

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
MAY 19, 2009**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 19<sup>th</sup> day of May, 2009, at the hour of 6:30 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

**PLEDGE TO FLAG**

Community Development Director Richard Thompson led the pledge of allegiance.

**ROLL CALL**

Present: Cohen, Ward, Montgomery and Mayor Aldinger.  
Absent: Tell.  
Clerk: Tamura.

**CEREMONIAL CALENDAR**

05/19/09-1. Presentation of a Commendation to the Neptunian Women's Club on the Occasion of Their 100<sup>th</sup> Anniversary

The Council presented a commendation commemorating the Neptunian Women's Club's 100<sup>th</sup> Anniversary to President Mary Morigaki and Membership Chairman Linda Leroy.

05/19/09-2. Performance of Two Songs by the Grandview Elementary School's Sound Arts Kids

Grandview Elementary School's "Sound Arts Kids" performed two songs and were recognized by the Council for their talent.

**CONSENT CALENDAR**

The Consent Calendar (Item Nos. 3 through 15), 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. 7 (Consideration of Compensation Adjustment For City Attorney), which was considered later in the meeting under "*Items Removed from the Consent Calendar*".

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

**GENERAL CONSENT**

05/19/09-3. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of April 21, 2009

The Council approved the subject minutes.

05/19/09-4. Approve Minutes of the City Council Adjourned Regular Boards and Commissions Interviews of April 28, 2009

The Council approved the subject minutes.

05/19/09-5. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of May 5, 2009

The Council approved the subject minutes.

05/19/09-6. Consideration of Canceling the August 18, 2009 City Council Meeting

The Council approved canceling the regularly scheduled August 18, 2009 City Council Meeting as consistent with the practice in recent years to allow for a one-meeting summer break.

05/19/09-7. Consideration of Compensation Adjustment For City Attorney

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

05/19/09-8. Consideration of Financial Report: Ratification of Demands - May 14, 2009

The Council approved with no exception Warrant Register No. 24B in the amount of \$2,359,110.91 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.

05/19/09-9. Ratification of Temporary Reduction in On-Street Parking Meter Rates From \$1.25 Per Hour to \$.75 Per Hour

The Council approved the action taken at the May 5, 2009 City Council meeting in which on-street parking meter rates were reduced from \$1.25 to \$.75 per hour.

05/19/09-10. Consideration of a Resolution Approving an Amended and Restated Reimbursement Agreement Relating to Variable Rate Demand Refunding Certificates of Participation Series 2002 and Approval of a Two-Year Renewal of the Direct Pay Letter of Credit with Bank of America for the 2002 Marine Avenue Sports Fields Variable Rate Debt

The Council adopted Resolution No. 6188; approved a two-year renewal of the direct pay letter of credit for the 2002 Marine Avenue Sports Fields Certificates of Participation (COP) variable rate debt; and approved authorizing the City Manager to negotiate and execute all documents related to this transaction.

**RESOLUTION NO. 6188**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING AN AMENDED AND RESTATED REIMBURSEMENT AGREEMENT RELATING TO VARIABLE RATE DEMAND Refunding CERTIFICATES OF PARTICIPATION (Marine Sports field Capital lease refinancing) SERIES 2002**

05/19/09-11. Consideration of Award of a Three-Year Contract to Aqua-Flo Supply for an Irrigation Parts Supply Contract (Estimated Value of \$156,000)

The Council approved the award of RFP #774-09 to Aqua-Flo Supply for a three-year irrigation parts supply contract (estimated value of \$156,000).

05/19/09-12. Consideration of a Resolution of Intention to Provide for the Annual Levy and Collection of Assessments for the Downtown Business Improvement District and Setting June 16, 2009 for a Public Hearing

The Council adopted Resolution No. 6189 and set the Public Hearing for June 16, 2009.

