

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
SEPTEMBER 15, 2009**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 15<sup>th</sup> day of September, 2009, at the hour of 6:31 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

**PLEDGE TO FLAG**

Fire Chief Scott Ferguson led the pledge of allegiance.

**ROLL CALL**

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

**CEREMONIAL CALENDAR**

09/15/09-1. Presentation of Commendation to Kyle Nakazaki on Attaining the Rank of Eagle Scout

Mayor Cohen, on behalf of the City Council, presented a certificate of commendation to **Kyle Nakazaki** in recognition of attaining the rank of Eagle Scout.

09/15/09-2. Presentation of Certificates to the Students at del Sol School for Their "Blue to Green" Project

Mayor Cohen, on behalf of the City Council, presented certificates and City pins to **Giselle Appert** and **her class of 7-9 year olds** at **del Sol School** for their efforts in collecting denim for the "Blue to Green" Project.

**CONSENT CALENDAR**

Prior to the adoption of the Consent Calendar, Acting City Manager, Community Development Director Richard Thompson, pointed out that an amended set of City Council minutes (Re Agenda Item No. 4) was distributed to the City Council and the public for consideration prior to adoption.

The Consent Calendar (Item Nos. 3 through 12), consisting of items under *General Consent* and *Boards and Commissions*, with an amendment to Item No. 4, was approved by motion of Councilmember Powell, 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.

**GENERAL CONSENT**

09/15/09-3. Approve Minutes of the City Council Adjourned Regular Study Session Meeting (Utility Rates & Infrastructure Study) of July 28, 2009

The Council approved the subject minutes.

09/15/09-4. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of September 1, 2009

The Council approved the subject minutes as amended.

09/15/09-5. Adoption 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

The Council adopted Ordinance No. 2128.

09/15/09-6. Consideration of Financial Report: Ratification of Demands - September 3, 2009

The Council approved with no exception Warrant Register No. 6B in the amount of \$1,770,740.29 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.

09/15/09-7. Consideration of Ratification of Motor Fuel Purchase From Southern Counties Fuels in the Amount of \$20,017.95

The Council approved ratifying the purchase of fuel from Southern Counties Fuels in the amount of \$20,017.95.

09/15/09-8. Consideration of a Resolution to Apply for Grant Funds for Upgrades to Solid Waste Enclosures at City Facilities

The Council adopted Resolution No. 6214.

09/15/09-9. Authorization to Execute a Master Agreement with Caltrans for the Receipt of Federal Transportation Funding and Execution of Program Supplements Adding Aviation Boulevard and Valley Drive Resurfacing Projects Under the Master Agreement

The Council approved a Master Agreement with Caltrans for the receipt of federal transportation funds; approved a Program Supplement with Caltrans for the Aviation Boulevard and Valley Drive Resurfacing Projects; and adopted Resolution No. 6211 authorizing the City Manager to sign the agreement and program supplements on behalf of the City.

## **BOARDS AND COMMISSIONS**

### **Parks and Recreation Commission**

09/15/09-10. Consideration of Draft Minutes, Parks and Recreation Commission Meeting of July 27, 2009

The Council received and filed the subject draft minutes.

### **Parking & Public Improvements Commission**

09/15/09-11. Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of August 27, 2009

The Council received and filed the subject action minutes.

### Planning Commission

09/15/09-12. Consideration of Action Minutes, Planning Commission Meeting of September 9, 2009

The Council received and filed the subject action minutes.

### COMMUNITY ANNOUNCEMENTS

09/15/09-19. Mary Morigaki Re Hometown Fair

**Mary Morigaki, No Address Provided**, asked that residents interested in volunteering at the Hometown Fair contact her at (310) 545-7888.

09/15/09-20. Don Gould Re Library Events

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

09/15/09-21. Councilmember Powell Re Coastal Clean up & Heal the Bay

Councilmember Powell announced that Heal the Bay's Coastal Clean-Up will be held this coming Saturday, September 19, 2009 from 9:00 a.m. to 12:00 p.m.

09/15/09-22. Councilmember Powell Re Dine-n-Discover

Councilmember Powell announced that the Senior Dine-n-Discover will be on September 24, 2009 at the Joslyn Center and that the topic will be disaster preparedness.

09/15/09-23. Councilmember Tell Re Chivas Fundraiser

Councilmember Tell announced that Robinson Elementary School and the Manhattan Beach Education Foundation will be holding a fundraiser at an upcoming Chivas soccer game.

09/15/09-24. Councilmember Montgomery Re Hometown Fair

Councilmember Montgomery announced there will be a chili cook-off at the Hometown Fair at 2:00 p.m. on Sunday, October 4, 2009.

09/15/09-25. Community Development Director Thompson Re Sand Dune

Community Development Director Thompson announced that maintenance work at the Sand Dune is progressing as quickly as possible and that ideas regarding parking should be shared at the Parking and Public Improvements Commission (PPIC) meeting on September 24, 2009 at 6:30 p.m.

### AUDIENCE PARTICIPATION

09/15/09-26. Mark Kemple Re Sand Dune

**Mark Kemple, 30<sup>th</sup> Street**, expressed his frustration with the traffic and parking situation near Sand Dune Park and the surrounding area.

