

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
JANUARY 19, 2010**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 19th day of January, 2010, at the hour of 6:38 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

Sean McDonald, a 5th grader from Robinson Elementary School, led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

01/19/10-1. Presentation of the "Person of the Month" Award to Police Sergeant Brian Brown for His Courageous Act of Heroism

Police Chief Rod Uyeda introduced Police Sergeant Brian Brown and Mayor Ward, on behalf of the Council, presented Police Sergeant Brown with a commendation naming him the "Person of the Month" for saving two women from drowning at the pier.

01/19/10-2. Introduction of New Employees, Employee Promotions and Service Awards: Recognition of City Employee of the Year and Police Officer of the Year

Police Chief Rod Uyeda introduced Police Sergeant Brian Brown, and Mayor Ward, on behalf of the Council, congratulated him on being named the City of Manhattan Beach "Police Officer of the Year."

Police Chief Uyeda introduced Police Sergeant Joe Aiello, and Mayor Ward, on behalf of the Council, congratulated him on his recent promotion.

Mayor Ward also congratulated Police Lieutenant Brian Klatt on his recent promotion and Community Services Officer Vincent Kennar for 20 years of service to Manhattan Beach. Both were unable to attend.

Fire Chief Ferguson introduced Fire Battalion Chief Ken Shuck and Firefighter Engineer/Paramedic Dan O'Neill. Mayor Ward, on behalf of the Council, presented them with certificates and service pins for their 30 years of service to the City.

Fire Chief Ferguson introduced Fire Captain/Paramedic James Muth and Mayor Ward congratulated him on his recent promotion.

Public Works Director Arndt introduced Management Analyst Clay Curtin. Mayor Ward welcomed him and presented him with a City pin.

Bobby Dobson, recently promoted to Public Works Maintenance Supervisor, was unable to attend the meeting.

Interim Community Development Director Jester introduced Management Analyst Nhung Madrid and Mayor Ward welcomed her and presented her with a City pin.

Mayor Ward recognized and introduced Interim City Manager Richard Thompson and Acting Community Development Director Laurie Jester.

Mayor Ward also congratulated Ravy Sok, who was unable to attend the meeting, on being named the City of Manhattan Beach “Employee of the Year.”

CONSENT CALENDAR

Prior to the adoption of the Consent Calendar, Mayor Pro Tem Montgomery clarified a typographical error on the Agenda stating that the Consent Calendar consists of “Item Nos. 3 through 15”, and not “Item Nos. 3 through 12.”

The Consent Calendar (Item Nos. 3 through 15), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Cohen, seconded by Councilmember Powell and passed by unanimous roll call vote.

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

GENERAL CONSENT

01/19/10-3. Approve Minutes of the City Council Special Adjourned Regular City Council Meeting of December 12, 2009

The Council approved the subject minutes.

01/19/10-4. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of December 15, 2009

The Council approved the subject minutes.

01/19/10-5. Consideration of a Resolution Creating a New “Older Adult” Seat on the City’s Parks and Recreation Commission

The Council adopted Resolution No. 6242.

01/19/10-6. Consideration of Ratification of Motor Fuel Purchases from Falcon Fuels (\$20,426.36) and Merrimac Energy Group (\$21,417.59)

The Council approved ratifying the subject purchase.

01/19/10-7. Consideration of Cancellation and Re-Award of a Three-Year Parks and Recreation Activity Guide Printing Services Contract to Direct Advertising Response (Estimated Value \$200,400)

The Council approved the cancelling of the remaining portion of the City's contract with American Print Media; approved the award of a new three-year activity guide printing services contract to Direct Advertising Response with an estimated value of \$200,400; and approved a supplemental appropriation of \$11,600 from the available unreserved General Fund balance.

01/19/10-8. Consideration of an Award of a Three-Year Contract to Measurement Control Systems for a Water Meter Supply Contract (Estimated Annual Value of \$133,645)

The Council approved the award of RFP #793-10 to Measurement Control Systems for a three-year water meter supply Contract (estimated annual value of \$133,645).

