

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
SEPTEMBER 1, 2009**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 1st day of September, 2009, at the hour of 6:32 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City. A full video of this City Council meeting can be accessed online at www.citymb.info.

PLEDGE TO FLAG

Community Development Director Richard Thompson led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

09/01/09-1. Recognition of Dr. Wanda M. Austin as President and Chief Executive Officer for the El Segundo Aerospace Corporation

Mayor Cohen, on behalf of the Council, presented a commendation to **Dr. Wanda M. Austin, President and Chief Executive Officer for the El Segundo Aerospace Corporation** in recognition of her many achievements.

09/01/09-2. Recognition of the P.S. I Love You Foundation for Hosting a Day at the Beach for At-Risk Children

Mayor Cohen, on behalf of the Council, presented a commendation to **Patricia Jones, Founder of the P.S. I Love You Foundation**, and other members of the organization for their important work with inner-city children.

CONSENT CALENDAR

Prior to the adoption of the Consent Calendar, and at the request of Councilmember Montgomery, Assistant Finance Director Sharon Koike provided some clarification for Item No. 8.

Regarding Item No. 4, Councilmember Powell also requested that additional language be included to the action minutes and the agendas blue cover page directing the public to the City's website for additional information.

The Consent Calendar (Item Nos. 3 through 11), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Powell, seconded by Councilmember Tell and passed by unanimous roll call vote with the exception of Item Nos. 7, 8 and 9 which were 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

09/01/09-3. This Space Intentionally Left Blank

09/01/09-4. Approve Minutes of the City Council Regular Meeting of August 4, 2009

The Council approved the subject minutes.

09/01/09-5. Consideration of Canceling the January 5, 2010 City Council Meeting

The Council approved canceling the regularly scheduled January 5, 2010 City Council Meeting as consistent with the practice in recent years to allow for a one-meeting Holiday break.

09/01/09-6. Consideration of Financial Reports:

a) Ratification of Demands: August 6, 2009 and August 20, 2009

b) Investment Portfolio for the Month Ending July 31, 2009

c) Financial Reports for the Month Ending July 31, 2009

The Council approved with no exception Warrant Register Nos. 30B, 31B, 4B and 5B in the amount of \$5,423,197.85 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 July 31, 2009; and received and filed the Financial Reports for the month ending July 31, 2009.

09/01/09-7. Consideration of Award of a Three-Year Contract to L. Riley Trucking for Trucking and Miscellaneous Hauling Services (Estimated Total Value of \$45,090)

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

09/01/09-8. Consideration of Award of a Three-Year Printing Services Contract to Standard Register Company (Estimated Total Annual Value of \$76,525)

Item No. 8 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

09/01/09-9. Consideration of One-Year Renewal of Fire Records Management System (RMS) Support and Maintenance Contract with Fire Information Support Services, Inc. in the Amount of \$25,875.00

Item No. 9 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

09/01/09-10. Accept Street Right-of-Way Dedication and Pedestrian Access Easement Dedication at 1129 Sepulveda Boulevard (Wells Fargo)

The Council adopted Resolution No. 6210.

BOARDS AND COMMISSIONS

Parking & Public Improvements Commission

09/01/09-11. Consideration of the Parking & Public Improvements Commission's Decision to Approve Installation of Four-Way Stop Signs for the Intersections on Laurel Avenue at 17th Street and on Laurel Avenue at 19th Street

The Council adopted Resolution Nos. 6208 and 6209.

COMMUNITY ANNOUNCEMENTS

09/01/09-15. Don Gould Re Library Events and Prescription Card

Los Angeles County Librarian Don Gould shared information about upcoming events at the Manhattan Beach Library and the new prescription card residents can pick up at the library.

09/01/09-16. Paul Blieden Re Roundhouse Aquarium - 30th Anniversary

Paul Blieden of the Roundhouse Aquarium announced the 30th Anniversary of the aquarium and invited the public to the anniversary celebration to be held on October 9, 2009.

