

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
OCTOBER 20, 2009**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 20<sup>th</sup> day of October, 2009, at the hour of 6:37 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](http://www.citymb.info).

**PLEDGE TO FLAG**

Public Works Director Jim Arndt led the pledge of allegiance.

**ROLL CALL**

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

**CEREMONIAL CALENDAR**

10/20/09-1. Presentation by the U.S. Census Bureau Regarding the 2010 Census

U.S. Census Bureau Partnership Specialist and Team Leader Edgar Salgado and Partnership Specialist Meilyn Otemai spoke of the importance of the getting accurate information for the 2010 census and relayed that anyone interested in job opportunities with the US Census should visit [www.census.gov](http://www.census.gov).

**CONSENT CALENDAR**

Prior to the adoption of the Consent Calendar, the following amendments were made:

1. Mayor Pro Tem Ward stated that the Staff Report of Item No. 3, on Page 2, (*Consideration of a Resolution Supporting the Exclusion of the Rocky Point Area as a Marine Life Protection Area*) the organizations *Heal the Bay* and *Santa Monica Bay Keeper* should be omitted.
2. Councilmember Montgomery requested that Item No. 2b, the Minutes of the October 6, 2009, City Council Meeting, (Page 8, Item No. 36), (*Councilmember Montgomery Re Loss of Revenue*) be amended to read as follows:

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

Councilmember Montgomery, who had also attended the League of California Cities Conference in San Jose, announced ways in which other cities are getting creative to make-up for their loss of revenue.

3. Mayor Cohen requested that Item No. 2a, the Minutes of the September 25, 2009, Special Work Plan Meeting, (Page 2, Item No. 3) (*Development of the 2009-2010 Work Plan*) be amended to read as follows:

09/25/09-3. Development of the 2009-2010 Work Plan

Council reviewed issues, suggestions and their own goals and objectives.

The Consent Calendar (Item Nos. 2 through 10), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Powell, seconded by Councilmember Montgomery and passed by unanimous roll call vote, with the exception of Item No. 2b 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**

10/20/09-2a. Approve Minutes of the City Council Special Work Plan Meeting of September 25, 2009

The Council approved the subject minutes as amended.

10/20/09-2b. Approve Minutes of the City Council Regular and Special City Council Closed Session Meeting of October 6, 2009

Item No. 2b was pulled from the “CONSENT CALENDAR”. Please refer to “ITEMS REMOVED FROM THE CONSENT CALENDAR.”

10/20/09-3. Consideration of a Resolution Supporting the Exclusion of the Rocky Point Area as a Marine Life Protection Area

The Council adopted Resolution No. 6224.

10/20/09-4. Consideration of Financial Report: Ratification of Demands - October 15, 2009

The Council approved with no exception Warrant Register No. 9B in the amount of \$1,867,261.33 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.

10/20/09-5. Consideration of Chamber of Commerce Annual Report for Fiscal Year 2008-2009

The Council received and filed the annual Chamber of Commerce Report for fiscal year 2008-2009.

10/20/09-6. Consideration of a Resolution Authorizing the City to Participate in the California Communities Proposition 1A Property Tax Securitization Program and Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the City's Proposition 1A Receivable From the State; and Directing and Authorizing Certain Other Actions in Connection Therewith

The Council adopted Resolution No. 6222.

10/20/09-7. Consideration of a One-Year Renewal of Storage Area Network Maintenance Agreement with Nth Generation Computing, Inc. in the Amount of \$22,541

The Council waived formal bidding per Municipal Code Section 2.36.140 (waivers) and approved the renewal of a one-year Storage Area Network maintenance agreement with Nth Generation Computing, Inc. in the amount of \$22,541.

10/20/09-8. Disbursement of Progress Payment No. 1 in the Net Amount of \$325,977.36 for the Peck Avenue Improvement Project to All American Asphalt

The Council approved the issuance of the subject progress payment.

**BOARDS AND COMMISSIONS**

**Parks and Recreation Commission**

10/20/09-9. Consideration of Draft Minutes, Parks and Recreation Commission Meeting of September 29, 2009

The Council received and filed the subject draft minutes.

