

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
FEBRUARY 16, 2010**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 16th day of February, 2010, 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.citymb.info.

PLEDGE TO FLAG

Police Chief Rod Uyeda led the pledge of allegiance.

ROLL CALL

Present: Powell, Cohen, Montgomery and Mayor Ward.
Absent: Tell.
Clerk: Tamura.

CEREMONIAL CALENDAR

THE FOLLOWING ITEM WAS TAKEN OUT OF ORDER

02/16/10-2. Presentation of a Commendation to Bob Bohner for his Selfless Act of Generosity as an Organ Donor

Mayor Ward, on behalf of the City Council, presented **Bob Bohner** with a commendation in recognition of his being an organ donor.

02/16/10-1. Presentation of the "Person of the Month" Award to Fire Captain Dave Shenbaum for His Courageous Act of Heroism

Mayor Ward introduced Fire Chief Ferguson who detailed how Fire Captain Dave Shenbaum saved a man from drowning. Mayor Ward, on behalf of the City Council, presented Fire Captain Shenbaum with a commendation in recognition of this heroic act.

02/16/10-3. Presentation of Certification of Excellence for the City's Investment Policy from the Association of Public Treasurers of the United States and Canada

Ernie O'Dell of the Association of Public Treasurers of the United States and Canada presented City Treasurer Tim Lilligren and Finance Director Bruce Moe with a Certification of Excellence plaque in recognition of the City's investment policy.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 4 through 12), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Powell, seconded by Councilmember Cohen and passed by the following roll call vote with the exception of Item Nos. 5 and 8 which were considered later in the meeting under "*Items Removed from the Consent Calendar*".

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

GENERAL CONSENT

02/16/10-4. Approve Minutes of the City Council Regular Meeting of February 2, 2010

The Council approved the subject minutes.

02/16/10-5. Consideration of Financial Reports:

a) Ratification of Demands: February 4, 2010

b) Investment Portfolio for the Month Ending December 31, 2009

Item No. 5 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

02/16/10-6. Consideration of Ratification of Motor Fuel Purchase from Merrimac Energy Group in the Amount of \$20,375.33

The Council approved ratifying the subject purchase.

02/16/10-7. Consideration of Budgeted Purchase of Three Network Servers From Impres Technology in the Amount of \$22,619.56

The Council approved the award of Bid #798-10 to Impres Technology for three network servers in the Amount of \$22,619.56.

02/16/10-8. Consideration of Appropriation of Funds (\$6,850) for Geotechnical Engineering Services for Sand Dune Park

Item No. 8 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

02/16/10-9. Disbursement of Progress Payments:

a) Progress Payment No. 1 in the Net Amount of \$135,116.82 for the Valley Drive Resurfacing Project to Sully-Miller Contracting Company

b) Progress Payment No. 1 in the Net Amount of \$110,924.39 for the Aviation Boulevard Resurfacing Project to Sully-Miller Contracting Company

The Council approved the issuance of the subject progress payments.

BOARDS AND COMMISSIONS

Cultural Arts Commission

02/16/10-10. Consideration of Draft Minutes, Cultural Arts Commission Meeting of January 26, 2010

The Council received and filed the subject draft minutes.

Library Commission

02/16/10-11. Consideration of Draft Minutes, Library Commission Meeting of January 25, 2010

The Council received and filed the subject draft minutes.

Parking & Public Improvements Commission

02/16/10-12. Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of January 28, 2010

The Council received and filed the subject action minutes.

COMMUNITY ANNOUNCEMENTS

02/16/10-17. Jan Rhees Re Joslyn Center Clean-Up

Rotary Club President Jan Rhees announced that on February 20, 2010 at 7:00 a.m. everyone is invited to join the Rotary Club for Phase II of the Joslyn Center clean-up.

02/16/10-18. Don Gould Re Upcoming Library Events

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

02/16/10-19. Mayor Pro Tem Montgomery Re LA County Toy Loan Program

Mayor Pro Tem Montgomery announced that Manhattan Beach and Hermosa Beach received awards from the County of Los Angeles for donating half of the toys collected during the Beach Cities Toy Drive to the County Toy Loan Program.

02/16/10-20. Councilmember Powell Re Manhattan Beach Coordinating Council Luncheon

Councilmember Powell reminded everyone that the Manhattan Beach Coordinating Council recognizes outstanding students at their monthly luncheon and that this month's luncheon will be held on Thursday, February 25, 2010, at 11:30 a.m.

02/16/10-21. Councilmember Powell Re Creative Arts Center Art Exhibition

Councilmember Powell invited the public to attend an art exhibit at the Creative Arts Center, and announced that the exhibit opens on February 26, 2010, at 6:00 p.m.

02/16/10-22. Mayor Ward Re United States Census Event

Mayor Ward announced that the United States Census workers are meeting at 7:00 p.m. at the Manhattan Beach Library on February 23, 2010. He suggested that parties interested in volunteering or working for the Census Bureau attend the meeting.

