

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
DECEMBER 1, 2009**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 1<sup>st</sup> day of December, 2009, at the hour of 6:36 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**

Claire Haber, a 5<sup>th</sup> Grade Student at Pennekamp Elementary School, led the pledge of allegiance.

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

**CEREMONIAL CALENDAR**

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

12/1/09-2. Presentation of Proclamation to Soroptimist International – Camino Real Region, Declaring the Month of October 2009 as “Breast Cancer Awareness Month” and the Month of November 2009 as “End Domestic Violence Month”

On behalf of the Council, Mayor Cohen presented a proclamation to **Sandy Franchini** and **Mandy Memmott-Richardson, Camino Real Region of Soroptimist International**, declaring the month of October 2009 as *Breast Cancer Awareness Month* and the month of November 2009 as *End Domestic Violence Month*.

12/1/09-1. Annual City Recognition of Longstanding Local Businesses

The Council presented plaques, commendations and city pins to Manhattan Beach businesses that have been providing services to the community for a number of years.

12/1/09-3. Recognition of the Mira Costa High School’s Baja Club for Organizing a Collection Drive for Santa Rosalia, Baja Mexico (Sister City to Manhattan Beach) after Hurricane Jimena

The Council presented a certificate and city pins to **Mark Ledesma, Roxy Smith, Caitlin Sappington** and **Tina Abel** of the Mira Costa High School’s Baja Club in recognition of their efforts to help the City of Santa Rosalia, Baja Mexico after Hurricane Jimena.

12/1/09-4. Recognition of Police Lieutenant John Dye on the Occasion of His Retirement From the Manhattan Beach Police Department

The Council presented a commendation and various gifts of appreciation to Police Lieutenant John Dye recognizing his retirement from the Manhattan Beach Police Department

**ROLL CALL**

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

## **CONSENT CALENDAR**

Prior to the vote, Councilmember Tell recused himself from Item No. 21.

The Consent Calendar (Item Nos. 5 through 21), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Powell, seconded by Mayor Pro Tem Ward and passed by unanimous roll call vote with the exception of Item Nos. 6, 14 and 20 which were 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: Tell (Item No. 21).

## **GENERAL CONSENT**

12/1/09-5. Approve Minutes of the City Council Adjourned Regular (Golden Guardian Drill and FEMA Training) Meeting of November 16, 2009

The Council approved the subject minutes.

12/1/09-6. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of November 17, 2009

Item No. 6 was pulled from the “CONSENT CALENDAR”. Please refer to “ITEMS REMOVED FROM THE CONSENT CALENDAR.”

12/1/09-7. This Space Intentionally Left Blank

12/1/09-8. Adoption of an Ordinance Approving an Amendment to the Municipal Code to Allow Extended Hours of Operation for Restaurants and Bars for New Years Eve Until 1:00 a.m. with Approval of a Temporary Use Permit

The Council adopted Ordinance No. 2130.

12/1/09-9. Adoption of an Ordinance Amending the Existing Water Conservation Ordinance

The Council adopted Ordinance No. 2131.

12/1/09-10. Consideration of Financial Reports: Ratification of Demands - November 25, 2009

The Council approved with no exception Warrant Register No. 12B in the amount of \$2,043,930.76 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.

12/1/09-11. Consideration of the Budgeted Purchase of One Police Patrol Car From Hoblit Motors (\$28,104.11)

The Council approved the award of Bid #794-10 to Hoblit Motors in the amount of \$28,104.11 for the budgeted purchase of one Police patrol car.

12/1/09-12. Consideration of Acceptance of a Grant Awarded to the Cities of Hawthorne, Hermosa Beach and Manhattan Beach from the State of California Office of Traffic Safety (OTS) for Increased Education and Enforcement Activities Regarding Traffic Safety in the Three Cities in the Amount of \$142,000, of which Manhattan Beach Will Receive Approximately \$16,000 in Equipment and \$31,000 in Overtime Reimbursement

The Council approved accepting a grant from the State of California Office of Traffic Safety (OTS); approved executing a Memorandum of Understanding with the cities of Hawthorne and Hermosa Beach demonstrating our support of and participation in the grant activities; and appropriated \$31,000 from the Unreserved General Fund balance which will be reimbursed by the grant.