**RESOLUTION NO.6189**

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

05/19/09-13. Award of Contract (\$417,417.00) for the Peck Avenue Improvement Project to All American Asphalt and a Professional Engineering Services Contract (\$21,420) to KOA Corporation – CBM Consulting for Construction Management/Inspection Services

The Council approved the award of a contract to All American Asphalt in the amount of \$417,417.00 to construct the Peck Avenue Improvement Project; approved authorizing the Director of Public Works to approve additional work in an amount not-to-exceed \$42,000; and approved awarding a Professional Engineering Services contract to KOA Corporation – CBM Consulting (KOA-CBM) in an amount not-to-exceed \$21,420 for construction inspection services.

05/19/09-14. Disbursement of Final Payment in the Net Amount of \$31,302 to A.J. Fistes Corporation; Formally Accept the Peck Reservoir Rehabilitation Project as Complete; and Authorize Filing of the Appropriate Notice of Completion

The Council approved the issuance of the subject final payment; formally accepted the Peck Reservoir Rehabilitation Project as Complete; and authorized the filing of the appropriate Notice of Completion.

**Parks and Recreation Commission**

05/19/09-15. Consideration of Draft Minutes, Parks and Recreation Commission Meeting of April 27, 2009

The Council received and filed the subject draft minutes.

## **COMMUNITY ANNOUNCEMENTS**

05/19/09-20. Don Gould Re Manhattan Beach Library

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

05/19/09-21. Scott Longhurst Re Leadership Manhattan Beach

**Scott Longhurst, Leadership Manhattan Beach Class of 2009**, offered updated information on the Class of 2009's Big Belly Trash Receptacle Project and thanked the Council for their support.

05/19/09-22. Kathleen Paralusz Re Soldiers' Angels

**Kathleen Paralusz, No Address Provided**, announced the clothing drive sponsored by Soldiers' Angels at Mira Costa High School May 26, 2009 through May 29, 2009. She further indicated that additional information can be obtained by emailing [lagreen4@verizon.net](mailto:lagreen4@verizon.net) or [paralusz@hotmail.com](mailto:paralusz@hotmail.com).

05/19/09-23. Lydia Fleming Re Signs in Public View

**Lydia Fleming, 1700 Block of Bayview, Hermosa Beach**, asked the Council to make an exception to Municipal Code 10.72.070 (No Signs in Public Places) in that signs on the sidewalk near a local pet store greatly assist in pet adoptions.

The Council asked **Ms. Fleming** to work with City Manager Dolan regarding this matter.

05/19/09-24. Faith Lyons Re School Events

**Faith Lyons, No Address Provided**, presented updated information on activities in Manhattan Beach schools.

05/19/09-25. Mira Costa High School Baja Club Re Sister City Program

**On behalf of Mira Costa High School's Baja Club, Roxanne Smith, Laura Ledesma and Kevin Smith** presented a plaque from Manhattan Beach's Sister City of Santa Rosalia, Mexico in appreciation of the Sister City Program.

The Council invited the Santa Rosalia exchange students, who will be in Manhattan Beach on July 15, 2009 to attend the Council meeting on July 21, 2009.

05/19/09-26. Councilmember Powell Re Coordinating Council

Councilmember Powell noted that the Coordinating Council's last meeting of the year, during which scholarships will be presented to Mira Costa High School seniors, will take place on May 21, 2009, at 11:30 a.m. at the Belamar Hotel.

05/19/09-27. Councilmember Powell Re Election

Councilmember Powell encouraged voters to participate in today's State wide special election.

05/19/09-28. Councilmember Powell Re Earthquake

In light of the recent earthquakes, Councilmember Powell encouraged everyone to be prepared, including the purchase of 72-Hour Survival Kits. He noted that further information can be obtained by contacting [redcross.org](http://redcross.org) or [moreprepared.com](http://moreprepared.com).

05/19/09-29. Councilmember Montgomery Re Banner Pennekamp

As Council liaison to Pennekamp Elementary School, Councilmember Montgomery presented a banner from Pennekamp School and the PTA thanking the Council for the City's recent financial contribution to the Manhattan Beach Unified School District.