02/16/10-23. Mayor Ward Re Manhattan Beach Youth Recognition Award

Mayor Ward asked high school juniors and seniors to consider applying for the Manhattan Beach Youth Recognition Award. He stated that the application is available online at www.citymb.info and that two scholarships will be awarded in April.

02/16/10-24. Mayor Ward Re Coffee with the Mayor

Mayor Ward announced that he will begin hosting “Coffee with the Mayor” on Tuesdays from 7:00 a.m. until 8:00 a.m. at the Manhattan Bread and Bagel on Sepulveda Boulevard. He commented that the public can follow him on Twitter: @MayorMitchWard, where he will post which Tuesdays he will be available.

AUDIENCE PARTICIPATION

02/16/10-25. Tom Bieden Re South Bay Workforce Investment Board

Belamar Hotel General Manager, Tom Bieden updated Council and the community on the South Bay Workforce Investment Board and passed out the 2009 Summary Report.

02/16/10-26. Bill Horry Re Citizens for Outdoor Recreation and Exercise (CORE)

Bill Horry, 1300 Block of Manhattan Beach Boulevard, announced the creation of a new organization, Citizens for Outdoor Recreation and Exercise (CORE).

02/16/10-27. John Stammreich Re Local Tax Protection Initiative

John Stammreich, No Address Provided, announced his candidacy for the California State Senate. He asked community members to sign the Local Tax Protection Initiative petition or email him at john@stammreich4senate.org if a community member would like to pass the petitions around.

02/16/10-28. Bob Perkins Re Undergrounding Districts

Bob Perkins, 4400 Block of the Strand, asked that Council consider the opinions of residents who do not live in Undergrounding Districts as well as those who do stating that he believes that “the less biased voter’s opinions should matter equally”.

02/16/10-29. Bill Victor Re Police Cars

Bill Victor, No Address Provided, observed Manhattan Beach Police cars idling near the strand on numerous occasions.

02/16/10-30. Willy Leventhal Re John Stephenson and Sand Dune Park

Willy Leventhal, No Address Provided, expressed his wish that Council send their condolences to John Stephenson’s family and appoint Faith and Lou Leroy as “Sand Dune Czars.”

PUBLIC HEARINGS

02/16/10-13. Consideration of the Parking and Public Improvements Commission (PPIC) Recommendations and Coastal Development Permits for the 2008 Downtown Parking Management Plan Measures, Increasing Parking Meter Rates and Related Parking Revisions

Interim City Manager Richard Thompson introduced the subject item and Traffic Engineer Erik Zandvliet provided the staff presentation.

Mayor Ward opened the Public Hearing at 8:33 p.m.

The following individuals spoke on this item:

- Bob Blanchard, 600 Block of 9th Street**
- Mike Simms, No Address Provided,**
- Michael Zislis, Downtown Business Association**
- Don McPherson. 1000 Block of 1st Street**
- Bill Victor, No Address Provided**
- Ron Koch, Chairman of the Business Improvement District**
- Maureen McBride, Owner of Tabula Rasa**
- Tony Derrico, Owner of Bella Beach**
- Helen Duncan, Manhattan Beach Chamber of Commerce**
- Tod Mannix, Chairperson of the North End Business Improvement District**

Mayor Ward closed the Public Hearing at 9:10 p.m.

MOTION: Mayor Pro Tem Montgomery moved to approve all PPIC recommendations which included the extension of the Residential Parking Permit Program boundary to Pacific Avenue and also approved to increase on-street parking meter rates to \$1.25 an hour; extend the hours of enforcement to begin at 8:00 a.m. and end at 9:00 p.m.; add two temporary change machines with the locations to be determined at a later time; and initiate all measures by June 1, 2010. The motion was seconded by Councilmember Powell and passed by the following roll call vote.

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

MOTION: Councilmember Powell moved to adopt Resolution Nos. 6244 & 6245, as amended, and appropriate additional funds for lighted parking signs not-to-exceed \$24,000 from the Council Contingency Fund. The motion was seconded by Councilmember Cohen and passed by the following roll call vote:

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

RECESS AND RECONVENE

At 9:40 p.m. the Council recessed and reconvened at 9:50 p.m. with all Councilmembers present.

02/16/10-14. Renewal of the North Manhattan Beach Business Improvement District (BID) for Fiscal Year 2009-2010

Mayor Ward introduced the subject item and Finance Director Bruce Moe provided the staff presentation.

Mayor Ward opened the Public Hearing at 9:53 p.m.

Hearing no requests to speak, Mayor Ward closed the Public Hearing at 9:54 p.m.

