Zislis, Downtown Business and Professional Association**
- **Nancy McFarland, 500 Block of Marine Avenue**
- **Bill Victor, No Address Provided**
- **Jeff ---- , Manager of The Kettle**
- **Willy Levanthal, No Address Provided**
- **Ron Guidone, Talia’s and Mangiamo**

Councilmember Powell related his willingness to roll back parking meter rates to \$.75 for three months and then to \$1.00 for three months, after which time the statistics would be examined to determine if there is a correlation between the rates and the reduction in business.

Mayor Pro Tem Ward indicated that he could not support rolling the rates back and then up so quickly. He agreed to roll back the rates to \$.75 for six months, with a broader discussion after the six months about whether this approach that includes subsidizing the parking should continue. However, he noted that caution must be used when talking about subsidizing businesses with taxpayer money.

Councilmember Tell voiced his concern that rolling back meter rates would be subsidizing beachgoers, and not just Downtown patrons, and that it would eliminate other options, such as discounted cash keys. However, if this is the only way residents and small businesses feel things will improve, he would support the roll back of parking meter rates to \$.75 for a trial period. Councilmember Tell clarified his desire to ensure that rolling back the meter rates is an investment which makes the Downtown vibrant once again.

Councilmember Montgomery mentioned that directional parking signs have not yet been installed. He noted that he and Councilmember Tell began the cash key program in 2005 and suggested that cash key machines be installed and the idea of discounting cash keys be explored. Councilmember Montgomery indicated that he could support rolling back meter rates for a trial period.

City Manager Dolan advised that temporary Metlox signs have been installed and that a new signage program for the Downtown area is being developed. He clarified that the rates for all parking meters, and not just those in the Downtown area, would be reduced.

Mayor Cohen related her desire for change machines. She explained her desire for a vibrant Downtown area and that she is not looking to make the Downtown area self-reliant, so there is no need to examine revenue and patronage in six months. Mayor Cohen related her pleasure in supporting a temporary roll back of parking meter rates to \$.75 and an analysis of the situation in six months. She requested that the examination of the cash key program and change machines be expedited.

City Manager Dolan verified that staff will work on the cash key program and installation of change machines with the Council, but this could take as long as four weeks.

MOTION: Mayor Pro Tem Ward moved to approve rolling back parking meter rates to \$.75 for six months followed by a review; and directed staff to examine the Discounted Cash Key Program, installation of change machines, and completion of directional parking signs. 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.
Abstain: None.
Absent: None.

ITEMS REMOVED FROM THE CONSENT CALENDAR

05/05/09-11. Consideration of Status Report on the Upgrade of the City Utility Billing System and Appropriation of Additional Funds Necessary to Complete the Project (\$19,000)

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

The following individuals spoke on this item:

- **Patrick McBride, 5th Street and Peck Avenue**

Assistant Finance Director Sharon Koike presented information about “convenience fees.”

Finance Director Bruce Moe provided further clarification regarding “convenience fees,” including that there is no charge for making payments online.

MOTION: Councilmember Montgomery moved to receive and file the subject report; approve the request for additional funds in the amount of \$19,000 necessary to complete the Utility Billing Project; and appropriate \$6,334 from the Water Fund, \$6,333 from the Wastewater Fund and \$6,333 from the Refuse Fund. The motion was seconded by Councilmember Powell and passed by the following unanimous roll call vote:

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

AUDIENCE PARTICIPATION

05/05/09-33. Bill Victor Re Government Transparency

Bill Victor, No Address Provided, related his concern over the apparent lack of transparency pertaining to various credit card charges in the Ratification of Demands presented for the Council’s approval this evening under Agenda Item No. 9 and that the five-year lease agreement for the food concession on Manhattan Beach Pier should have included information about other proposals (Agenda Item No. 6).

City Manager Geoff Dolan advised that Mr. Victor is welcome to review the credit charges, which are identified by department.

The Council noted that information about why one proposal was better than another is usually provided in the staff report.

Assistant to the City Manager Lindy Coe-Juell confirmed that the staff report did include this information.

05/05/09-34. Willy Leventhal Re Mobi Mats

Willy Leventhal, No Address Provided, shared updated information on discussions with Los Angeles County regarding placing Mobi Mats on the beach to provide beach access to the physically challenged.

05/05/09-35. Willy Leventhal Re Inner City Baseball

Willy Leventhal, No Address Provided, provided input about upcoming events to support baseball in the inner city.

05/05/09-36. Patrick McBride Re Wireless Microphones

Patrick McBride, 5th Street and Peck Avenue, noted the need for wireless microphones at Joslyn Center.

05/05/09-37. Patrick McBride Re Online Payment System

Patrick McBride, 5th Street and Peck Avenue, expressed concern for the City's online payment system stating that it does not include an option to debit one's bank account.

05/05/09-38. Patrick McBride Re Thanks to Parks & Recreation Department

Patrick McBride, 5th Street and Peck Avenue, thanked the Parks & Recreation Department for the successful play recently put on by the seniors.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

05/05/09-39. Councilmember Powell, Mayor Pro Tem Ward and Mayor Cohen Re Seminar

Councilmember Powell, Mayor Pro Tem Ward and Mayor Cohen announced their attendance at a productive seminar about stretching community dollars.

05/05/09-40. Mayor Pro Tem Ward Re Support for Patricia Citta

Mayor Pro Tem Ward asked the community to hold good thoughts for Patricia Citta, the wife of Former Fire Chief William Citta, who is currently in poor health.

05/05/09-41. Councilmember Tell Re Council's Previous Decision on El Porto Parking Lot

Councilmember Tell inquired as to the Council's previous determination regarding the El Porto Parking Lot.

City Manager Geoff Dolan related staff's understanding that no work was to be performed on the Lot and that the Council would determine at a Work Plan Study Session when this matter could be further considered.

The Council agreed that their previous determination was to obtain the cost of reconfiguring the El Porto Parking Lot to exit up 45th or 36th Streets, in that it would be better to tell area residents how much this will cost, how many parking spaces will be lost, etc., prior to doing anything.

City Manager Dolan verified that staff will obtain the information as expressed above by Council.

ADJOURNMENT

At 12:33 a.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, May 19, 2009, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Wendy Weeks
Recording Secretary

Portia Cohen
Mayor

ATTEST:

Liza Tamura
City Clerk

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR MEETING
MAY 5, 2009**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 5th day of May, 2009, at the hour of 5:35 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

ROLL CALL

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

CLOSED SESSION

The Council recessed into Closed Session at 5:35 p.m. and moved to open session at 6:30 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:30 p.m.

Robert V. Wadden, Jr.
Recording Secretary

Portia Cohen
Mayor

ATTEST:

Liza Tamura
City Clerk