12/1/09-13. Consideration of a Revision to Resolution No. 3578, Renaming the Los Angeles County Department of Public Health as the Local Enforcement Agency to Carry Out the Provisions of the Z'Berg-Kapiloff Solid Waste Control Act of 1976 Regarding Solid Waste Disposal, Handling and Transport, Replacing the Los Angeles Department of Health Service

The Council adopted Resolution No. 6235, designating the Los Angeles County Solid Waste Management Program, a Division of Public Health, as the City's Enforcement Agency to carry out the provisions of the Z'Berg-Kapiloff Solid Waste Control Act of 1976.

12/1/09-14. Award of Contract (\$284,896.00) for the 2006-07 Sewer Main Replacement Project to Atlas Underground, Inc.

Item No. 14 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

12/1/09-15. Disbursement of Final Payment in the Net Amount of \$2,579.70 to All American Asphalt; Formally Accept the Peck Avenue Improvement Project as Complete; and Authorize Filing of the Appropriate Notice of Completion

The Council approved the issuance of the subject final payment; formally accepted the Peck Avenue Improvement Project as complete; and authorized the filing of the appropriate Notice of Completion.

## **BOARDS AND COMMISSIONS**

### **Cultural Arts Commission**

12/1/09-16. Consideration of Draft Minutes, Cultural Arts Commission Minutes of November 10, 2009

The Council received and filed the subject draft minutes.

### **Library Commission**

12/1/09-17. Consideration of Draft Minutes, Library Commission Minutes of November 16, 2009

The Council received and filed the subject draft minutes.

### **Parks and Recreation Commission**

12/1/09-18. Consideration of Draft Minutes, Parks and Recreation Commission Minutes of November 16, 2009

The Council received and filed the subject draft minutes.

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

12/1/09-19. Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of November 19, 2009

The Council received and filed the subject action minutes.

### **Planning Commission**

12/1/09-20. Consideration of a Master Use Permit Amendment for a Reduction of Parking Requirements to Allow an Increased Amount of Medical Office Use, and Less Restaurant Use Based on a Current Parking Study on the Property Located at 500 South Sepulveda Boulevard

Item No. 20 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

12/1/09-21. Consideration of Planning Commission Approval of a Variance for Building Height and Side Yard Setback Standards for an Existing Single Family Residence Due to a Merging of Two Parcels on the Property Located at 113/119 South Poinsettia Avenue

The Council received and filed the decision of the Planning Commission approving the project subject to certain conditions.

### **COMMUNITY ANNOUNCEMENTS**

12/1/09-25. Mary Ann Varni Re Trackless Train

**Downtown Business and Professional Association (DBPA) Executive Director Mary Ann Varni** announced that the DBPA is getting ready for the holidays by decorating Metlox and sponsoring a trackless train in the Metlox Plaza. She stated that the hours for the train are Tuesday, Saturday, and Sunday from 12:00 p.m. to 4:00 p.m. during the month of December and thanked the additional sponsors.

12/1/09-26. Mayor Cohen Re Downtown Holiday Open House and Pier Lighting

Mayor Cohen thanked the Downtown Business and Professional Association for sponsoring the Downtown Holiday Open House, and the residents who attended the event. Mayor Cohen was especially pleased with the reindeer and camels.

12/1/09-27. Carol Kwan Re Proclamation

**West Basin Municipal Water District Board Member Carol Kwan** thanked Council, Manhattan Beach residents, staff, Jim Arndt and Geoff Dolan for the endless effort to conserve water. She presented Council with a proclamation congratulating the City of Manhattan Beach's water conservation efforts.