09/15/09-27. Mary Ann Varni Re Farmers Market

**Mary Ann Varni, representing the Downtown Manhattan Beach Farmer's Market**, invited the community to utilize the Farmer's Market for displays, exhibits, etc. and to visit [www.mbfarmersmarket.com](http://www.mbfarmersmarket.com) to get information on how one can be an exhibitor.

## **PUBLIC HEARINGS**

None.

## **GENERAL BUSINESS**

09/15/09-13. Consideration of Environmental Task Force Issues Including:

- a) A Resolution Approving the City's Participation in the International Day of Climate Action
- b) Status Report on the Progress of the Environmental Task Force

Acting City Manager, Community Development Director Richard Thompson, introduced Item No. 13a and Environmental Programs Manager Sona Kalapura provided the staff presentation.

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

- **Joe Galliani, Chairman of the South Bay Climate Action Group**

**MOTION:** Mayor Pro Tem Ward moved to adopt Resolution No. 6212. 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.

Acting City Manager, Community Development Director Thompson, introduced Item No. 13b and Environmental Programs Manager Sona Kalapura provided the staff presentation.

There were no public comments regarding this subject matter.

Hearing no objections, the Council received and filed the subject report.

09/15/09-14. Consideration of Proposed Colors for Strand Alcove Benches.

Acting City Manager, Community Development Director Richard Thompson, introduced the subject item and Parks and Recreation Director Richard Gill provided the staff presentation.

### **The following individuals spoke on this item:**

- **Paul Gross, No Address Provided**
- **George Ortiz, No Address Provided**
- **Cheryl Wolcott, No Address Provided**
- **Stacy Dukes, Designer**
- **Greg Johnson, 30<sup>th</sup> Street & Bayview Drive**

**MOTION:** Councilmember Tell moved to approve the two proposed colors (blue and green) as provided in the staff report for the Strand Alcove benches donated at the location of 29<sup>th</sup> Street and 30<sup>th</sup> Street. 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.

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

09/15/09-16. Consideration of Recommendations Regarding the Selection of Crosswalk Treatments to be Constructed as Part of the Highland Avenue Overlay Project.

Acting City Manager, Community Development Director Richard Thompson, introduced the subject item and City Engineer Steve Finton provided the staff presentation.

There was no public comment on this item.

**MOTION:** Councilmember Tell moved to approve the proposed designs of crosswalk treatments as identified in attachments C through F in the staff report; directed staff to proceed to go out to bid and return to Council with a contract for consideration. 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.

**RECESS AND RECONVENE**

At 7:55 p.m. the Council recessed and reconvened at 8:13 p.m. with all Councilmembers present.

09/15/09-15. Consideration of Request by the Manhattan Beach Chamber of Commerce to Fund Specific Programs for Fiscal Year 2009-2010

Acting City Manager, Community Development Director Richard Thompson, introduced the subject item and Finance Director Bruce Moe along with Manhattan Beach Chamber of Commerce Representatives Helen Duncan, Gary Wayland and David Currey provided the staff presentation.

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

- **Kathe Reiken, Vice President Manhattan Beach Chamber of Commerce**
- **Terry Comber, Manhattan Beach Chamber of Commerce Project Manager**
- **Ed Burzminski, Executive Vice President Atlantic West Publishers**
- **Shannon Foley, Business Owner; Former Chair of COC; Business Tax Payer**
- **Rob Knowles, Business Owner**
- **Joe Alin, Northrup Grumman; Chair Legislative Affairs Council**
- **Jordan Peister, Mintwich Design**
- **Shirley Pe, South Bay Yellow Cab**
- **Mary Ann Varni, Downtown Business Association**
- **Willy Leventhal, No Address Provided**

**MOTION:** Councilmember Powell moved to approve for the Finance Subcommittee to meet with the Chamber of Commerce to obtain more information and create a budget for the Chamber of Commerce with clear objectives of what is to be determined as “City Business” and to report back to Council as soon as possible. The motion was seconded by Mayor Cohen and passed by the following unanimous roll call vote.

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

09/15/09-17. Consideration of an Ordinance Prohibiting the Use of Personal Exercise Equipment in the City of Manhattan Beach Parks/Fields.

Acting City Manager, Community Development Director Richard Thompson, introduced the subject item and Parks and Recreation Director Richard Gill provided the staff presentation.

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

- **David Wachtfogel, No Address Provided**
- **Gil Ortiz, No Address Provided**
- **Willy Leventhal, No Address Provided**

City Attorney Robert Wadden read a loud the title of Ordinance No. 2129.

**MOTION:** Mayor Pro Tem Ward moved to waive further reading and introduce Ordinance No. 2129. 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**

None.

**CITY MANAGER REPORT(S)**

None.

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

09/15/09-18. Request by Mayor Cohen to Agendize a Resolution Urging the State Legislature to Change the State Rock

Mayor Cohen reported on the importance of this matter and asked Council if there was support to place this matter on a future agenda.

**MOTION:** Mayor Cohen moved to agendize the consideration of a Resolution on the October 20, 2009 City Council agenda urging the State Legislature to change the State Rock due to the high levels of asbestos associated with the State Rock. 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.

**ADJOURNMENT**

At 10:37 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, October 2, 2009, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

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Liza Tamura  
Recording Secretary

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Portia Cohen  
Mayor

ATTEST:

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Liza Tamura  
City Clerk