01/19/10-9. Consideration of Financial Reports:

- a) Ratification of Demands: December 24, 2009 and January 7, 2010
- b) Investment Portfolio for the Month Ending November 30, 2009
- c) Financial Reports for the Month Ending November 30, 2009

The Council approved with no exception Warrant Register Nos. 14B and 15B in the amount of \$4,979,385.71 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 November 30, 2009; and received and filed the Financial Reports for the month ending November 30, 2009.

1/19/10-10. Approval of a Contract with Revenue and Cost Specialists, LLC, to Perform an Updated Cost Allocation Plan and User Fee Study for an Amount of \$28,000

The Council approved with Revenue and Cost Specialists, LLC, to perform a cost allocation plan and user fee study and appropriated \$8,000 from the General Fund.

1/19/10-11. Consideration of a Resolution of Intention to Provide for Annual Levy and Collection of Assessments for the North Manhattan Beach Business Improvement District and Setting February 16, 2010 for a Public Hearing

The Council adopted Resolution No. 6239 announcing the City's intention to set assessments for the North Manhattan Beach Business Improvement District (BID) for 2010 and setting the Public Hearing for February 16, 2010.

1/19/10-12. Disbursement of Progress Payment No. 1 in the Net Amount of \$13,500 for the City Yard Fuel Island Cover Project to Atom Engineering Construction

The Council approved the issuance of the subject progress payment.

BOARDS AND COMMISSIONS

Cultural Arts Commission

01/19/10-13. Consideration of Draft Minutes, Cultural Arts Commission Meeting of December 8, 2009

The Council received and filed the subject draft minutes.

Parks and Recreation Commission

01/19/10-14. Consideration of Draft Minutes, Parks and Recreation Commission Meeting of December 14, 2009

The Council received and filed the subject draft minutes.

Planning Commission

01/19/10-15. Consideration of Action Minutes, Planning Commission Meeting of January 13, 2010

The Council received and filed the subject action minutes.

COMMUNITY ANNOUNCEMENTS

01/19/10-19. Michelle Murphy Re Budget Informational Budget Meeting

Manhattan Beach Residents Association (MBRA) Representative, Michelle Murphy, announced that the MBRA and the League of Women Voters are sponsoring an informational meeting about city budgets on January 26, 2010, at the Manhattan Beach Library, and that all are welcome.

01/19/10-20. Chris Godfrey Re Leadership Manhattan Beach

Leadership Manhattan Beach (LMB) participant, Chris Godfrey, announced LMB's 2010 "Signs of the Sea" project to revitalize the Roundhouse Aquarium.

01/19/10-21. Don Gould Re Upcoming Library Events

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

01/19/10-22. Fire Battalion Chief John Weber Re Haitian Earthquake

Fire Battalion Chief John Weber gave a brief explanation of the recent disaster in Haiti and posted a list of reputable charities that are collecting money and/or supplies.

Mayor Ward read aloud the following websites: redcross.org; www.interaction.org/crisis-list/earthquake-haiti; www.cnn.com/2010/LIVING/01/13/Haiti.earthquake.how.to.help/index.html; www.cidi.org/; and doctorswithoutborders.org,

01/19/10-23. Maxwell Yollin Re Haiti Relief "Soles4Souls" Shoe Drive

Maxwell Yollin, No Address Provided, asked for donations of gently worn or new shoes that will be donated to the people of Haiti; asked if the City could be listed as a designated drop-off center; stated that shoes would be collected until January 29, 2010 and then taken to the Sports Chalet; and announced that additional information may be found at www.thelistingwidget.com.

01/19/10-24. Councilmember Cohen Re Costa-Council Project

Councilmember Portia Cohen announced the Costa-Council Project where Mira Costa students are invited to observe City Council and Commission meetings and at the end of the semester submit a report evaluating local government. She also thanked and recognized those participants who were in the audience.

