

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
FEBRUARY 2, 2010**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 2<sup>nd</sup> day of February, 2010, at the hour of 6:34 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**

Bradley Afzali, an 8<sup>th</sup> grader from Manhattan Beach Middle School led the pledge of allegiance.

**ROLL CALL**

Present: Tell, Powell, Cohen, Montgomery and Mayor Ward.  
(Ward arrived at 6:36 p.m.)  
Absent: None.  
Clerk: Tamura.

**CEREMONIAL CALENDAR**

02/02/10-1. Presentation of the "Person of the Month" Award to Kiwanis Manhattan Beach President DeAnn Flores Chase

Mayor Ward introduced **DeAnn Flores Chase, President of the Manhattan Beach Kiwanis**, and presented her with a commendation naming her the "Person of the Month" for her distinguished service to the community.

02/02/10-2. Presentation of Commendations to Mike Noriega and Virginia Narag for Their Act of Heroism

Fire Battalion Chief John Weber introduced **Mike Noriega** and **Virginia Narag** and Mayor Ward, on behalf of the Council, presented them with commendations and city pins.

02/02/10-3. Presentation of Certificates to the Winners of the 2009 Manhattan Beach Fire Department Annual "Home Escape Plan" Contest

Fire Apparatus Engineer/Paramedic Brian Yount briefly explained that the Fire Department has developed a program, in conjunction with Manhattan Beach Elementary Schools, in recognition of Fire Safety Week and presented certificates to the Winners of the 2009 "Home Escape Plan" Contest.

02/02/10-4. Presentation of a Proclamation Declaring Friday, February 5, 2010 as the American Heart Association's National Wear Red Day

Mayor Ward, on behalf of the Council, presented a proclamation to **Richard Weiss** of the **American Heart Association** declaring Friday, February 5, 2010 as the American Heart Association's "National Wear Red Day".

## **CONSENT CALENDAR**

The Consent Calendar (Item Nos. 5 through 6), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Powell seconded by Councilmember Cohen and passed by unanimous roll call vote.

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

## **GENERAL CONSENT**

02/02/10-5. *Approve Minutes of the City Council Adjourned Regular and Regular Meeting of January 19, 2010*

The Council approved the subject minutes.

02/02/10-6. *Consideration of Financial Reports:*  
a) *Ratification of Demands: January 21, 2010*  
b) *Investment Portfolio for the Month Ending December 31, 2009*  
c) *Financial Reports for the Month Ending December 31, 2009*

The Council approved with no exception Warrant Register No. 16B in the amount of \$2,662,609.23 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 December 31, 2009; and received and filed the Financial Reports for the month ending December 31, 2009.

## **COMMUNITY ANNOUNCEMENTS**

02/02/10-12. *Don Gould Re Upcoming Library Events*

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

02/02/10-13. *James Gill Re Leadership Manhattan Beach Class of 2011*

**Leadership Manhattan Beach (LMB) Recruitment Director, James Gill**, announced he has begun recruiting for the LMB Class of 2011. He explained that the program runs from September to May and that there are two informational nights scheduled in the City Council Chambers: February 23, 6:30 p.m. – 7:30 p.m. and March 31, 6:30 p.m. -7:30 p.m. He added that additional information can be viewed at [www.leadershipmb.org](http://www.leadershipmb.org).

02/02/10-14. *Patricia Meccia Re Art for the Centennial Celebration*

**Artist Patricia Meccia**, offered her services to the City Council for the Centennial Celebration in 2012. She explained that she does tribute artwork and provided her contact information to staff.

02/02/10-15. Robert Bush Re Costa-Council Project

**Robert Bush, No Address Provided**, suggested that Councilmember Cohen include the School District in the Costa-Council project. He stated that the School District has mismanaged their Bond Funds in the past and would like residents to get involved and hold them accountable.

