

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
OCTOBER 6, 2009**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 6th day of October, 2009, at the hour of 6:33 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.cityymb.info.

PLEDGE TO FLAG

Katie Cochran, a 5th grade student at Meadows Elementary School, led the pledge of allegiance.

ROLL CALL

Present: Montgomery, Tell, Powell, Ward and Mayor Cohen.
(Tell arrived at 6:41 p.m.)
Absent: None.
Clerk: Tamura.

CEREMONIAL CALENDAR

10/06/09-1. Recognition of the Passing of David Freeman, Tuba Player for the Hyperion Outfall Serenaders

Mayor Cohen, on behalf of the Council, spoke of the passing of David Freeman and how important he was to the community and his fellow Hyperion Outfall Serenaders and presented the family with a Resolution of Adjournment.

10/06/09-2. Recognition of the Manhattan Beach Rotarians for Their "Paint & Plant" Project at the Joslyn Community Center

Mayor Cohen, on behalf of the Council, thanked the Rotary Club of Manhattan Beach for "sprucing up" the Joslyn Community Center with new paint and landscaping and presented the club with a Certificate of Appreciation.

10/06/09-3. Recognition of New Employees, Employee Promotions and Service Awards

Police Chief Rod Uyeda introduced Police Records Technician Dawn Winston and recently promoted Police Sergeant Ron Walker.

Fire Chief Scott Ferguson introduced Firefighter/Paramedic James Fall and Firefighter/Paramedic James Craig.

City Manager Dolan recognized Finance Director Bruce Moe for 20 years of service.

Public Works Director Jim Arndt recognized Maintenance Worker II Mike Taylor for 15 years of service.

CONSENT CALENDAR

Prior to the adoption of the Consent Calendar, Mayor Cohen requested that the following revision be made to the minutes of the September 15, 2009 City Council meeting (Agenda Item No. 09/15/09-18, Page 6, last paragraph): **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 fact that the rock, Serpentine, is the host rock for asbestos*”.

The Consent Calendar (Item Nos. 4 through 13), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Mayor Pro Tem Ward, seconded by Councilmember Montgomery and passed by unanimous roll call vote with the exception of Item No. 8 which was considered later in the meeting under “*Items Removed from the Consent Calendar*” and with the revision of the minutes of the September 15, 2009 City Council meeting.

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

GENERAL CONSENT

10/06/09-4. Approve Minutes of the City Council Regular Meeting of September 15, 2009

The Council approved the subject minutes as amended.

10/06/09-5. Adoption of an Ordinance Prohibiting the Use of Personal Exercise Equipment in the City of Manhattan Beach Parks and Fields

The Council adopted Ordinance No. 2129.

10/06/09-6. Consideration of Ratification of Motor Fuel Purchase from Southern Counties Fuels in the Amount of \$20,028.36

The Council approved ratifying the subject purchase.

10/06/09-7. Consideration of Financial Reports:
a) Ratification of Demands: September 17, 2009 and October 1, 2009
b) Investment Portfolio for the Month Ending August 31, 2009
c) Financial Reports for the Month Ending August 31, 2009

The Council approved with no exception Warrant Register Nos. 7b & 8B in the amount of \$4,486,401.60 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 August 31, 2009; and received and filed the Financial Reports for the month ending August 31, 2009.

10/06/09-8. Consideration of Maintaining the Closure of the Dune at Sand Dune Park Until Otherwise Directed by Council and Referral to the Parks and Recreation Commission for Study of Alternative Ways to Mitigate Neighborhood Impacts. Parks and Recreation Recommendations Along with Parking and Public Improvements Commission Recommendations Will Both be Presented to Council Upon Completion

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

10/06/09-9. Consideration of a Request from the Manhattan Beach Little League to Rename Marine Park and Install a Commemorative Wall Within Marine Park that Recognizes our Youth and Adults Who Have Contributed to the Youth Sports of Manhattan Beach

The Council approved referring the issue of renaming and installing a commemorative wall for our youth sports at Marine Park to the Parks and Recreation Commission to develop a list of possible names for Marine Park and also to develop policies for the commemorative wall.