05/19/09-30. Mayor Cohen Re Recent Events

Mayor Cohen noted recent City and non-profit events in Manhattan Beach as follows: Older Adults' Health Fair; Healthy Living Festival; Neptunian Women's Club's 100<sup>th</sup> Anniversary celebration; Soroptimist's "Giving Hope Walk" and the Solar Home Tour.

**PUBLIC HEARINGS**

05/19/09-16. Consideration of the Planning Commission Recommendation to Approve a Comprehensive Update to the City's General Plan Housing Element and Adopt a Negative Declaration of Environmental Impacts

Community Development Director Richard Thompson presented the staff report advising that updates to the City's Housing Element are required by the State every five years.

**Housing Element Consultant Sandra Genis, Planning Resources**, outlined State requirements pertaining to Housing Elements, including the requirement for addressing a Regional Housing Needs Assessment (RHNA). She gave an overview of the proposed Housing Element updates to the City's General Plan; provided background information on this topic; and related staff's recommendation to conduct a Public Hearing and adopt Resolution No. 6192 approving the City's General Plan Housing Element updates and Negative Declaration of Environmental Impacts.

The Council briefly discussed the theoretical deadline of June 30, 2014 established by the Southern California Association of Governments (SCAG) to meet the RHNA allocation of 895 new housing units and the possibility of modifying that number.

**Ms. Genis** advised that the City can request modifications, but the final determination on the number of new housing units was made by SCAG.

Mayor Cohen opened the Public Hearing at 7:17 pm.

Hearing no requests to speak, the Public Hearing was closed at 7:18 p.m.

**MOTION:** Mayor Pro Tem Ward moved to adopt Resolution No. 6192. The motion was seconded by Councilmember Powell and passed by the following roll call vote.

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

## RESOLUTION NO. 6192

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING AN UPDATED HOUSING ELEMENT OF THE GENERAL PLAN

#### GENERAL BUSINESS

#### 05/19/09-17. Consideration of an Ordinance to Revise Chapter 7.44 - Water Conservation – of the City of Manhattan Beach Municipal Code

City Manager Geoff Dolan explained that this item is an update to the City's Water Conservation Ordinance; that the proposed Ordinance was reviewed by the Environmental Task Force's Water and Storm Water Subcommittee (WSWS); that the Ordinance must be adopted by July 1, 2009; and that, during previous discussion of possible water conservation requirements, the Council deferred a decision on permanent behavior recommendations for commercial establishments to be implemented over the next five years until the potential financial impacts on local businesses could be quantified.

Public Works Director Jim Arndt presented the staff report noting that the Metropolitan Water District (MWD) has adopted a Stage 2 Water Shortage alert to be implemented on July 1, 2009. He acknowledged that this will impact future water rates and that the discussion about this subject matter will take place at a future meeting. He recalled the Council's decision at a previous meeting to further examine permanent behavior recommendations for commercial requirements. Public Works Director Arndt shared detailed information on the proposed revisions to the City's existing Water Conservation Ordinance, including recommendations for permanent water conservation behaviors that would go into effect immediately (the current Ordinance only addresses water conservation during water shortages); requirements for commercial establishments; drought restrictions; penalties and remedies; public outreach, including the idea of placing water conservation information on water bill envelopes and/or placing such information on message boards at City entrances and on the City's website. He clarified that, should the Ordinance be adopted this evening, there would be another reading in June and it could be implemented early in July.

The Council and staff discussed the following: the proposed requirements for commercial establishments, including the cost of commercial washing machines; eliminating the five-year requirement and requiring washing machines with the best available technology and water efficiency when replaced; the payback time for low-flush toilets; concerns over punitive action for violations of the Ordinance, particularly imprisonment; the importance of advising residents that water conservation will help reduce costs as a result of tiered water rates that coincide with MWD requirements; and including water conservation information on water bill envelopes, similar to what is done in the City of Long Beach.

City Manager Dolan confirmed that the requirement for commercial establishments could be changed to include replacement when the useful life of washing machines ends. He clarified that commercial establishments would be given five years to purchase equipment with the best available technology and water efficiency, but new establishments will be required to have them.