**Planning Commission**

10/20/09-10. Consideration of Action Minutes, Planning Commission Meeting of October 14, 2009

The Council received and filed the subject action minutes.

**COMMUNITY ANNOUNCEMENTS**

10/20/09-14. Jill Brunkheart Re Coordinating Council and Chevron Tours

**Vice Chair of Manhattan Beach Coordinating Council and Chevron Representative Jill Brunkheart** announced that the Manhattan Beach Coordinating Council's first luncheon will be held on October 22, 2009, at Verandas ([www.mbcoordinatingcouncil.com](http://www.mbcoordinatingcouncil.com)) and that Chevron's Annual Community Tour Day will be held on November 7, 2009. She stated that interested parties should either call (310) 615-3747 or email [www.tours@chevron.com](mailto:www.tours@chevron.com).

10/20/09-15. Don Gould Re Library Events

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

10/20/09-16. Richard Gill Re Pumpkin Races and Skechers Walk

Parks and Recreation Director Richard Gill reminded the public that the Pumpkin Races will take place at Ocean Avenue and Manhattan Beach Boulevard on October 25, 2009 and that more information is available at [www.pumpkinraces.com](http://www.pumpkinraces.com). Parks and Recreation Director Gill also announced the Annual Skechers Walk on October 25, 2009.

10/20/09-17. Bill Victor Re Property Owners of Manhattan Beach

**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](http://propertyownersofmb.org) or call (310) 318-5000 for more information.

10/20/09-18. Councilmember Powell Re Neighborhood Watch Meeting

Councilmember Powell invited the public to the Annual Neighborhood Watch Meeting at the Joslyn Center on October 22, 2009, and mentioned that the "Map Your Neighborhood Program" will be discussed at the meeting.

10/20/09-19. Councilmember Montgomery Re LA County Run for Health

Councilmember Richard Montgomery announced that the Los Angeles County Commission for Women is holding their 11<sup>th</sup> Annual *Run for Health*, a 5K Run/Walk and 10K Run at Dockweiler State Beach on October 31, 2009 at 8:30 a.m. Councilmember Montgomery urged the public to visit [www.laccw.info](http://www.laccw.info) or visit the Village Runner for more information.

10/20/09-20. Mayor Pro Tem Ward Re Pier-to-Pier Walk

Mayor Pro Tem Ward encouraged the public to attend the Pier-to-Pier Walk on October 25, 2009 at 10:00 a.m. Councilmember Ward stated the Walk, from the Manhattan Beach Pier to the Hermosa Beach Pier and back, will benefit the Friendship Circle and the Manhattan Beach Education Foundation.

10/20/09-21. Mayor Pro Tem Ward Re Funeral Services for Bob Beverly

Mayor Pro Tem Ward announced that funeral services for former State Senator Bob Beverly will be held on October 24, 2009, at 10:00 a.m., at American Martyrs Church.

10/20/09-22. Mayor Cohen Re International Climate Action Day (350 Event)

Mayor Cohen reminded the public that October 24, 2009 is International Climate Action Day and that South Bay residents can participate by attending the 350 Event at 3:00 p.m. at the Manhattan Beach Pier. Mayor Cohen encouraged the public to visit [www.350.org/southbay350](http://www.350.org/southbay350) for more information or to register for the event.

10/20/09-23. Mayor Portia Cohen Re Roundhouse Aquarium 30th Anniversary

Mayor Portia Cohen commended the Roundhouse Aquarium for hosting the well attended 30<sup>th</sup> Anniversary celebration.

10/20/09-24. Mayor Cohen Re Family Halloween Carnival

Mayor Cohen announced that the Family Halloween Carnival will be held October 31, 2009 at the Manhattan Heights Park from 1:00 p.m. to 4:00 p.m. and that for more information community members should visit the calendar on the city website [www.citymb.info](http://www.citymb.info).