09/01/09-17. Laurie the Lobster and Gary Cox Re Redondo Lobster Festival

Laurie the Lobster and Gary Cox invited everyone to the Redondo Beach Lobster Festival the last weekend in September and announced that more information can be found at the Festival website at www.lobsterfestival.com or call (310) 697-6427.

09/01/09-18. Councilmember Wayne Powell Re Creative Arts Center Exhibition

Councilmember Powell invited the public to view the "Local Visions" art exhibition at the Creative Arts Center; the show runs from September 11 through October 3, 2009.

09/01/09-19. Councilmember Richard Montgomery Re New Wells Fargo Bank

Councilmember Montgomery shared the glass trophy given to the City by Wells Fargo in celebration of their new LEED certified bank branch on Sepulveda Boulevard.

09/01/09-20. Councilmember Richard Montgomery Re Cash Key Recharge Station

Councilmember Montgomery announced that the new cash key recharging station, located outside The Kettle Restaurant on the corner of Manhattan Beach Boulevard and Highland Avenue, is now available to the public.

09/01/09-21. Councilmember Mitch Ward Re Congratulations

Councilmember Ward congratulated **Kirk Kelly Kahn** who participated in the play Councilmember Ward was a part of. He explained that they traveled to Salem, North Carolina and **Mr. Kahn** has been nominated for an award for his participation in the project.

AUDIENCE PARTICIPATION

09/01/09-22. Gary Stabile Re Manhattan Beach CERT

Gary Stabile, 3100 Block of the Strand, gave a report about the current activities of the Manhattan Beach Community Emergency Response Team (CERT) Program.

09/01/09-23. Willy Leventhal Re Various Issues

Willy Leventhal, No Address Provided, suggested that an energy audit be conducted to look at the street lights in Manhattan Beach; commented that since the poles were cut down on the bike path there haven't been any accidents; and added that since The Angels have recognized Nick Adenhardt, Manhattan Beach should name its ball park after him.

09/01/09-24. Joe Farlo Re Marine Life Protection Act

Joe Farlo, No Address Provided, asked that the City Council take a stand on the Marine Life Protection Act. **Mr. Farlo** would like Palos Verdes and the rest of the South Bay to remain open for fishing activities.

GENERAL BUSINESS

THE FOLLOWING ITEM WAS TAKEN OUT OF ORDER

09/01/09-13. Review Vehicle Access and Circulation Alternatives for El Porto Beach Parking Lot

City Manager Geoff Dolan introduced the subject item and Traffic Engineer Erik Zandvliet provided the staff presentation.

The Council received and filed the subject review of vehicle access and circulation alternatives for the El Porto Beach Parking Lot.

Hearing no objection, it was so ordered.

RECESS AND RECONVENE

At 8:04 p.m. the Council recessed and reconvened at 8:26 p.m. with all Councilmembers present.

09/01/09-12. Establishment of Water and Sewer Rates and Rates Structure for 2010-2014; Implementation of Proposition 218 Protest Provision; and Setting of a Public Hearing October 6, 2009

City Manager Geoff Dolan introduced the subject item and Public Works Director Jim Arndt, along with **FCS Group Consultant Ed Cebron** provided the staff presentation.

The following individuals spoke on this item:

- **Steve Morse, 900 Block of 1st Street**
- **Bev Morse, 900 Block of 1st Street**
- **Clark Aristi, 4000 Block of Ocean Drive**

MOTION: Mayor Cohen moved to approve Level 4 of the System Reinvestment Funding establishing water and sewer rates and a rate structure for 2010-2014; approved to implement/adopt a five-year series of water and sewer rate increases effective January 1 beginning in 2010; approved to implement Proposition 218 protest provision voting process and setting a Public Hearing for October 6, 2009. The motion was seconded by Councilmember Montgomery and passed by unanimous roll call vote:

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

09/01/09-14. Introduction of an Ordinance Amending Section 8.20 of Chapter 8 of the Manhattan Beach Municipal Code to Add a New Section 8.20.150 Requiring Payment of Disputed Transient Occupancy Tax Prior to Litigation

City Manager Geoff Dolan introduced the subject item and Assistant Finance Director Sharon Koike provided the staff presentation.