City Attorney Robert Wadden advised that, before any punitive action would be considered, there would be remedial action on the City's part; that very few go to prison for Municipal Code violations; that the proposed Ordinance includes misdemeanor charges after two infractions, which require a maximum of six-months in prison according to State Law; and that

misdemeanor charges would only be for those who are totally uncooperative and adamant about violating the water conservation requirements.

Public Works Director Arndt clarified that the proposed Ordinance includes a violation surcharge as high as \$75.00 or 200% of the customer's total water bill for the most recent billing, whichever is greater; that fines levied for infractions would not cover actual City costs; that they would be deposited into the Enterprise Fund; and that the primary goal is to meet the 10% reduction in water use, but an added benefit would be keeping water rates down. He assured the Council that the City would work closely with violators before assessing fines, etc., and that the intent is to be reasonable about enforcement.

Relating concerns over possible enforcement difficulties due to vagueness, particularly with regard to private property, the Council extensively discussed wording in Section 7.44.030.a.2, "Irrigation Overspray and Runoff," and Section 7.44.030.a.4, "Over-Irrigation." The Council discussed the definition of "measurable rainfall" (Section 7.44.030.a.5, "Irrigation during Rain"); the need to keep in mind that many residents work and do not have the ability to modify their watering system, etc. until they arrive home; and the use of Smart Controllers, which can be obtained free of charge at the South Bay Energy Conservation Center.

City Attorney Wadden advised that laws pertaining to private property must be very specific and that the meteorological definition of "measurable rainfall" could be used.

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

• **Martha Andreani, No Address Provided**

Councilmember Montgomery explained that he has been interested in water conservation for many years. He voiced his concern over repeat offenders and suggested that wording about reporting "water wasters" should be included at the bottom of water bill envelopes. Councilmember Montgomery commented on the importance of education and enforcement; the goal of water retention; and the use of drought resistant plants to be addressed in the future. He related his understanding that discounted water brooms can be obtained at the South Bay Energy Conservation Center.

Councilmember Powell commended the efforts of staff and the Environmental Task Force. He agreed that notices about water conservation should be placed on water bill envelopes; suggested that Planet Pals educate parents about water conservation; and recommended that businesses help promote water conservation through civic organizations. Councilmember Powell suggested that Section 7.44.030.a.5, "Irrigation during Rain," be modified to read, "It is prohibited to water or irrigate any landscaping during or 24 hours after measurable rainfall."

Mayor Pro Tem Ward voiced his satisfaction that the City of Manhattan Beach has taken an aggressive approach to water conservation. He stated his concern over the wording relative to overspray on private property and favored deleting the reference to private property.

City Attorney Wadden read aloud the title of Ordinance No. 2122.

**MOTION:** Mayor Pro Tem Ward moved to waive formal reading and introduce Ordinance No. 2122, revising Chapter 7.44 of the City’s Municipal Code to increase water conservation efforts, with the following modifications:

**7.44.030 Permanent Water Conservation Requirements**

**a. Landscape.**

2. Irrigation Overspray and Runoff.

Water shall not spray or flow to any impermeable public surface, including, but not limited to, walkways, driveways, sidewalks, alleys, streets or storm drains.

4. Over-Irrigation.

It is prohibited to water or irrigate lawns, turf or other landscape beyond saturation causing runoff or flow to any impermeable public surface, including but not limited to walkways, driveways, sidewalks, alleys, streets or storm drains.

5. Irrigation during Rain.

It is prohibited to water or irrigate any landscaping during or 24 hours after measurable rainfall.

**h. Commercial Establishments in General.**

All nonresidential buildings in the City shall, within five years from the effective date of this Ordinance, July 1, 2009, replace all public toilets and urinals with best available technology low-flow toilets and urinals and all dishwashers with water efficient dishwashers. Water efficient washing machines shall be installed upon replacement of existing or acquisition of new washing machines in nonresidential buildings.