10/20/09-25. Bev Morse Re: H1N1 Vaccine

**Bev Morse, No Address Provided**, announced that the Beach Cities Health District will be vaccinating people with the H1N1 flu vaccine on October 24, 2009 and November 14, 2009 from 9:00 a.m. – 5:00 p.m. on a first-come, first-served basis and suggested that interested individuals visit [www.bchd.org](http://www.bchd.org).

**AUDIENCE PARTICIPATION**

10/20/09-26. Patrick McBride Re Transparency on the City Website

**Patrick McBride, 5<sup>th</sup> Street and Peck Avenue**, shared his frustration with the City's new website (older documents no longer available and searching capabilities) and asked if there was anything Council could do.

10/20/09-27. Bob Perkins Re Undergrounding

**Bob Perkins, 4400 Block of The Strand**, thanked the Council for disbanding Undergrounding District No. 8: stressed that Undergrounding is done merely for aesthetics; and gave several examples of why Undergrounding is no better than above ground power lines.

10/20/09-28. Mark Kemple Re Sand Dune Park

**Mark Kemple, 30<sup>th</sup> Street**, urged the City Council to make a decision now regarding Sand Dune Park before the warm months come and not involve other Commissions or Committees.

10/20/09-29. Brent Enright Re Sand Dune Park

**Brent Enright, 600 Block of 33<sup>rd</sup> Street**, requested that a decision for Sand Dune Park be expedited for the best interest of the City and everyone involved. He further expressed concern that the last time this subject matter was considered, it was late in the hour.

City Attorney Robert Wadden clarified that the minutes, as an agenda item, are just “minutes,” and that the subject matter of the minutes are not eligible to be considered for action. He further stated that while Council can not act substantively on what the minutes reflect and that they can not go back and remake decisions, they can however direct staff to make changes to what was previously directed.

For the record, Councilmember Powell disclosed that prior to the City Council Meeting, he had a conversation with **Mr. Enright** regarding the availability of the Sand Dune Park “Grant Document” and the availability of the document on the City’s website.

10/20/09-30. Alita Rethmeyer Re Various Issues

**Alita Rethmeyer, 700 block of Marine**, shared that she was intimidated by the users of the Dune last time she visited Sand Dune Park; that high voltage utility lines on Marine Avenue were moved so the property owners would be responsible for paying to have them Undergrounded; that the lives of residents are changing because of advice from consultants hired by the City; and that it is hard to get public records from the City.

10/20/09-31. Hyim Levy Re City Records

**Hyim Levy, 1300 Block of 11<sup>th</sup> Street**, offered his computer technical services, as a volunteer, to assist in making more material available to the public on the City’s website.

**PUBLIC HEARINGS**

10/20/09-11. Public Hearing for Water and Sewer Rate Revisions and Consideration of Adoption of a Resolution for Water and Sewer Rate Changes Effective on Utility Bills Generated From January 1, 2010 through December 31, 2014

City Manager Geoff Dolan introduced the subject item and Public Works Director Jim Arndt provided a PowerPoint presentation.

**RECESS AND RECONVENE**

At 8:55 p.m. the Council recessed and reconvened at 9:08 p.m. with all Councilmembers present.

Mayor Cohen opened the Public Hearing at 9:09 p.m.

The following individuals spoke on this item:

- John Dumond, 1100 Block of 22<sup>nd</sup> Street
- Lianne McGinley, No Address Provided, Legislative Analyst for the City of Burbank
- Bill Victor, No Address Provided
- John Schugel, 1300 Block of 9<sup>th</sup> Street
- John Brandis, 1200 Block of 5<sup>th</sup> Street
- Charles Thompson, 300 Block of Meadows Avenue
- Esther Besbris, 2<sup>nd</sup> Street
- Yury Gurvich, Manhattan Beach Resident
- Gif Cast, 35<sup>th</sup> Street
- Phil Reimert, 1200 Block of Highview
- Alita Rethmeyer, Manhattan Beach Resident

- Bob Lauson, 600 Block of 23<sup>rd</sup> Street
- Diane Wallace, Manhattan Beach Resident
- John Stratton, 1200 Block of 5<sup>th</sup> Street
- Patrick McBride, 5<sup>th</sup> Street and Peck Avenue
- Hyim Levy, 11<sup>th</sup> Street
- Bev Morse, 1<sup>st</sup> Street
- Steve Morse, 900 Block of 1<sup>st</sup> Street
- Wayne Partridge, No Address Provided
- Phil Gengrich, 11<sup>th</sup> Street

Mayor Cohen closed the Public Hearing at 10:22 p.m.