City Attorney Wadden confirmed that the title of Ordinance No. 2128 was already read aloud.

MOTION: Councilmember Powell moved to waive further reading and introduce Ordinance No. 2128. The motion was seconded by Councilmember Montgomery 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

Mayor Pro Tem Ward explained that he pulled Item Nos. 7, 8 & 9 from the Consent Calendar because he is concerned about the City's procurement policies. He stated that he would like the City to consider certain criteria when selecting a vendor including: company policies, how the work is awarded, how employees are treated and how the company out sources.

City Manager Dolan stated that the City awards the contract/agreement to the lowest responsible bidder and that we currently don't have any criteria to address Mayor Pro Tem Ward's concern. He further suggested that perhaps this matter be considered for the upcoming Work Plan meeting.

In response to Mayor Pro Tem Ward, City Attorney Wadden stated that there are cities that have adopted guidelines for responsible bidding/contracting, and that if Council desires to do so, staff would need that criteria spelled out so that it can be clearly articulated in an Ordinance.

MOTION: Mayor Pro Tem Ward moved to approve Consent Calendar Item Nos. 7, 8 & 9. The motion was seconded by Councilmember Montgomery and passed by the following unanimous roll call vote.

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

09/01/09-7. Consideration of Award of a Three-Year Contract to L. Riley Trucking for Trucking and Miscellaneous Hauling Services (Estimated Total Value of \$45,090)

The Council approved the award of RFP # 783-09 to L. Riley Trucking for a three-year contract to provide trucking and miscellaneous hauling services (estimated total value of \$45,090).

09/01/09-8. Consideration of Award of a Three-Year Printing Services Contract to Standard Register Company (Estimated Total Annual Value of \$76,525)

The Council approved the award of RFP #768-09 to Standard Register Company for a three-year contract to provide City-wide printing services with an estimated annual value of \$76,525.

09/01/09-9. Consideration of One-Year Renewal of Fire Records Management System (RMS) Support and Maintenance Contract with Fire Information Support Services, Inc. in the Amount of \$25,875.00

The Council waived formal bidding per Municipal Code Section 2.36.140 (waivers) and approved the renewal of a one-year Fire Records Management System (RMS) maintenance contract with Fire Information Support Services, Inc. in the amount of \$25,875.00

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

09/01/09-25. Councilmember Mitch Ward Re Federal Stimulus Package

Councilmember Ward suggested that the City look at the Federal Stimulus Package Program that allows employers to hire new employees and have the Federal Government pay for the new employees.

09/01/09-26. Mayor Cohen and Councilmember Tell Re: Summer Vacations

Mayor Cohen and Councilmember Tell commented on their respective summer vacations.

ADJOURNMENT

At 10:16 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, September 15, 2009, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Liza Tamura
Recording Secretary

Portia Cohen
Mayor

ATTEST:

Liza Tamura
City Clerk

**CITY OF MANHATTAN BEACH MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR MEETING SEPTEMBER 1, 2009**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 1st day of September, 2009, at the hour of 5:37 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

ROLL CALL

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

ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS

1. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 (one case).
2. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION
Significant Exposure to Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9 (one case).
3. CONFERENCE WITH REAL PROPERTY OWNERS
Property: Portion of Live Oak Park;
Agency Negotiator: Geoff Dolan, Richard Thompson;
Negotiating Parties: City of Manhattan Beach
Verizon through NonAntum Development Group;
Under Negotiation: All Terms of Potential Lease

RECESS INTO CLOSED SESSION

The Council recessed into Closed Session at 5:37 p.m.

RECESS INTO OPEN SESSION

The Council reconvened into Open Session at 6:22 p.m.

ADJOURNMENT

There was no action taken on the subject matters.

Robert V. Wadden, Jr.
Recording Secretary

Portia Cohen
Mayor

ATTEST:

Liza Tamura
City Clerk