There was continued Council discussion about addressing private property and the wording pertaining to private property in Section 7.44.030.a.2, “Irrigation Overspray and Runoff,” and Section 7.44.030.a.4, “Over-Irrigation.” The Council agreed that water conservation information should be placed on water bill envelopes.

City Attorney Wadden recommended that the term “impermeable”, as it relates to private property, be deleted and that the surfaces on private property to which overspray applies be specified.

City Manager Dolan agreed that the proposed wording relative to public property could remain, that the word “impermeable” related to private property could be deleted and that the surfaces on private property to which overspray applies could be identified. He affirmed that the Environmental Task Force will present information about the use of drought resistant plants to the Council at a future meeting.

The Council concurred with City Attorney Wadden’s recommendation.

**MOTION:** Councilmember Powell moved to waive formal reading and introduce Ordinance No. 2122 as amended, revising Chapter 7.44 of the City’s Municipal Code to increase water conservation efforts, with the following modifications:



**7.44.030 Permanent Water Conservation Requirements**

**a. Landscape.**

2. Irrigation Overspray and Runoff.  
Water shall not spray or flow to any impermeable public surface, including, but not limited to, walkways, driveways, sidewalks, alleys, streets or storm drains, or to any private driveways, patios, sidewalks or walkways.
4. Over-Irrigation.  
It is prohibited to water or irrigate lawns, turf or other landscape beyond saturation causing runoff or flow to any impermeable public surface, including but not limited to walkways, driveways, sidewalks, alleys, streets or storm drains, or to any private driveways, patios, sidewalks or walkways.
5. Irrigation during Rain.  
It is prohibited to water or irrigate any landscaping during or 24 hours after measurable rainfall.

**b. Commercial Establishments in General.**

All nonresidential buildings in the City shall, within five years from the effective date of this Ordinance, July 1, 2009, replace all public toilets and urinals with best available technology low-flow toilets and urinals and all dishwashers with water efficient dishwashers. Water efficient washing machines shall be installed upon replacement of existing or acquisition of new washing machines in nonresidential buildings.

The motion was seconded by Mayor Pro Tem Ward and passed by the following roll call vote:

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

**RECESS AND RECONVENE**

At 8:05 p.m. the Council recessed and reconvened at 8:25 p.m. with Councilmembers Montgomery, Powell and Ward and Mayor Cohen present.

05/19/09-18. Introduction of Fiscal Year 2009-2010 Proposed Operating Budget and the 2009-2014 Capital Improvement Plan

City Manager Geoff Dolan introduced this item commending staff's compilation of the 2009-2010 Budget. He related that the intent of his presentation was to provide the Council with an overview of the 2009-2010 Budget, focusing on the General Fund, which is the most difficult area of the Budget because it encompasses capital, property and sales tax revenue, the majority of the City's employees and the Police and Fire Departments.

The staff report was presented by Finance Director Bruce Moe, who acknowledged the Finance Department staff's efforts. Information he offered included the following: that the General Fund could be balanced by using \$3,000,000 in unreserved General Fund money, which would leave approximately \$400,000; that the Waste Water Utilities and Water accounts are facing significant cost and rate increases; that minor Capital Improvements Plan funding is available; that General Fund subsidies continue; that the Transient Occupancy Tax (TOT) for hotels is down approximately 22%; and that the City is impacted by defaults on property tax payments. He pointed out the State's ability, as a result of Proposition 1A, to borrow a maximum of approximately \$1,800,000 from Manhattan Beach, which is not yet included in the Budget. With regard to the five-year budget forecast, Finance Director Moe clarified that City contributions to the Manhattan Beach Unified School District (MBUSD) are not included beyond 2009-2010.

The Council discussed with staff: the replacement of the \$3,000,000 in unreserved General Fund money that would be used to balance the 2009-2010 Budget; the State's ability to borrow a maximum of approximately \$1,800,000 from the City, including possible effects on the City's bond rating; and adjustments for retiree health benefit contributions/issues with the California Public Employees Retirement System (Cal PERS).

