

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
NOVEMBER 3, 2009**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 3rd day of November, 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.citymb.info.

PLEDGE TO FLAG

Michelle Lu, a 5th grader from Pacific Elementary School led the Pledge of Allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

11/03/09-1. Presentation of a "Baby Passport" to Kathleen Paralusz & Brad Jacobson

The Council presented a "Baby Passport" to Kathleen Paralusz and Brad Jacobson in acknowledgment of the birth of their daughter Isabella.

11/03/09-2. Presentation of a Commendation Recognizing the Organizers of the Manhattan Beach Pumpkin Race

Mayor Cohen, on behalf of the Council, presented certificates to Karl Rodgers, Michael Aaker and John Holliday in recognition of the great job they did in organizing the Pumpkin Races.

CONSENT CALENDAR

Prior to the adoption of the Consent Calendar, Councilmember Powell requested that future action minutes of the Planning Commission reflect the vote count by item

Hearing no objection, it was so ordered.

The Consent Calendar (Item Nos. 3 through 11), 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 as amended.

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

GENERAL CONSENT

11/03/09-3. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of October 20, 2009

The Council continued the subject minutes to the November 17, 2009 City Council meeting.

11/03/09-4. Consideration of a Resolution Approving the City's Participation in the Brag About Your Bag® Campaign

The Council adopted Resolution No. 6226.

11/03/09-5. Consideration of Financial Reports:

a) Ratification of Demands: October 29, 2009.

b) Investment Portfolio for the Month Ending September 30, 2009.

c) Financial Reports for the Month Ending September 30, 2009.

The Council approved with no exception Warrant Register No. 10B in the amount of \$2,825,960.05 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 September 30, 2009; and received and filed the Financial Reports for the month ending September 30, 2009.

11/03/09-6. Award of Contracts Using Federal Stimulus Funding to Sully-Miller Contracting Company for Construction of the Aviation Boulevard Resurfacing Project (\$159,630) and Valley Drive Resurfacing Project (\$472,560.00); and Approval of an Agreement with KOA Corporation / CBM Consulting (\$118,864) for Construction Inspection and Project Management Services

The Council approved awarding a contract to Sully–Miller Contracting Company in the amount of \$159,630.00 to construct the Aviation Boulevard Resurfacing Project and authorize the Director of Public Works to approve additional work in an amount not-to-exceed \$7,981.00; approved awarding a contract to Sully–Miller Contracting Company in the amount of \$472,560.00 to construct the Valley Drive Resurfacing Project and authorize the Director of Public Works to approve additional work in an amount not-to-exceed \$23,628.00; and approved a Professional Engineering Services contract to KOA Corporation / CBM Consulting in an amount not-to-exceed \$118,864.00 for construction management/inspection services.

BOARDS AND COMMISSIONS

Cultural Arts Commission

11/03/09-7. Consideration of Draft Minutes, Cultural Arts Commission Meeting of October 13, 2009

The Council received and filed the subject draft minutes.

Library Commission

11/03/09-8. Consideration of Draft Minutes, Library Commission Meeting of October 5, 2009

The Council received and filed the subject draft minutes.

Parking & Public Improvements Commission

11/03/09-9. Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of October 22, 2009

The Council received and filed the subject action minutes.

Planning Commission

11/03/09-10. Consideration of Action Minutes, Planning Commission Meeting of October 28, 2009

The Council received and filed the subject action minutes, as amended.

11/03/09-11. Consideration of Planning Commission Approval of a Use Permit for Construction of a Mixed Use Development with Four Residential Condominium Units and One Commercial General Office/Personal Services Condominium Space on the Property Located at 627 Aviation Way

The Council received and filed the subject report.

COMMUNITY ANNOUNCEMENTS

11/03/09-17. Don Gould Re Library Events

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

11/03/09-18. Phyllis Kramer Re Farmers Market

Phyllis Kramer, Manhattan Beach Farmers Market, invited Council and the public to visit the Farmers Market where there are many specialty foods and gift ideas for the holidays.

11/03/09-19. Nina Patel Re Manhattan Beach Education Foundation

Manhattan Beach Education Foundation Vice President of Fundraising, Nina Patel, thanked Council for their \$1.3 million donation to the school district and announced Pledge Day, a fundraiser on November 12, 2009. **Ms. Patel** asked that interested parties visit www.mbef.org for more information.