01/19/10-25. Mayor Ward Re Manhattan Beach Youth Recognition Award

Mayor Ward encouraged juniors and seniors from Mira Costa and all over Los Angeles County to apply for the Manhattan Beach Youth Recognition Award, a scholarship given each spring to students interested in higher education. Mayor Ward stated that the application is available online at www.citymb.info.

01/19/10-26. Councilmember Powell Re Luncheon

Councilmember Powell announced that the monthly Manhattan Beach Coordinating Council Luncheon will be held at Verandas on Thursday, January 21, 2010 at 11:30 a.m. He explained that the Coordinating Council recognizes distinguished, outstanding students from local schools and that this month's speaker is the Beach Cities Health District Chief Medical Officer, Lisa Santora.

01/19/10-27. Councilmember Powell Re LMB "Citizen of the Year"

Councilmember Powell thanked Leadership Manhattan Beach for naming him "Citizen of the Year, 2009."

01/19/10-28. Councilmember Powell Re Los Angeles County Beach Commission

Councilmember Powell thanked **Los Angeles County Supervisor Don Knabe** for appointing him to the Los Angeles County Beach Commission.

01/19/10-29. Mayor Pro Tem Montgomery Re Possible Ballot Measure

Mayor Pro Tem Montgomery explained that the League of California Cities is looking into placing a measure on the November, 2010 ballot that would stop the state from taking funds from local governments. He encouraged residents who support closing this loop-hole to sign a form allowing the initiative to be placed on the November ballot.

01/19/10-30. Mayor Pro Tem Montgomery Re Power Outage

Mayor Pro Tem Montgomery encouraged residents to call Edison first when experiencing a power outage, before calling Council, so that Edison can send crews to assess the problem and fix it.

Councilmember Cohen asked if the subcommittee working with utilities could provide an update to Council, specifically asking if parts of the City experience more outages than others.

Public Works Director Jim Arndt explained that **Scott Gobble**, the City's **Edison representative**, is currently gathering data for a "State of Utility Address."

Councilmember Powell encouraged residents who experience food or medication loss due to power outages to submit a claim form directly to Edison at www.sce.com/PowerOutage/Center.

01/19/10-31. Mayor Mitch Ward Re Courtesy and Respect at the Meeting & North MB Trees

Mayor Ward asked the audience to please silence their cell phones and also announced that the north Manhattan Beach tree issue is scheduled for the February 2, 2010 City Council Meeting agenda.

01/19/10-32. Mayor Mitch Ward Re New Management

Mayor Ward informed the public that the City is going in a new management direction; that the Council is searching for a new City Manager that understands fiscal restraint; that city staff has stepped up to temporarily fill the vacancy (recognizing Interim City Manager Richard Thompson and Acting Community Development Director Laurie Jester); and that Manhattan Beach is great, but it will be much better. Mayor Ward expressed his hope that there would be a new City Manager appointed within the next six months.

AUDIENCE PARTICIPATION

01/19/10-33. Don McPherson Re North End Trees

Don McPherson, 1000 Block of 1st Street, expressed his concern with the City's planned removal of 100 canopy trees. He stated that he would like the City to discuss the plan with the City Arborist before going any further.

01/19/10-34. Julie Grasso Re North End Trees

Julie Grasso, 24th Place and Highland, asked Council to please reconsider replacing the North End trees. She explained that she and her husband trim the trees in front of their house on Highland and do not want to see them removed.

01/19/10-35. Patrick McBride Re Various Issues

Patrick McBride, 5th Street and Peck Avenue, discussed the North End tree replacement; asked that term limits for the City Manager be considered; and transportation be examined.

01/19/10-36. Yury Gurvich Re City Manager

Yury Gurvich, No Address Provided, commented on the details of City Manager Geoff Dolan's departure from the City and expressed opinions of President Obama.

