

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
NOVEMBER 17, 2009**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 17<sup>th</sup> day of November, 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.cityymb.info](http://www.cityymb.info).

**PLEDGE TO FLAG**

Human Resources Director Cathy Hanson led the pledge of allegiance.

**ROLL CALL**

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

**CEREMONIAL CALENDAR**

11/17/09-1. Presentation of Certificates to the Winners of the 2009 Manhattan Beach Library Children's Bookmark Contest

The Council presented City pins to the winners of the 2009 Manhattan Beach Library Children's Bookmark Contest.

11/17/09-2. Presentation of a "Baby Passport" to Mike and Andrea Zislis

The Council presented "Baby Passports" to Mike and Andrea Zislis in acknowledgment of the birth of their daughter Milla (now 2 years old) and newborn son Ben.

11/17/09-3. Presentation of a Commendation Recognizing the Organizers of the International Day of Climate Action (350 Event)

The Council presented a commendation to **Joe Galliani, Chairman of the South Bay 350 Climate Action Group**, for organizing last month's International Day of Climate Action (350 Event).

**CONSENT CALENDAR**

Prior to the adoption of the Consent Calendar, Councilmember Powell requested an amendment to the October 20, 2009 City Council Meeting Minutes which included the spelling and title correction to read as follows: Jill Brunkhardt, Vice President of the Manhattan Beach Coordinating Council .

Prior to the adoption of the Consent Calendar and in response to an audience member's request to pull Item No. 11, City Manager Geoff Dolan requested that Item No. 11 be continued to the next City Council meeting as there is some additional work that needs to take place with the Cultural Arts Commission prior to the adoption of this matter. Hearing no objection, it was so ordered.

The Consent Calendar (Item Nos. 4 through 14), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Montgomery, seconded by Mayor Cohen and passed by unanimous roll call vote with the exception of Item Nos. 9 which was considered later in the meeting under "*Items Removed from the Consent Calendar*" and Item No. 11 which was continued to the next City Council meeting.

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

### **GENERAL CONSENT**

11/17/09-4. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of October 20, 2009

The Council approved the subject minutes as amended.

11/17/09-5. Approve Minutes of the City Council Regular Meeting of November 3, 2009

The Council approved the subject minutes.

11/17/09-6. Consideration of Financial Reports: Ratification of Demands - November 12, 2009

The Council approved with no exception Warrant Register No. 11B in the amount of \$1,998,063.93 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.

11/17/09-7. Consideration of the Purchase of One Budgeted Replacement Police Vehicle from Martin Chevrolet (\$27,964.84)

The Council approved the award of Bid #791-10 to Martin Chevrolet in the amount of \$27,964.84 for the purchase of one replacement Police vehicle

11/17/09-8. Consideration of a Five-Year Lease Agreement with Xerox Corporation for Two Multifunction (Scan, Fax, Copy) Machines for City Hall (Approximate Annual Cost of \$24,306)

The Council approved the award of RFB #780-09 to Xerox Corporation for a five-year budgeted lease valued at \$24,306 annually.

11/17/09-9. Consideration of Appointment of Mayor Pro Tem Ward as the City Council Liaison to the Manhattan Beach Studios

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

11/17/09-10. Consideration of a Resolution Approving an Amended and Restated Reimbursement Agreement and a Two Year Renewal of the Direct Pay Letter of Credit for the South Bay Regional Public Communications Authority (SBRPCA) Variable Rate Demand Revenue Bonds Series "C"

The Council adopted Resolution No. 6227; approved a two-year renewal of the direct pay letter of credit for the 2001 South Bay Regional Public Communications Authority (SBRPCA) Series "C" variable rate debt; and approved authorizing the City Manager to execute all documents related to this transaction.

11/17/09-11. Consideration of a Resolution to Allocate Public Art Trust Funds in the Amount of \$175,000

The subject item was continued to the next City Council meeting.

11/17/09-12. Award a Contract (\$89,979.00) for the City Yard Fuel Island Cover Project to Atom Engineering Construction

The Council approved the award of a contract for the City Yard Fuel Island Cover Project to Atom Engineering Construction in the net amount of \$89,979.00

**BOARDS AND COMMISSIONS**

**Parks and Recreation Commission**

11/17/09-13. Consideration of Draft Minutes, Parks and Recreation Commission Minutes of October 26, 2009

The Council received and filed the subject draft minutes.

**Planning Commission**

11/17/09-14. Consideration of Action Minutes, Planning Commission Meeting of November 12, 2009

The Council received and filed the subject action minutes.