02/02/10-16. John Jackson Re Thank You to Police Department

**Manhattan Beach Middle School Principal John Jackson** thanked the Police Department for their swift, effective lock down of the Middle School campus during a recent emergency situation. **Principal Jackson** also thanked Council for the School Resource Officer who was the point of contact and coordinated the Police Department efforts on campus during the incident.

02/02/10-17. Jane Phillips Re Crown Jewel Club

**Founder and President of the Crown Jewel Club Jane Phillips** thanked the Manhattan Beach community for supporting the **Crown Jewel Club**, an East Los Angeles after school program for at-risk 5<sup>th</sup> grade girls. She invited the community to a fundraiser at the Hermosa Beach Comedy and Magic Club on February 26, 2010.

Mayor Ward encouraged everyone to support the **Crown Jewel Club** and visit their website: [www.crownjewelclub.org](http://www.crownjewelclub.org).

02/02/10-18. Viet Ngo Re Equal Justice Task Force

**Viet Ngo, No Address Provided**, announced the creation of an “Equal Justice for All Task Force” whose goal is to protect public money and report Council wrongdoing to the District Attorney or FBI. **Mr. Ngo** encouraged residents to contact him (310) 318-3769.

**AUDIENCE PARTICIPATION**

02/02/10-19. Willy Leventhal Re Geoff Dolan, John Stephenson and Mobi Mats

**Willy Leventhal, No Address Provided**, shared his opinion regarding the public discussion of Geoff Dolan’s severance pay; urged Council to have a moment of silence and send their condolences to the City of El Segundo in memory of John Stephenson; and asked that Mobi Mats be considered to enable seniors and disabled persons access to the shoreline.

02/02/10-20. Robert Bush Re Healthcare

**Robert Bush, No Address Provided**, shared his opinion that the United States has the best healthcare system in the world and does not believe the system needs to be fixed.

02/02/10-21. Jacob Rome Re Sand Dune Park

**Jacob Rome, 400 Block of 28<sup>th</sup> Street**, announced that Dune advocates were circulating a petition and encouraged Council to reach out to the entire Manhattan Beach community as well as trying to reduce usage of the dune by limiting hours.

02/02/10-22. Patrick McBride Re Pier Parking Lot Hours

**Patrick McBride, 5<sup>th</sup> and Peck**, expressed his frustration with the pier parking lots closing at 9:30 p.m. and suggested that perhaps Councilmember Powell could bring it up at a Los Angeles County Beach Commission meeting.

02/02/10-23. Evelyn Frye Re Beach Mobi Mats and Protection of Employees

**Evelyn Frye, No Address Provided**, relayed that a military base in Ventura County paid for the installation of a mat to the beach in honor of their wounded soldiers. She also suggested that the Council consider closing City Hall every other Friday as they do in Santa Monica rather than lay off any employees.

02/02/10-24. Viet Ngo Re Public Corruption

**Viet Ngo, No Address Provided**, stated that he is a victim and witness of public corruption and believes that Geoff Dolan's severance pay violated the Brown Act. **Mr. Ngo** asked Police Chief Uyeda to issue an arrest warrant for Mr. Dolan.

### **PUBLIC HEARINGS**

None.

### **GENERAL BUSINESS**

02/02/10-7. Consideration of a Resolution Approving the City's Participation in Earth Hour on March 27<sup>th</sup> and Presentation of a Proclamation Declaring April 17<sup>th</sup> – 23<sup>rd</sup> as Manhattan Beach Earth Week

Interim City Manager Richard Thompson introduced the subject item and Assistant to the City Manager Lindy Coe-Juell and Environmental Programs Manager Sona Kalapura provided the staff presentation.

There were no requests to speak on this item.

**MOTION:** Mayor Pro Tem Montgomery moved to adopt Resolution No. 6243 in order to support the City's participation in activities leading up to Earth Hour (8:30 p.m. on Saturday, March 27, 2010) and approve a proclamation designating April 17 – 23, 2010 as Earth Week in the City of Manhattan Beach. 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.