BOARDS AND COMMISSIONS

Cultural Arts Commission

10/06/09-10. Consideration of Draft Minutes, Cultural Arts Commission Meeting of September 8, 2009

The Council received and filed the subject draft minutes.

10/06/09-11. This Space Intentionally Left Blank

Parking & Public Improvements Commission

10/06/09-12. Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of September 24, 2009

The Council received and filed the subject action minutes.

Planning Commission

10/06/09-13. Consideration of Action Minutes, Planning Commission Meeting of September 23, 2009

The Council received and filed the subject action minutes.

COMMUNITY ANNOUNCEMENTS

10/06/09-16. Angela Silverman Re Foundation of Local Arts

Angela Silverman, No Address Provided, announced that there is a new non-profit organization in town; the Foundation of Local Arts and stated that the new Foundation will hold its first fundraiser on November 7, 2009 at the Manhattan Beach Country Club.

10/06/09-17. Susan Adams Re Manhattan Beach Hometown Fair

Hometown Fair City Services Coordinator, Susan Adams, thanked all of the City staff members that helped with the Hometown Fair.

10/06/09-18. Paul Bleiden Re The Roundhouse Aquarium

Paul Bleiden, No Address Provided, reminded the community that the Roundhouse Aquarium will celebrate its 30th Anniversary on October 9, 2009.

10/06/09-19. Don Gould Re Library Events

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

10/06/09-20. Bill Victor Re New Organization

Bill Victor, No Address Provided, announced the creation of a new organization, the Property Owners of Manhattan Beach. He suggested that interested parties visit propertyownersofmb.org or call (310) 318-5000 for more information.

10/06/09-21. City Clerk Tamura Re Introduction of City of Hawthorne Deputy City Clerk

City Clerk Liza Tamura introduced Diana, Deputy City Clerk from the City of Hawthorne and explained that the City of Hawthorne recently purchased Granicus and is therefore is at tonight's City Council meeting observing how the City of Manhattan Beach utilizes the Granicus system.

10/06/09-22. City Manager Dolan Re Meetings Regarding Water and Sewer Infrastructure Needs

City Manager Dolan announced that there will be two additional meetings regarding the City's water and sewer infrastructure needs on October 7 and 13, 2009 at 7:00 p.m. in the City Council Chambers.

10/06/09-23. Councilmember Montgomery Re Sketchers Pier-to-Pier Friendship Walk

Councilmember Montgomery announced that the Sketchers "Pier-to-Pier Friendship Walk" will be held on October 25, 2009 at 10:00 a.m.

10/06/09-24. Councilmember Powell Re Hometown Fair Dunk Tank

Councilmember Powell announced that the Dunk Tank at the Hometown Fair raised lots of money and was a success.

10/06/09-25. Councilmember Powell Re Julia Tadesco

Councilmember Powell wished Julia Tadesco a speedy recovery.

10/06/09-26. Councilmember Powell Re Jimmy Miller Foundation

Councilmember Powell informed the public that the 5th Annual Jimmy Miller Memorial Foundation Surf Festival will begin on October 10, 2009 at 7:30 p.m. and for more information visit jimmymillerfoundation.org.

10/06/09-27. Mayor Cohen Re Wellness Community "Girls Night Out" Fundraiser

Mayor Cohen announced that the Wellness Community Fundraiser will be held at the Comedy and Magic Club in Hermosa on October 6 – 8, 2009.

10/06/09-28. Mayor Cohen Re Chamber Golf Tournament

Mayor Cohen publicized the Chamber of Commerce Golf Tournament scheduled for October 12, 2009 which will benefit the John Wilhite Recovery Fund.