**MOTION:** Mayor Cohen moved to adopt Resolution No. 6225 approving increases in water and wastewater service charges effective January 1, 2010. The motion was seconded by Mayor Pro Tem Ward and passed by the following unanimous roll call vote.

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

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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.

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**MOTION:** At 11:21 p.m. Councilmember Montgomery moved to continue with the subject meeting past the 10:30 p.m. time. 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.

**GENERAL BUSINESS**

10/20/09-12. Consideration of a Resolution Urging the State Legislature to Change the State Rock

City Manager Geoff Dolan introduced the subject item and **Linda Reinstein, Executive Director and Co-Founder of the Asbestos Disease Awareness Organization (ADAO)** provided a PowerPoint presentation.

There were no requests to speak on this item.

**MOTION:** Councilmember Tell moved to adopt Resolution No. 6223, as amended, in support of the efforts by the Asbestos Disease Awareness Organization to urge the State Legislature to change 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.

10/20/09-13. Follow-up Discussion of the City Council Work Plan Item for Creating a Standardized Format for City E-Mails

City Manager Geoff Dolan introduced the subject item and Assistant to the City Manager Lindy Coe-Juell and IS Manager Leilani Emnace provided the staff presentation.

There were no requests to speak on this item

Council provided direction to staff approving Design No. 1 with minor modifications.

Hearing no objection, it was so ordered.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

10/20/09-2b. Approve Minutes of the City Council Regular and Special City Council Closed Session Meeting of October 6, 2009

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

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

- **Mark Kimble, No Address Provided**

**MOTION:** Councilmember Montgomery moved to approve the subject minutes, as amended as shown on Page 1 of these Minutes, and to direct staff not to form separate citizen committees and to continue utilizing the Parks & Recreation Commission and the Parking & Public Improvements Commission to continue with their planned meetings regarding the Sand Dune. 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.

**CITY MANAGER REPORT(S)**

10/20/09-32. City Manager Dolan Re Special Meeting

City Manager Dolan requested that City Council calendar a Special City Council Meeting for Monday, November 16, 2009, from 5:00 p.m. -7 p.m. for the Golden Guardian Drill.

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

10/20/09-33. Councilmember Powell Re CERT's Strategic Plan

Councilmember Powell asked for confirmation that the City Council received the Community Emergency Response Team (CERT) Strategic Plan and stated that the CERT presentation will take place at the first meeting in November.

**ADJOURNMENT** – in memory of Bob Beverly and George Rusher

At 12:03 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, November 3, 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

**CITY OF MANHATTAN BEACH MINUTES OF THE CITY COUNCIL  
ADJOURNED REGULAR MEETING - OCTOBER 20, 2009**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 20<sup>th</sup> day of October, 2009, at the hour of 5:41 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.  
(Ward arrived at 5:45 p.m.).  
(Mayor Cohen arrived at 5:50 p.m.).  
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 – EXISTING LITIGATION  
(Government Code Section 54956.9(a))  
  
*Moore v. City of Manhattan Beach, et al.*
  
3. CONFERENCE WITH LABOR NEGOTIATORS  
(Government Code Section 54957.6)

Agency Representative: Geoff Dolan, City Manager;  
Cathy Hanson, Director of Human Resources

Unrepresented Employees: Management/Confidential Group

**RECESS INTO CLOSED SESSION**

The Council recessed into Closed Session at 5:41 p.m.

**RECESS INTO OPEN SESSION**

The Council reconvened into Open Session at 6:24 p.m.

**ADJOURNMENT**

At 6:24 p.m. the meeting was duly adjourned.

Robert V. Wadden, Jr.  
Recording Secretary

ATTEST:

Portia Cohen  
Mayor

Liza Tamura  
City Clerk