02/02/10-8. Consideration of Fiscal Year 2008-2009 Audit Results; Report on City's Investment Portfolio Performance; Fiscal Year 2009-2010 Mid Year Budget Review and Preview of Fiscal Year 2010-2011 Budget

Interim City Manager Richard Thompson introduced the subject item and Finance Director Bruce Moe, **Richard Kikuchi of Lance, Soll & Lundgard, LLP** and City Treasurer Tim Lilligren provided a PowerPoint presentation.

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

- **Patrick McBride, 5<sup>th</sup> Street and Peck Avenue**
- **Russ Wasden, No Address Provided**
- **Robert Bush, No Address Provided**

**MOTION:** Councilmember Cohen moved to receive and file the subject presentations and continued the report on the “Mid Year Budget Review and Preview of Fiscal year 2010-2011 Budget” to a future meeting. The motion was seconded by Councilmember Powell and passed by the following unanimous roll call vote.

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

Prior to the recess, Councilmember Tell commented that, because he is a resident of Underground Utility Assessment District 15 and because Districts 12, 14 and 15 are going to be discussed together, he would abstain on Item No. 9 and will not be at the dais for the discussion.

**RECESS AND RECONVENE**

At 8:28 p.m. the Council recessed and reconvened at 8:43 p.m. with all Councilmembers present except Councilmember Tell.

**02/02/10-9. Status Update and Consideration of Continuation or Dissolution of Initiated Underground Utility Assessment Districts (UUAD) 12, 14 & 15**

Interim City Manager Richard Thompson introduced the subject item and Public Works Director Jim Arndt, City Engineer Steve Finton, Senior Civil Engineer Gil Gamboa and **Southern California Edison Regional Manager of Public Affairs Scott Gobble** provided the staff presentation.

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

**District 12:**

- **John Weakley, No Address Provided**
- **Bob Perkins, No Address Provided**
- **Michelle Murphy, No Address Provided**
- **Joe Chrisman, No Address Provided**
- **Will Powell, No Address Provided**
- **Ben Gashall, No Address Provided**
- **Greg Cherep, No Address Provided**
- **Daralee Barbera, No Address Provided**
- **Aaron Caplan, No Address Provided**
- **Beverly Cherep, 3000 Block of Ocean Drive**
- **Bruce Greenberg, 44<sup>th</sup> Street**

**District 14:**

- **Russell Wasden, No Address Provided**
- **Mike Johnson, No Address Provided**

- **Larry Hagerman, No Address Provided**
- **Stan Flood, Kelp Street**
- **Ed Skebe, No Address Provided**
- **Leslie Backschie, No Address Provided**
- **Robert Erickson, El Porto Street**
- **Peter Erling, No Address Provided**
- **Bob Leaf, El Porto Street**
- **Wanda (Last name inaudible), No Address Provided**
- **Jennifer Orona, No Address Provided**

**District 15:**

- **Irl Cramer, No Address Provided**
- **Rhonda Payson, No Address Provided**
- **Jim Andrews, No Address Provided**
- **Bill Bloomfield, No Address Provided**
- **Nancy Simpson, No Address Provided**
- **Karen Westover, Duncan & Dianthus**
- **Bev Morse, 900 Block of 1<sup>st</sup> Street**
- **Jon Chaykowski, No Address Provided**
- **Dick Whilden, No Address Provided**
- **Steve Morse, 900 Block of 1<sup>st</sup> Street**
- **Jacque May, No Address Provided**
- **Robert Bush, No Address Provided**
- **Patrick McBride, 5<sup>th</sup> Street**
- **Nikki Stapakis, No Address Provided**

**MOTION:** Councilmember Cohen moved to direct staff to continue with the design process for Underground Utility Assessment District 15. The motion was seconded by Mayor Pro Tem Montgomery and passed by the following roll call vote.

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

**MOTION:** Mayor Pro Tem Montgomery moved to direct staff to continue with the design process for Underground Utility Assessment District 14. The motion was seconded by Councilmember Cohen and passed by the following roll call vote.