Finance Director Moe clarified that Manhattan Beach is the only city in the South Bay without a Utility User Tax; that the Council has the ability to raise the TOT through a Public Hearing and a 2.5% increase in the TOT would provide an additional \$850,000 in revenue, which could go into the General Fund; that a Proposition 218 vote for the Street Lighting and Landscaping District could provide approximately \$174,000; that approximately \$400,000 could be obtained through a higher assessment in the Storm Water Fund; that the Parking Fund is nearly depleted and, at some point, will have to be subsidized by the General Fund; and that the roll back of the parking meter rates does not include County parking lots.

City Attorney Robert Wadden advised that Proposition 1A gave the State the authority to borrow from cities and that, in theory, it would be possible for the City to legally borrow against an IOU from the State.

City Manager Dolan explained that the amount borrowed by the State would be taken out of the City's \$14,000,000 in reserves and acknowledged as receivables in reserves and that the State would, theoretically, give the City an IOU for the amount borrowed. He further clarified that the number of building permits obtained this year is very similar to last year, but the value of the permits is much lower; that the South Bay Regional Public Communications Authority's reserves were used to offset increases and decrease the on-going charges for 9-1-1 emergency services; that every vehicle replaced is examined for possible replacement with an alternative fuel vehicle; and that only two replacement vehicles for the entire City are included in the proposed Budget. He provided clarification regarding employee salary increases per the Memorandum of Understanding; the proposed elimination of five positions; the possible effect of the State borrowing from the City on the City's bond rating; and the Capital Improvement Plan to be funded through grants.

There was no public comment on this item.

Mayor Pro Tem Ward suggested that the affects of the reduced parking meter rates be reviewed in six months, at which time making the reduction permanent and changing the parking meter hours could be discussed. He voiced his concern over the State borrowing from the City and encouraged property owners to communicate their objections to State representatives.

Councilmember Montgomery entertained the idea of privatizing parking. He voiced his agreement with Mayor Pro Tem Ward's suggestions; indicated that he is open to recommendations on ways to increase revenue, including a Utility User Tax; expressed his appreciation for the realistic five-year forecast presented by staff; and related his concern over the State borrowing from the City.

City Manager Dolan explained that staff recently met with a consultant to discuss privatizing parking which, he noted, will only work if several cities in the area do so, and that, should the Council desire, this could be discussed in the future.

Councilmember Powell stated his preference for a zero-based budget in the future.

Mayor Cohen related her understanding that staff generally proposes very conservative budgets. She commented on the importance of extensively examining Council's Work Plan and recommended that the Council Subcommittee to the School District meet with staff and MBUSD representatives to discuss sustainable, reliable and predictable ways of contributing to MBUSD.

Expressing appreciation of staff's efforts toward the 2009-2010 Budget, the Council received and filed the staff report.

05/19/09-19. Consideration of a Resolution and Memorandum of Understanding Authorizing the City to Enter Into a One Year Lease with Mini USA for the Use of Up to Ten Electric Mini Cooper Vehicles for a One-Year Period

City Manager Geoff Dolan introduced this item as a one-year lease with Mini USA for the use of up to ten electric Mini Cooper vehicles. He noted that, due to tax implications for Department Heads, the cars would be pooled so taxable miles would not apply.

Finance Director Bruce Moe explained that, through Councilmember Montgomery and due to Mini USA's desire for feedback from a limited number of drivers, it is possible for the City to lease up to ten electric Mini Cooper vehicles, including charging stations and maintenance, at a cost of \$10.00 each per month. He verified that the City would insure the vehicles, which would generally be used for local errands; that, this would not be a great expense to the City; and that employees with car allowances could be eligible to drive them. Finance Director Moe explained the tax implications associated with Department Heads driving the Mini Coopers.

Mayor Pro Tem Ward questioned where the Mini Coopers are built and entertained the idea of advertising the City's efforts to "Go Green" on them.

Councilmember Montgomery stated his support for leasing the Mini Coopers which, over and above green advantages, makes sense from a business stand point.

Mayor Cohen voiced her agreement with this idea.