11/03/09-20. Helen Duncan Re Conferences

Manhattan Beach Chamber of Commerce President / CEO Helen Duncan announced that the Women in Business Breakfast will be held November 6, 2009 at the Belamar Hotel and that Mayor Cohen will give her State of the City address on December 4, 2009 at the Belamar Hotel.

11/03/09-21. Councilmember Powell Re Veterans Day Celebration

Councilmember Powell invited the public to join in celebrating Veterans Day in the Veterans Parkway on November 11, 2009 at 11:00 a.m.

11/03/09-22. Councilmember Powell Re Get Well

Councilmember Powell wished a speedy recovery to Patricia Schilling, the Administrative Assistant to City Manager Geoff Dolan.

11/03/09-23. Councilmember Montgomery Re Family Halloween Carnival

Councilmember Montgomery thanked the Parks and Recreation staff and Senior Recreation Leader David Ibarra for the great turn out at the Halloween festival celebration at Manhattan Heights adding that there were over 400 different costumes and a pumpkin patch.

11/03/09-24. Councilmember Montgomery Re Recent E-mails

Councilmember Montgomery commented on recent e-mails that have been received criticizing City policy and asked that the public not criticize staff.

11/03/09-25. Mayor Cohen Re 350 Event

Mayor Cohen thanked the organizers of the 350 Event and the thousand or so participants from all over the South Bay who attended. She shared that pictures of the event can be seen at www.350.org or www.civiccouch.com.

11/03/09-26. Mayor Cohen Re Call to Civic-Minded Youth

Mayor Cohen encouraged everyone to read an article in the October 29, 2009 edition of the Beach Reporter (page 44) entitled “Mayor’s Call to Civic-Minded Youth: Study Your City and Report Back to Council.” Mayor Cohen explained that a partnership between Mira Costa High School and the City has been created to encourage high school student to get involved.

AUDIENCE PARTICIPATION

11/03/09-27. Michelle Murphy Re Undergrounding

Michelle Murphy, The Strand, explained that she believes that Undergrounding Districts should be disbanded and that neighborhoods should have a 70% majority to move forward with Undergrounding.

11/03/09-28. Patrick McBride Re Senior Transportation

Patrick McBride, 5th and Peck, presented a proposal from the Senior Resource Committee regarding 24-hour senior transportation and vouchers.

11/03/09-29. Susan Jones Re Senior Transportation

Susan Jones, No Address Provided, explained that she disagrees with **Mr. McBride** and wants Council to understand that he does not speak for all the seniors in the City. **Ms. Jones** then invited everyone to the Senior Advisory Committee to express their ideas and/or concerns.

11/03/09-30. Phyllis Kramer Re Senior Advisory Committee

Senior Advisory Committee President, Phyllis Kramer, explained that the Senior Advisory Committee (SAC) meeting minutes are posted at the Joslyn Center and that while **Mr. McBride** wants to only focus on vouchers, the SAC is currently examining all aspects of transportation.

11/03/09-31. Jack Johnson Re Parking at Joslyn Center

Jack Johnson, No Address Provided, shared his request that the City designate senior parking in the Joslyn parking lot so that seniors who are driving by may stop and enjoy the senior center without having to hunt for parking.

PUBLIC HEARINGS

None.

GENERAL BUSINESS

11/03/09-12. Discussion of Older Adults Survey Results

City Manager Geoff Dolan introduced the subject item and the following individuals presented information related to the survey: Recreation Services Manager Eve Kelso, Older Adults Program Manager Jan Buike, Former Chair of Senior Advisory Committee (SAC) Richard Zeif, current SAC Chair Phyllis Kramer and SCA Vice-Chair Freddi Segal-Gidan.

The following individuals spoke on this item:

- **Patrick McBride, 5th Street and Peck Avenue**
- **Susan Jones, No Address Provided**

MOTION: Mayor Cohen moved to receive and file the subject report.

Hearing no objection, it was so ordered.

11/03/09-13. Consideration of Finance Subcommittee Recommendation to Provide Funding for the Chamber of Commerce for Fiscal Years 2010 (\$50,000) and 2011 (\$25,000)

City Manager Geoff Dolan introduced the subject item and Finance Director Bruce Moe and Chamber of Commerce President/CEO Helen Duncan provided a presentation. Councilmembers Montgomery and Tell also reported on discussions that took place at the Finance Subcommittee

There were no requests to speak on this item.