12/1/09-28. Don Gould Re Library Events

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

12/1/09-29. Councilmember Montgomery Re Beach Cities Toy Drive

Councilmember Montgomery invited everyone to donate unwrapped gifts to the Annual Beach Cities Toy Drive (toys are being collected at Manhattan Beach and Hermosa Beach City Halls, as well as the Police and Fire Departments) and to join him at the wrapping party which will

take place on Saturday, December 19, 2009 at 11:00 am in the Hermosa Beach Community Center Gym located at 710 Pier Avenue. He asked that everyone please bring their scissors and, for more information, to please visit [www.citymb.info](http://www.citymb.info).

12/1/09-30. Mayor Cohen Re "Warm Coats Warm Hearts" Drive

Mayor Cohen announced the "Warm Coats Warm Hearts" Coat Drive that the City is participating in with Manhattan Beach Rotary and Good Morning America. Mayor Cohen asked that residents donate winter coats, gloves and hats and for more information to please call **Elizabeth Rosenberg** at 310-545-5638 or visit the city calendar [www.citymb.info](http://www.citymb.info).

12/1/09-31. Mayor Cohen Re North Manhattan Beach Holiday Open House

Mayor Cohen reminded everyone that the North Manhattan Beach Holiday Open House is Wednesday, December 2, 2009 from 5:00 p.m. to 10:00 p.m., and that many stores will have entertainment and libations.

12/1/09-32. Mayor Pro Tem Ward Re Youth Recognition Award

Mayor Pro Tem Ward reminded everyone about the Youth Recognition Award that is given to one outstanding Mira Costa High School student and one outstanding Los Angeles County High School student. He asked everyone to consider giving a donation to the scholarship fund.

12/1/09-33. Councilmember Montgomery Re 350 Candlelight Vigil

Councilmember Montgomery announced the South Bay 350 Climate Action Group is holding a candlelight vigil on December 11, 2009 from 5:30 p.m. to 7:00 p.m. in Hermosa Beach next to the Public Library. Councilmember Montgomery suggested visiting [www.350.org/node/13000](http://www.350.org/node/13000) or [www.citymb.info](http://www.citymb.info) and click on "Going Green" for more information.

12/1/09-34. Councilmember Powell Re Santa's Arrival at the Manhattan Village Mall & Holiday Fireworks

Councilmember Powell announced Santa's arrival at the Manhattan Village Mall and asked residents to visit the Chamber of Commerce's website ([www.manhattanbeachchamber.net](http://www.manhattanbeachchamber.net)) for the map. He announced that on December 14, 2009 he will be an elf for Santa while he visits the Eastside of Manhattan Beach.

Councilmember Powell also reminded everyone that Sunday, December 13, 2009 is the Holiday Fireworks Celebration from 4:00 p.m. to 9:00 p.m. and that there will be a snow park, bounce house, Santa, music and fireworks.

12/1/09-35. Mayor Cohen Re Hazardous Waste Collection Event

Mayor Cohen congratulated the community on the success of the hazardous waste collection on November 14, 2009. She reported that 200 gallons of used motor oil, 190 gallons of paint, many batteries, and 27 drums of other waste was collected and that 87% of it will be recycled or reused.

12/1/09-36. Mayor Cohen and Councilmember Montgomery Re California Coastal Commission

Mayor Cohen congratulated Councilmember Montgomery regarding the invitation he received to be considered for the California Coastal Commission.

Councilmember Montgomery said he was honored to be considered but withdrew his name from consideration because of his focus in the Manhattan Beach community.

12/1/09-37. Councilmember Montgomery Re Mia Mason's Recovery

Councilmember Montgomery wished Grandview 7<sup>th</sup> grader, Mia Mason, a speedy recovery from surgery to remove a brain tumor.

**AUDIENCE PARTICIPATION**

12/1/09-38. Tom Beedon Re South Bay Workforce Investment Board (WIB) Update

**Belamar Hotel General Manager and South Bay WIB Boardmember Tom Beedon** reported the 1<sup>st</sup> quarter activities and accomplishments of the South Bay Workforce Investment Board.

12/1/09-39. Bill Victor Re Questions for Council

**Bill Victor, No Address Provided**, asked Council for clarification regarding warrants from the November 17, 2009 City Council Meeting and requested assistance on obtaining information to the numerous questions that he's asking.