**COMMUNITY ANNOUNCEMENTS**

11/17/09-21. Elizabeth Rosenberg Re Holiday Coat Drive

**Elizabeth Rosenberg, No Address Provided**, announced the “Warm Coats and Warm Hearts” Coat Drive explaining that the goal of the drive, sponsored by ABC News and the Burlington Coat Factory, is to collect 10,000 coats between November 18, 2009 and January 10, 2010. She added that additional information can be obtained at <http://tiny.cc/MBCoatDrive>.

11/17/09-22. Don Gould Re Library Events

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

11/17/09-23. City Manager Dolan Re Holiday Events

City Manager Geoff Dolan reminded everyone that the Downtown Holiday Open House and Pier Lighting Ceremony is tomorrow, November 18, 2009.

**Executive Director of the Downtown Business and Professional Association Mary Ann Varni** added that there will be live reindeer, a live camel and three Wise Men at the Downtown Holiday Open House and that Santa will be at the Pier.

11/17/09-24. City Manager Dolan Re Sand Dune Park

City Manager Geoff Dolan explained that the Parks and Recreation Commission held a final hearing last night; that the next meeting will be a Joint Parking and Public Improvements Commission/Parks and Recreation Commission Meeting on January 7, 2010; and that the issue will come before the City Council on January 19, 2010.

11/17/09-25. Assistant to the City Manager Coe-Juell Re Reusable Bag Giveaway

Assistant to the City Manager Lindy Coe-Juell announced the “Brag About Your Bag” reusable bag giveaway at the Ralph’s Grocery Store at 2700 Sepulveda Boulevard on Tuesday, November 24, 2009 from 10:00 a.m. to 2:00 p.m.

11/17/09-26. Councilmember Powell Re Coordinating Council Meeting

Councilmember Powell announced that the Coordinating Council will meet on Thursday, November 19, 2009 at 11:30 a.m. at the Belamar Hotel and that the guest speaker is Dr. James Berensen, CEO and Medical & Science Director of the Myeloma and Bone Cancer Research Center.

11/17/09-27. Mayor Cohen Re Manhattan Village Santa Arrival Parade

Mayor Cohen announced that on Friday, November 27, 2009 at 9:30 a.m. the Manhattan Village Mall will hold its annual Santa Arrival Parade including the Chamber of Commerce Santa float.

11/17/09-28. Mayor Cohen Re Holiday Open House

Mayor Cohen announced that on Wednesday, December 2, 2009 North Manhattan will hold its 5<sup>th</sup> Annual Holiday Open House and Walkabout from 5:00 p.m. to 10:00 p.m. where there will be carolers, a toy drive and Santa.

11/17/09-29. Councilmember Tell Re Thanksgiving

Councilmember Tell wished everyone a Happy Thanksgiving.

**AUDIENCE PARTICIPATION**

11/17/09-30. Diane Wallace Re Water and Sewer Construction.

**Diane Wallace, No Address Provided**, inquired about the plans for the upcoming water and sewer construction.

Mayor Cohen explained that the plan is not available because it is just now being developed and will be part of the Capitol Improvement Plan which will be brought to Council next spring.

11/17/09-31. John Noway Re Undergrounding

**John Noway, No Address Provided**, expressed his hope that Undergrounding District 13 will not pass.

Mayor Cohen pointed out that a Public Hearing regarding Undergrounding will be on the next City Council agenda on December 1, 2009.

11/17/09-32. City Manager Re Undergrounding Meeting

City Manager Geoff Dolan reiterated that those interested in the assessment methodology for Undergrounding, especially those in District 13, should attend the Underground Utility District 13 - Public Meeting on Thursday, November 19, 2009, at 6:30 p.m., in the Joslyn Community Center, at 1601 North Valley Drive.

11/17/09-33. Alex Re South Bay Coalition

**Alex (no last name given)**, explained the concept of the South Bay Coalition's new campaign "The Future is Watching" and encouraged anyone wanting additional information visit [www.thefutureiswatching.org](http://www.thefutureiswatching.org).

## **PUBLIC HEARINGS**

### 11/17/09-15. Consideration of a Planning Commission Recommendation to Approve an Amendment to the Municipal Code to Allow Extended Hours of Operation for Restaurants and Bars for Certain Holidays, and Adopt a Fee for the Application

City Manager Geoff Dolan introduced the subject item and Senior Planner Laurie Jester provided the staff presentation.

Mayor Cohen opened the Public Hearing at 7:25 p.m.

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

- **Mary Ann Varni, Executive Director Downtown Business and Professional Association**

Mayor Cohen closed the Public Hearing at 7:28 p.m.

City Attorney Robert Wadden read aloud the title of Ordinance No. 2130.