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

**MOTION:** Mayor Ward moved to dissolve Underground Utility Assessment District 12.

The motion failed due to the lack of a second.

**MOTION:** Mayor Pro Tem Montgomery moved to direct staff to continue with the design process for Underground Utility Assessment District 12. The motion was seconded by Councilmember Cohen and passed by the following roll call vote.

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

City Attorney Robert Wadden stated that the 2-2 vote is a “no action” vote, and since the previous City Council already authorized for Underground Utility Assessment District (UUAD) 12 to move forward, then staff will continue with the design process for UUAD 12.

At 12:05 a.m., Councilmember Tell Returned to the dais.

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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 12:05 a.m. Mayor Pro Tem Montgomery moved to continue the meeting past the 10:30 p.m. cut off and to continue Item No. 10 (*Consideration of Finance Subcommittee Recommendation to Introduce an Ordinance Amending Chapter 2.36 – Purchasing - of the Manhattan Beach Municipal Code Including Informal Bid Limit and Emergency Procurement Policy*) to a future City Council meeting. 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.

02/02/10-10. Consideration of Finance Subcommittee Recommendation to Introduce an Ordinance Amending Chapter 2.36 – Purchasing - of the Manhattan Beach Municipal Code Including Informal Bid Limit and Emergency Procurement Policy

The subject item was continued to a future City Council meeting.

02/02/10-11. Consideration of Establishing a Centennial Celebration Committee

Interim City Manager Richard Thompson introduced the subject item and Assistant to the City Manager Lindy Coe-Juell provided the staff presentation.

There were no requests to speak on this item.

The City Council appointed Mayor Pro Tem Montgomery and Councilmember Tell as delegates to the Centennial Committee and directed staff to return with a list of applicants for Council to appoint to the Centennial Committee.

Hearing no objections it was so ordered.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

None.

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

None.

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

### 02/02/10-25. Councilmember Powell Re Conference

Councilmember Powell shared his positive experience at the League of California Cities Conference for new Mayors and Councilmembers.

### 02/02/10-26. Mayor Pro Tem Montgomery Re Initiative Measure

Mayor Pro Tem Montgomery asked that anyone interested in signing an initiative measure by the League of California Cities to stop the state from taking local funds, to please contact him at [rmontgomery@citymb.info](mailto:rmontgomery@citymb.info).

Mayor Ward voiced his opinion that while many ballot measures set up unfunded mandates, he encouraged everyone to sign this initiative measure to ensure that local funds stay local. Mayor Ward asked that interested parties contact Mayor Pro Tem Montgomery or Teresa Acosta at the League of California Cities.

### 02/02/10-27. Mayor Ward Re U.S. Conference of Mayors

Mayor Ward reported that he attended the United States Conference of Mayors in Washington D.C. where he invited President Obama to visit Manhattan Beach and asked that more funds be directly appropriated for local entities.

### 02/02/10-28. Mayor Ward Re Pacific Elementary's Annual Parent Party

Mayor Ward announced that Pacific Elementary School's PTA is holding their 11<sup>th</sup> Annual Parent Party to raise money; that there will be a silent auction; and that he (Mayor Ward) will be on the auction block.

### 02/02/10-29. Mayor Pro Tem Montgomery Re Pictures of Mayor Ward with President Obama

Mayor Pro Tem Montgomery encouraged residents to visit [www.usmayors.org](http://www.usmayors.org) to see pictures of Mayor Ward with President Obama during his attendance at the U.S. Conference of Mayors in Washington D.C.

### 02/02/10-30. Councilmember Powell Re Historical Society Contribution

Councilmember Powell announced that the Manhattan Beach Historical Society will present a generous check to the Manhattan Beach School Board to maintain school libraries and challenged other community groups to contribute to local schools.

## **ADJOURNMENT**

At 12:25 a.m. the Regular City Council meeting of February 2, 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 16, 2010, 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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Mitch Ward  
Mayor

ATTEST:

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Liza Tamura  
City Clerk