12/1/09-40. Jon Chaykowski Re Youth Recognition Award

**Jon Chaykowski, 200 Block of John Street**, stated that he appreciated the work that has been done with the Youth Recognition Award; however, commented that previously an award to an undocumented immigrant was embarrassing to many residents of the City and he hopes that this will not happen again.

**PUBLIC HEARINGS**

None.

**GENERAL BUSINESS**

12/1/09-22. Presentation of the Underground Utility Assessment District (UUAD) 09-13 and Consideration of Resolutions to Initiate District Formation Proceedings

Acting City Manager/Community Development Director Richard Thompson introduced the subject item and Public Works Director Arndt, City Engineer Steve Finton, Senior Civil Engineer Gil Gamboa and consultant **Joan Cox of Harris and Associates** provided the presentation.

The following individuals spoke on this item:

- **Jim (last name inaudible), No Address Provided, District 13**
- **Mary Courtney, 2400 Block of Alma Avenue, District 13**
- **Bob Perkins (on behalf of Julia Tedesco) No Address Provided, District 13**
- **Bill McCaverty, 300 Block of 28<sup>th</sup> Street, District 13**
- **Mary Austin, 300 Block of 36<sup>th</sup> Street, District 13**
- **Margo Woodward, No Address Provided, District 13**
- **Tim Thomas, 300 Block of 36<sup>th</sup> Street, District 13**
- **Terry Austin, 300 Block of 36<sup>th</sup> Street, District 13**
- **Barbara Burdick, No Address Provided, District 13**
- **Patricia McCaverty, 300 Block of 28<sup>th</sup> Street, District 13**
- **Nora Fong, 2500 Block of Crest Drive, District 13**
- **Ann Collier, 300 Block of 26<sup>th</sup> Street, District 13**
- **Bill Victor, No Address Provided**
- **Michelle Murphy, 4400 Block of the Strand, District 12**
- **Esther Besbris, 2<sup>nd</sup> Street**

- **Jon Chaykowski, No Address Provided**
- **Patrick McBride, 5<sup>th</sup> Street and Peck Avenue**
- **Bev Morse, 900 Block of 1<sup>st</sup> Street**
- **Steve Morse, 900 Block of 1<sup>st</sup> Street**
- **Willy Levanthal, No Address Provided**

**MOTION:** Mayor Pro Tem Ward moved to dissolve Underground Utility Assessment District 09-13. The motion was seconded by Councilmember Powell and passed by the following roll call vote.

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

**RECESS AND RECONVENE**

At 10:01 p.m. the Council recessed and reconvened at 10:21 p.m. with all Councilmembers present.

12/1/09-23. Refuse Contract Renegotiation Update and Discussion of Potential Additional Services

Acting City Manager/Community Development Director Richard Thompson introduced the subject item and Public Works Director Jim Arndt, **Laith Ezzet, Senior Vice President of VF&H Consultants, LLC** and Management Analyst Anna Luke provided the presentation.

There were no requests to speak on this item.

Council accepted the presentation and directed staff to include all of the potential additional services discussed in the staff report for consideration as negotiations move forward.

Hearing no objection it was so ordered.

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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 11:05 p.m. Councilmember Montgomery moved to continue with the subject meeting past the 10:30 p.m. time. 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.

12/1/09-24. Consideration of a League of California Cities Supported Resolution for the “Local Taxpayer Public Safety and Transportation Protection Act of 2010” Proposed Measure for the November 2010 Ballot

Acting City Manager/Community Development Director Richard Thompson introduced the subject item and Finance Director Bruce Moe provided the staff presentation.

There were no requests to speak on this item.

**MOTION**: Councilmember Montgomery moved to adopt Resolution No. 6236. 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.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

12/1/09-6. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of November 17, 2009

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

However, prior to the discussion of this subject matter, **Bill Victor** informed Mayor Cohen and City Clerk Tamura that he no longer wished to discuss this matter.

**MOTION**: Mayor Pro Tem Ward moved to approve the subject minutes. 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.