10/06/09-29. Mayor Cohen Re 350 Climate Action

Mayor Cohen invited the public to participate in the International Climate Day of Action on October 24, 2009 at 3:00 p.m.

AUDIENCE PARTICIPATION

10/06/09-30. Patrick McBride Re Water and Sewer Rates

Patrick McBride, 5th Street and Peck Avenue, shared his thoughts regarding the water and sewer rate increase.

10/06/09-31. John Dumond Re Water and Sewer Rates

John Dumond, 1100 Block of 22nd Street, believes that the City Council should reconsider the sewer and water hike because it will fail to achieve conservation and infrastructure needs.

10/06/09-32. Stan Myles Re South Coast Air Quality Management District (AQMD)

Stan Myles, No Address Provided, thanked the Council for their support on Senate Bill 827 and announced that the South Coast AQMD has free informational handouts for small businesses.

10/06/09-33. Bev Morse Re Thank You

Bev Morse, 900 Block of 1st Street, thanked the Council for providing the informational meetings about undergrounding and the water and sewer rates.

10/06/09-34. Willy Leventhal Re Live Oak Park, Sand Dune Park and the Naming of Marine Park

Willy Leventhal, No Address Provided, spoke about Sand Dune Park, Live Oak Park, and the policy of naming City parks.

GENERAL BUSINESS

10/06/09-14. Presentation of the Underground Utility Assessment Districts 09-8 and 09-13 and Consideration of Resolutions to Initiate District Formation Proceedings

City Manager Geoff Dolan introduced the subject item and City Engineer Steve Finton, along with consultant Joan Cox with Harris & Associates provided the staff presentation.

RECESS AND RECONVENE

At 8:45 p.m. the Council recessed and reconvened at 9:02 p.m. with all Councilmembers present.

The following individuals spoke on this item:

- Bob Perkins, Speaking on Behalf of Julia Tadesco, District 13
- Bob Perkins, Speaking on Behalf of Martha Andreani, District 8
- Dan Woodard, 2200 Block of Alma, District 13
- Kathy Smith, No Address Provided, District 8
- Brian Sweeney, 100 Block of 11th Street, District 8
- Bill Victor, Property Owner, District 8
- Terry Austin, 300 Block of 36th Street, District 13
- Greg Zwernemann, No Address Provided, District 8
- Ann Collier, 300 Block of 26th Street, District 13
- Lindy Yellin, No Address Provided, District 8
- Margo Woodard, No Address Provided, District 13
- James Dillavou, No Address Provided, District 13
- George Kauffman, No Address Provided, District 8
- Mary Cortney, 2400 Block of Alma, District 13
- Mary Austin, No Address Provided, District 13
- Jim Grande, 1100 Block of Ocean Drive, District 8
- Jon Chaykowski, No Address Provided
- Esther Besbris, 2nd Street
- Patrick McBride, 5th Street and Peck Avenue
- Steve Morse, 900 Block of 1st Street
- Bev Morse, 900 Block of 1st Street
- Michelle Murphy, No Address Provided, District 12
- Richard Zeif, No Address Provided
- Jacque May, No Address Provided

MOTION: Mayor Pro Tem Ward moved to dissolve District 8. The motion was seconded by Mayor Cohen and passed by the following roll call vote:

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

MOTION: Mayor Pro Tem Ward moved to reconsider the assessment methodology for District 13. 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.
Absent: None.
Abstain: None.

10/06/09-15. Follow-up Discussion of the City Council Work Plan Item for Creating a Standardized Format for City E-Mails

City Manager Geoff Dolan requested that this item be continued to the next City Council meeting and hearing no objection, it was so ordered.

Because the time was after 10:30 p.m. (the cut off for introduction of new agenda items) and due to Resolution No. 6132 stating that “the City Council shall adjourn each regular meeting thereof by 10:30 p.m., unless four-fifths (4/5) of the Council Members present vote to waive or extend the required adjournment time” the following motion was made.