Councilmember Powell questioned the electricity costs to charge the Mini Coopers and the cost to insure them.

Finance Director Moe clarified that there would be no additional insurance costs, as the City is already insured for this purpose; that staff can examine electricity costs, but they will probably be less than gas, which is increasing; and that the City could place magnetic decals on the cars to advertise that the City is "Going Green".

**MOTION:** Councilmember Montgomery moved to approve a Memorandum of Understanding for a one-year lease with Mini USA for the use of up to ten electric Mini Cooper vehicles for a one-year period and adopt Resolution No. 6193. The motion was seconded by Councilmember Powell and passed by the following roll call vote.

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

### **RESOLUTION NO. 6193**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO ENTER INTO AND EXECUTE LEASE AGREEMENTS AND SUCH OTHER DOCUMENTS AS ARE RELATED THERETO, WITH MINI FINANCIAL SERVICES FOR THE LEASE OF MINI ELECTRIC VEHICLES**

### **ITEMS REMOVED FROM THE CONSENT CALENDAR**

*05/19/09-7. Consideration of Compensation Adjustment For City Attorney*

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

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

- **Steve Morse, No Address Provided**

Serving on the Council Subcommittee to examine a compensation adjustment for City Attorney Wadden, Mayor Pro Tem Ward and Mayor Cohen explained their recommendation of a 3% salary increase and \$5,000 in additional compensation. They explained that this would bring City Attorney Wadden's salary more in line with the market average for attorneys in comparable cities and would compensate City Attorney Wadden for his performance beyond what is expected.

The Council agreed with the recommendation and the following motion was made.

**MOTION:** Councilmember Montgomery moved to approve a one-time payment of \$5,000 in additional compensation and a salary adjustment of 3% for the City Attorney. The motion was seconded by Mayor Pro Tem Ward and passed by the following roll call vote.

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

City Attorney Bob Wadden expressed his appreciation for the Council's vote of confidence.

### **AUDIENCE PARTICIPATION**

None.

**CITY MANAGER REPORT(S)**

None.

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

*05/19/09-31. Councilmember Montgomery Re Contract Cities Conference*

Councilmember Montgomery and Mayor Pro Tem Ward shared information about the Los Angeles Regional Interoperability Communication System (L.A. RICS) discussed at the recent L.A. Contract Cities’ Conference they attended.

*05/19/09-32. Councilmember Montgomery Re “Manhappenings”*

Councilmember Montgomery mentioned an e-mail he received asking if the City’s “Manhappenings” (Class Schedule) is composed of recycled materials.

Parks and Recreation Director Richard Gill verified that recycled materials are used for “Manhappenings” and that a blurb to that effect will be placed in it.

*05/19/06-33. Fire Chief Ferguson Re Earthquake*

At the request of Mayor Cohen, Fire Chief Scott Ferguson provided information about the recent earthquakes, including the Community Emergency Response Team’s role during this type of emergency.

Mayor Cohen related her appreciation of the 72-hour emergency preparedness kits distributed by CERT, Neighborhood Watch and the Beach Cities Health District.

**ADJOURNMENT** – with well wishes to Austin Edmonds for a speedy recovery and in memory of Patricia Citta, Bill Stillians and Associate Planner Dan Moreno.

At 10:15 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, May 26, 2009, Budget Study Session in the Police/Fire Conference Room, 400/420 15<sup>th</sup> Street, 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 19, 2009**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 19<sup>th</sup> day of May, 2009, at the hour of 6:10 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

**ROLL CALL**

Present: Montgomery, Powell, Ward and Mayor Cohen.  
Absent: Tell.  
Clerk: Dolan (Acting).

**CLOSED SESSION**

The Council recessed into Closed Session at 6:10 p.m. and moved to open session at 6:26 p.m.

**ADJOURNMENT**

The meeting was duly adjourned at 6:26 p.m.

Robert V. Wadden, Jr.  
Recording Secretary

Portia Cohen  
Mayor

ATTEST:

Liza Tamura  
City Clerk