12/1/09-14. Award of Contract (\$284,896.00) for the 2006-07 Sewer Main Replacement Project to Atlas Underground, Inc.

Staff pulled this item from the Consent Calendar for Council discussion.

Acting City Manager/Community Development Director Richard Thompson introduced the subject item and Public Works Director Jim Arndt provided additional information on the subject matter.

There was no public comment on this item.

**MOTION**: Mayor Pro Tem Ward moved to approve the award of contract in the net amount of \$284,896 for the 2006-2007 Sewer Water Main Replacement Project to Atlas Underground, Inc.; authorize the Director of Public Works to approve additional work in an amount not-to-exceed \$28,500, if required; and to remove 17<sup>th</sup> Street from the Strand to Highland Avenue from the Staff Report. 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.

12/1/09-20. Consideration of a Master Use Permit Amendment for a Reduction of Parking Requirements to Allow an Increased Amount of Medical Office Use, and Less Restaurant Use Based on a Current Parking Study on the Property Located at 500 South Sepulveda Boulevard

Councilmember Montgomery pulled this item from the Consent Calendar for Council discussion.



Acting City Manager/Community Development Director Richard Thompson introduced the subject item.

The following individual spoke on this item:

- **David Knapp (Applicant), 500 S. Sepulveda**

**MOTION:** Councilmember Montgomery moved to receive and file the decision of the Planning Commission approving the project subject to certain conditions as outlined in the Staff Report. 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.

### **CITY MANAGER REPORT(S)**

None.

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

#### 12/1/09-41. Councilmember Montgomery Re Fireworks

Councilmember Montgomery reminded everyone to head down to the pier on Sunday, December 13 to make their holidays truly festive. Councilmember Montgomery mentioned that there will be a snow park, live entertainment, and the fireworks.

#### 12/1/09-42. Mayor Pro Tem Ward Re Council Reorganization

Mayor Pro Tem Ward offered his congratulations to Mayor Cohen for the near completion of her final full length meeting. Mayor Pro Tem Ward then invited everyone to the Mayoral Reorganization on December 15<sup>th</sup>, stating that there will be local entertainers and the rededication of the City's Official Manhattan Beach Band.

#### 12/1/09-43. Councilmember Powell Re State of the City Address

Councilmember Powell reminded everyone that Mayor Cohen will be giving her State of the City Address on Friday, December 4, 2009 at the Belamar Hotel. Councilmember Powell announced it will be a great event, the Mayor is a great presenter, and that the public should contact the Manhattan Beach Chamber of Commerce ([www.manhattanbeachchamber.net](http://www.manhattanbeachchamber.net)) for more information.

#### 12/1/09-44. Mayor Cohen Re Birthday

Mayor Cohen commended Councilmember Powell on his true loyalty and love of Manhattan Beach. Mayor Cohen stated that only a truly dedicated individual would attend a Council Meeting on their Birthday.

**ADJOURNMENT**

In memory of Rancho Palos Verdes City Councilmember and Mayor John McTaggart, at 11:20 p.m., the City Council recessed to a Closed Session Meeting.

At 11:40 p.m., the 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, December 15, 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 DECEMBER 1, 2009**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 1<sup>st</sup> day of December, 2009, at the hour of 4:43 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.  
Present: 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 (two cases).

**RECESS INTO CLOSED SESSION**

The Council recessed into Closed Session at 4:43 p.m.

**RECESS INTO OPEN SESSION**

The Council reconvened into Open Session at 6:30 p.m.

**ADJOURNMENT**

At 6:30 p.m. the meeting was recessed to the Regular City Council Meeting of December 1, 2009.

**RECESS INTO CLOSED SESSION**

At the conclusion of the Regular City Council Meeting, the City Council recessed into Closed Session at 11:20 p.m.

**RECESS INTO OPEN SESSION**

The Council reconvened into Open Session at 11:40 p.m.

**ADJOURNMENT**

At 11:40 p.m. the meeting was duly adjourned.

Robert V. Wadden, Jr.  
Recording Secretary

ATTEST:

Portia Cohen  
Mayor

Liza Tamura  
City Clerk