**MOTION:** Mayor Pro Tem Ward moved to waive further reading; introduce Ordinance No. 2130; and adopt Resolution No. 6230. 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**

### 11/17/09-16. Consideration of Environmental Task Force Recommendations to Amend Water Conservation Ordinance

City Manager Geoff Dolan introduced the subject item and Public Works Director Jim Arndt, Environmental Programs Manager Sona Kalapura and Environmental Task Force (Water Subcommittee) Members David Pederson, Jeff Neu and Robert Siemak provided the staff presentation.

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

- **Susan Jones, No Address Provided**
- **Gary Stabile, 3100 Block of the Strand**

City Attorney Robert Wadden read aloud the title of Ordinance No. 2130.

**MOTION:** Councilmember Montgomery moved to waive further reading and introduce Ordinance No. 2131 as amended to change from “measurable water” to a “tenth of an inch.” 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 8:36 p.m. the Council recessed and reconvened at 8:55 p.m. with all Councilmembers present.

### **11/17/09-17. Presentation of the Community Emergency Response Team (CERT) Strategic Plan**

City Manager Geoff Dolan introduced the subject item and Fire Battalion Chief Frank Chiella, Carol Curry and George Butts provided the staff presentation.

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

- **Bob Shear, Community Emergency Response Team**

**MOTION:** Councilmember Powell moved to receive and file the CERT Strategic Plan. Hearing no objections, it was so ordered.

### **11/17/09-18. Consideration of the Parks and Recreation Commission's Recommendation to Approve an Off-Leash Dog Area at Polliwog Park**

City Manager Geoff Dolan introduced the subject item and Parks and Recreation Services Manager Idris Al-Oboudi provided the PowerPoint presentation.

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

- **Sue Vogel, 1200 Block of 6<sup>th</sup> Street**
- **Lynn Harris, No Address Provided**
- **Marty Friedman, No Address Provided**
- **George Cohn, 1400 Block of 8<sup>th</sup> Street**

**MOTION:** Councilmember Powell moved to approve the recommendation of the Parks and Recreation Commission to install an off-leash dog run area at Polliwog Park for general use by the public and dog obedience classes utilizing CIP Funds with the exception of the proposed lighting. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote.

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

### **11/17/09-19. Update on City Applications for Grant Funds and Federal Stimulus Money**

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:** Councilmember Montgomery moved to receive and file the subject report and allocate \$81,000 from available CIP Funds for Safe Routes to School Grant match. 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.

11/17/09-20. Consideration of a Resolution Amending Personnel Rules Providing Salary and Benefit Adjustments for the Fiscal Year 2009-2010 Including: A 2.5% Increase to the Management/Confidential Salary Ranges and Other Miscellaneous Changes

City Manager Geoff Dolan introduced the subject item and Human Resources Director Cathy Hanson provided the staff presentation.

There were no requests to speak on this item.

**MOTION:** Montgomery moved to adopt Resolution No. 6229 and approved authorizing the City Manager to utilize the \$320,000 budgeted in the 2009-2010 budget for management confidential salary adjustments and bonuses. 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**

11/17/09-9. Consideration of Appointment of Mayor Pro Tem Ward as the City Council Liaison to the Manhattan Beach Studios

Councilmember Montgomery explained that he pulled this item to determine whether this liaison position is a one-person appointment or whether alternate should also be appointed.

There were no requests to speak on this item.

**MOTION:** Councilmember Powell moved to appoint Mayor Pro Tem Ward as the primary City Council Liaison and Councilmember Montgomery as the alternate liaison to the Manhattan Beach Studios for the purpose of assisting the studios in attracting more production, and reviewing film permitting processes.

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

**CITY MANAGER REPORT(S)**

None.

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

11/17/09-34. Mayor Cohen Re Local Arts/Artists

Mayor Cohen spoke of the Foundation for the Local Arts (FOLA) inaugural kick off at the Manhattan Beach Country Club last Friday and that they are working on a website.

11/17/09-35. Mayor Cohen Re Veterans Day

Mayor Cohen acknowledged the great turnout for last week's Veteran's Day ceremony.

**ADJOURNMENT**

At 10:31 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, December 1, 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  
NOVEMBER 17, 2009**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 17<sup>th</sup> day of November, 2009, at the hour of 5:32 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.  
(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**

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

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 (three cases).

**RECESS INTO CLOSED SESSION**

The Council recessed into Closed Session at 5:32 p.m.

**RECESS INTO OPEN SESSION**

The Council reconvened into Open Session at 6:31 p.m.

**ADJOURNMENT**

At 6:31 p.m. the meeting was duly adjourned.

Robert V. Wadden, Jr.  
Recording Secretary

ATTEST:

Portia Cohen  
Mayor

Liza Tamura  
City Clerk