MOTION: Mayor Pro Tem Ward moved to approve funding for the Chamber of Commerce: a) \$50,000 in Fiscal Year 2009-2010 using available Council Contingency Funds and b), 25,000 in Fiscal Year 2010-2011 budget. 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.

RECESS AND RECONVENE

At 8:29 p.m. the Council recessed and reconvened at 8:47 p.m. with all Councilmembers present.

11/03/09-14. Consideration of Installation of New Technology Parking Meters in the Upper and Lower Pier Parking Lots for an Eight Month Trial Period (Approximate Cost of \$12,000)

City Manager Geoff Dolan introduced the subject item and Finance Director Bruce Moe provided the PowerPoint presentation.

There were no requests to speak on this item.

MOTION: Mayor Pro Tem Ward moved to approve the installation of new parking meters from Duncan Industries and IPS Group in the Pier parking lots (upper and lower) for an eight month trial period, beginning on January 2010, and approve the enforcement of the use of those meters until 10:00 p.m. 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.

11/03/09-15. Discussion of the Fiscal Year 2009-2010 City Council Work Plan

City Manager Geoff Dolan introduced the subject item and provided the staff presentation on Work Plan Item Nos. 1-14.

The following individuals spoke on Work Plan Item No. 14 (Developing an Ordinance that Will Allow for Outdoor Dining):

- **Don McPherson, 1000 Block of 1st Street**
- **Wayne Partridge, 3500 Block of the Strand**

- **Kathy Smith, 10th Street**
- **Peter Kim, Owner of Sloopy's Restaurant**
- **George Kauffman, 10th Street**
- **Alexandra (Last Name Not Provided), 10th Street**

MOTION: Councilmember Tell moved to eliminate Item No. 14. The motion was seconded by Councilmember Powell.

Prior to the vote, Councilmember Montgomery called for a Counter Motion.

MOTION: Councilmember Montgomery moved to allow the ability for the issue to be considered. The motion was seconded by Mayor Pro Tem Ward.

City Attorney Robert Wadden advised Council that they had to identify which motion to consider prior to voting.

MOTION: Mayor Pro Tem Ward moved to approve voting on Councilmember Montgomery's Counter Motion. The motion was seconded by Councilmember Montgomery.

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

MOTION: Councilmember Tell moved to eliminate Item No. 14. The motion was seconded by Councilmember Powell.

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

City Manager Dolan provided the staff presentation on Item Nos. 15 – 24.

The following individuals spoke on Work Plan Item No. 24:

- **Beverly Cherub, 3800 Block of Ocean**
- **Greg Cherub, 200 Moonstone Street**
- **John Slater, 100 Block of 38th Street**
- **David Nестea, Rosecrans Boulevard and Ocean Drive**
- **Ed Skebe, No Address Provided**
- **Patrick McBride, 5th Street and Peck Avenue**

City Manager Dolan provided the staff presentation on Item Nos. 25 – 29 and the Carry-Over Items from the 2008-2009 Work Plan.

The following individuals spoke on all remaining Work Plan Items:

- **Peter Kim, Owner of Sloopy's Restaurant (Item No. 16)**
- **Patrick McBride, 5th Street and Peck Avenue (Item Nos. 5, 19 & 20)**

MOTION: Councilmember Tell moved to approve the Fiscal Year 2009-2010 City Council Work Plan as amended. The motion was seconded by Councilmember Powell.

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

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 11:47 p.m. Councilmember Montgomery moved to continue with the subject meeting past the 10:30 p.m. time. 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.

11/03/09-16. Consideration of Report on Fiscal Year 2009-2010 First Quarter Financial Results

City Manager Geoff Dolan introduced the subject item and Finance Director Bruce Moe provided the staff presentation.

There were no requests to speak on this item.

MOTION: Councilmember Powell moved to receive and file the Fiscal Year 2009-2010 First Quarter Financial Results. 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.

ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

None.

ADJOURNMENT

At 11:55 p.m., the meeting was duly adjourned to the 5:00 p.m. Adjourned Regular Meeting (Golden Guardian Drill) on Monday, November 16, 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