01/19/10-37. Bill Reinhert Re Waste Management

Bill Reinhert, speaking on behalf of **Esther Besbris**, expressed her concern that the contract discussion with Waste Management is not going out to bid.

Mayor Pro Tem Montgomery explained that every contract over \$20,000 is discussed in public and asked that **Ms. Besbris** attend the February 16, 2010 Council meeting when the Waste Management Contract comes back to Council.

PUBLIC HEARINGS

01/19/10-16. Consideration of a Resolution Adjusting the 2010-2011 Business License Tax by the Consumer Price Index

Interim City Manager Richard Thompson introduced the subject item and Revenue Services Manager Steve Charelian provided the staff presentation.

Mayor Ward opened the Public Hearing at 7:47 p.m.

The following individual spoke on this item:

- **Bill Victor, No Address Provided**

Mayor Ward closed the Public Hearing at 7:48 p.m.

MOTION: Councilmember Powell moved to adopt Resolution No. 6238. The motion was seconded by Mayor Pro Tem Montgomery and passed by the following unanimous roll call vote.

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

01/19/10-17. Consideration of Proposed Use of Community Development Block Grant (CDBG) Funds Received by the City of Manhattan Beach and the Allocation of the Funds for the 2010-2011 Fiscal Year

Interim City Manager Richard Thompson introduced the subject item and Assistant Planner Angelica Ochoa provided the staff presentation.

Mayor Ward opened the Public Hearing at 8:04 p.m.

The following individual spoke on this item:

- **Tobi Quintiliani, 1736 Family Crisis Center**
- **Patrick McBride, 5th Street & Peck Avenue**
- **Paula Rosenfeld, South Bay Center for Counseling**
- **Raylene Prout, Wellness Community**
- **Marilyn Rafkin, Beach Cities Health District**
- **Bill Victor, No Address Provided**
- **Kim Devine, South Bay Adult Care Center**
- **Tina Harris, South Bay Children Health Center**
- **John Merryman, South Bay Family Health Care**

Mayor Ward closed the Public Hearing at 8:25 p.m.

MOTION: Mayor Pro Tem Montgomery moved to adopt version 1 of Resolution No. 6240 and approve authorizing the City Manager to execute the draft Agreement with a participating City. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote:

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

RECESS AND RECONVENE

At 8:30 p.m. the Council recessed and reconvened at 8:45 p.m. with all Councilmembers present.

GENERAL BUSINESS

01/19/10-18. Consideration of Operational and Parking Options Related to Sand Dune Park and the Surrounding Neighborhood Including but Not Limited to Closing the Dune

Interim City Manager Richard Thompson introduced the subject item and Parks and Recreation Director Richard Gill, Public Works Director Jim Arndt and Traffic Engineer Erik Zandvliet provided the staff presentation.

The following individuals spoke on this item:

- **Jan Dennis, No Address Provided**
- **Jake Rome, No Address Provided**
- **Mark Kemple, No Address Provided**
- **Rick Norris, No Address Provided**
- **Eric Steller, No Address Provided**
- **Dave Wachtfogel, No Address Provided**
- **Marcus Mac, 35th Street**
- **Lillian Light, No Address Provided**
- **Mikey Fine, No Address Provided**
- **Christy Barnes, 500 Block of 31st Street**
- **Tim Kelleher, 33rd Street**
- **Lindsay Oman, No Address Provided**
- **Bill Purcell, 500 Block of 36th Street**
- **Joseph Sciabbarrasi, 35th Street**
- **Nina Tarnay, 400 Block of 32nd Street**
- **Marni Harp, No Address Provided**
- **Kathleen Splane, No Address Provided**
- **Anne Eli Kershner, No Address Provided**
- **Steven Vargas, 400 Block of 32nd Street**
- **Dexter Taylor, 400 Block of 32nd Street**
- **Ed Lear, 500 Block of 33rd Street**
- **Suzanne Caflisch, No Address Provided**
- **Jack Rubens, No Address Provided**
- **Brad Porter, 500 Block of 35th Street**
- **Victoria Peters, 400 Block of 28th Street**
- **Brent Enright, 600 Block of 33rd Street**
- **Luke Delfeor, 4 Blocks from Sand Dune Park**
- **Jerry Henkins, 500 Block of 33rd Street**
- **Dennis Dylan, 400 Block of 30th Street**
- **Michael McGinley, 400 Block of 35th Street**
- **Bill Hory, No Address Provided**
- **Jake Roehl, Marine Avenue**
- **Don Trucker, No Address Provided**
- **Marino Fine, No Address Provided**
- **Doug McDonald, 500 Block of 35th Street**
- **Kristen Latto, 30th Street**
- **Mark Shalvarjan, 400 Block of 32nd Street**
- **Joanna Gallo Marsteller, No Address Provided**
- **Heidi Snively, 500 Block of 33rd Street**