MOTION: At 11:08 p.m. Mayor Cohen moved to continue with the subject meeting past the 10:30 p.m. time. The motion was seconded by Councilmember Powell.

Hearing no objection, it was so ordered.

ITEMS REMOVED FROM THE CONSENT CALENDAR

10/06/09-8. Consideration of Maintaining the Closure of the Dune at Sand Dune Park Until Otherwise Directed by Council and Referral to the Parks and Recreation Commission for Study of Alternative Ways to Mitigate Neighborhood Impacts. Parks and Recreation Recommendations Along with Parking and Public Improvements Commission Recommendations Will Both be Presented to Council Upon Completion

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

City Manager Geoff Dolan introduced the subject item.

The following individuals spoken on this item:

- Jacob Rome, 28th Street
- Mark Kemple, No Address Provided
- Don Trucker, Chestnut Avenue
- Faith Lyons, 33rd Street
- Sean Green, 2800 Block of Manhattan Avenue
- Unknown Speaker
- Bob Sandis, No Address Provided
- Willy Leventhal, No Address Provided
- Will Arvizo, 400 Block of 33rd Street
- Unknown Speaker (Spoke from Audience)
- David Wachtfogel, No Address Provided

MOTION: Mayor Cohen moved to direct staff to expeditiously form a subcommittee comprised of two Parks and Recreation Commissioners, two Parking and Public Improvement Commissioners (PPIC) and residents to study alternative ways to mitigate neighborhood impacts associated with Sand Dune Park; to conduct a joint meeting with both the Parks and Recreation Commission and the PPIC once each respective commission has come up with agreements on their subject measurements; report back to City Council as one unit with proposed mitigation measures for Council to consider; and approved maintaining the closure of the Dune at Sand Dune Park until otherwise directed by Council. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote:

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

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

10/06/09-35 Councilmember Powell Re Conference

Councilmember Powell thanked Councilmember Montgomery for being the voting delegate at the League of California Cities Conference in San Jose and brought a book and pen back for Mayor Cohen.

10/06/09-36 Councilmember Montgomery Re Loss of Revenue

Councilmember Montgomery announced ways in which other cities are getting creative to increase their revenue stream.

10/06/09-37 Mayor Cohen Re Holiday Lights

Mayor Cohen spoke of the Chamber of Commerce's request that the City pay for the hanging and storage of Holiday Lights and asked that the matter be referred to the Finance Subcommittee.

Council concurred.

10/06/09-38 Mayor Cohen Re South Bay Marine Life Protection Act

Mayor Cohen requested that the South Bay Marine Life Protection Act be discussed at the next Council meeting.

City Manager Dolan stated that the next agenda is lengthy, and therefore, if Council was in support of this matter, staff can place this item on the next agenda under the Consent Calendar.

Council concurred.

ADJOURNMENT

At 12:02 a.m., the meeting was duly adjourned in memory of David Freeman, Tuba player for the Hyperion Outfall Serenaders, and the City Council immediately moved to a Special Closed Session Meeting to be held in the City Council Chambers Conference Room, 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
SPECIAL CLOSED SESSION MEETING
OCTOBER 6, 2009**

The Special Closed Session Meeting of the City Council of the City of Manhattan Beach, California, was held on the 6th day of October, 2009, at the hour of 12:02 a.m. in the City Council Chamber Conference Room, at 1400 Highland Avenue, in said City.

ROLL CALL

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

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

CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

Significant Exposure to Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9 (one case).

RECESS INTO CLOSED SESSION

The Council recessed into Closed Session at 12:02 a.m.

RECONVENE INTO OPEN SESSION

The Council reconvened into Open Session at 12:40 a.m.

ADJOURNMENT

At 12:40 a.m. the Special Closed Session 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 20, 2009, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Robert V. Wadden, Jr.
Recording Secretary

Portia Cohen
Mayor

ATTEST:

Liza Tamura
City Clerk