- **Nancy DiRado, 500 Block of 31st Street**
- **Justine Grubb, 400 Block of 32nd Street**
- **Jane Tournat, 500 Block of 31st Street**
- **Gerry O’Conner, No Address Provided**
- **Wil Arvizo, 400 Block of 23rd Street**
- **Jeff Atkinson, 300 Block of 1st Place**
- **Robert Hess, 500 Block of 33rd Street**
- **Faith Lyons, 500 Block of 33rd Street**
- **Carl Prinum, No Address Provided**

Mayor Ward clarified the direction from Council as identified below:

- The dune will remain closed for now;
- The dune will be re-purposed;
- The dune will not be used as a work-out/exercise facility;
- Consider reducing the hours;
- No parking meters will be considered near the dune;
- No Residential Parking Permit Program will be considered;
- Staff will engage a Soil Engineer to assess the structural integrity of the dune and advise on level of use that maintains its structural integrity;
- Once the soil report is in, Staff will prepare for Council design options based thereon. Once these design proposals are reviewed by Council, Council will have the option of engaging a landscape architect if it deems appropriate;
- The goals of the design options are to:
 1. Restore the structural integrity of the dune.
 2. Replant most of the dune with native/original vegetation.
 3. Include a path to permit some level of use by children and perhaps adults to the extent supported by the soil report.

Hearing no objection it was so ordered.

ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

None.

CLOSED SESSION

At 12:29 a.m., the City Council recessed into Closed Session.

At 12:58 a.m. the City Council reconvened into Open Session.

ADJOURNMENT

At 12:58 a.m. the Regular City Council meeting of January 19, 2010, 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, February 2, 2010, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Liza Tamura
Recording Secretary

Mitch Ward
Mayor

ATTEST:

Liza Tamura
City Clerk

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR MEETING
JANUARY 19, 2010**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 19th day of January, 2010, at the hour of 5:15 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

ROLL CALL

Present: Tell, Powell, Cohen, Montgomery and Mayor Ward.
(Cohen arrived at 5:32 p.m.)
Absent: None.
Clerk: Thompson (Acting).

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATION OF LITIGATION

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

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

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

Daniels & Coleman v. City of Manhattan Beach, et al.

RECESS INTO CLOSED SESSION

The Council recessed into Closed Session at 5:15 p.m.

RECESS INTO OPEN SESSION

The Council reconvened into Open Session at 6:36 p.m.

RECESS INTO CLOSED SESSION

At the conclusion of the Regular City Council Meeting, the City Council recessed into Closed Session at 12:43 a.m.

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

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATION OF LITIGATION

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

RECESS INTO CLOSED SESSION

The Council recessed into Closed Session at 12:43 a.m.

RECESS INTO OPEN SESSION

The Council reconvened into Open Session at 12:58 a.m.

ADJOURNMENT

The meeting was duly adjourned at 12:58 a.m.

Robert V. Wadden, Jr.
Recording Secretary

Mitch Ward
Mayor

ATTEST:

Liza Tamura
City Clerk