MOTION: Councilmember Powell moved to adopt Resolution No. 6246 authorizing the collection of assessments and ratify the Business Improvement District Advisory Board Members for 2010. The motion was seconded by Mayor Pro Tem Montgomery and passed by the following roll call vote:

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

GENERAL BUSINESS

02/16/10-15. Consideration of the City's Refuse Contract

Mayor Ward introduced the subject item and Public Works Director Jim Arndt, **Vickie Whipple, Community Relations Manager of Waste Management** and **Laith Ezzet, Senior Vice President of HF& H Consultants** provided a PowerPoint presentation.

The following individuals spoke on this item:

- **Esther Besbris, 2nd Street**
- **Bill Victor, No Address Provided**
- **Sam Rena, Republic Services**

Council directed staff to approve continuing negotiations with Waste Management and directed staff to bring back Base Plan Rates that included 12 enhancements and Base Plan Rates with no enhancements. In addition Council directed staff to bring back costs for the following 5 options: Residential Hazardous Waste, Commercial Mixed Recycle, Residential Food Waste, Commercial Food Waste and Recycle Ranger.

Hearing no objection, it was so ordered.

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 11:27 p.m. Mayor Pro Tem Montgomery moved to continue the meeting past the 10:30 p.m. cut off. The motion was seconded by Councilmember Powell and passed by the following roll call vote.

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

02/16/10-16. Award of Construction Contract (\$591,000) for the Highland Avenue Resurfacing Project to All American Asphalt and Approval of an Agreement with KOA Corporation/CBM Consulting (\$59,245) for Construction Inspection and Project Management Services

Interim City Manager Richard Thompson introduced the subject item and City Engineer Steve Finton provided the staff presentation.

The following individuals spoke on this item:

- **Don McPherson, 1000 Block of 1st Street**

Prior to the Motion, Mayor Ward directed staff to confirm that the approved logo is being gifted by the Business Improvement District and that the City has the legal right to use the logo for reproduction without having to pay royalties.

MOTION: Mayor Pro Tem Montgomery moved to approve recommendations A through H (as identified in the staff report) and approve Logo Alternative #3 as presented in the PowerPoint presentation. The motion was seconded by Councilmember Cohen and passed by the following roll call vote.

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

ITEMS REMOVED FROM THE CONSENT CALENDAR

02/16/10-5. Consideration of Financial Reports:
a) Ratification of Demands: February 4, 2010.
b) Investment Portfolio for the Month Ending December 31, 2009

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

The following individual spoken on this item:

- **Bill Victor, No Address Provided**

Finance Director Bruce Moe provided a response to **Mr. Victor's** inquiry.

MOTION: Mayor Pro Tem Montgomery approved with no exception Warrant Register No. 17B in the amount of \$2,086,319.58 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 and received and filed the Investment Portfolio for the month ending December 31, 2009. The motion was seconded by Councilmember Powell and passed by the following roll call vote.

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

02/16/10-8. Consideration of Appropriation of Funds (\$6,850) for Geotechnical Engineering Services for Sand Dune Park

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

The following individual spoken on this item:

- **Don Trucker, No Address Provided**

MOTION: Mayor Pro Tem Montgomery moved to approve the appropriation of \$6,850 for geotechnical engineering services for Sand Dune Park. The motion was seconded by Councilmember Powell and passed by the following roll call vote.

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

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

02/16/10-31. Councilmember Powell Re Conference

Councilmember Powell announced that he attended the Independent Cities Association (ICA) Winter Conference along with Mayor Ward, Mayor Pro Tem Montgomery and Councilmember Cohen, which was fantastic. He explained that Manhattan Beach was the host city and commended Mayor Pro Tem Montgomery (currently the ICA Vice President) on a fabulous job and Police Chief Rod Uyeda and Fire Chief Scott Ferguson on their outstanding video and presentation at the conference.

02/16/10-32. Mayor Pro Tem Montgomery Re USA Hockey Team

Mayor Pro Tem Montgomery announced that three Manhattan Beach residents are on the USA Olympic hockey team and will be recognized at a Council meeting when they return.

02/16/10-33. Mayor Ward Re Looker Foundation and Haiti Relief

Mayor Ward reported that he is working with **Amy Looker** and the **Looker Foundation** to raise money and support for Haiti. He asked that residents donate boxed soap for the people of Haiti and that it can be dropped off at City Hall.

02/16/10-34. Mayor Ward Re Los Angeles Air Force Honorary Wing Commander

Mayor Ward explained that he was honored to be named an Honorary Wing Commander by the Los Angeles Air Force Base and explained that his duties will include visiting the Air Force Base, overlooking the troops and ceremonial items.

ADJOURNMENT

At 12:13 a.m. the Regular City Council meeting of February 16, 2010, was duly adjourned to the 6:30 p.m. Joint City Council/Planning Commission Meeting on Tuesday, February 23, 2010, in the Police/Fire Conference Room, 400/420 15th Street in said City.

Liza Tamura
Recording Secretary

Mitch Ward
Mayor Mayor

ATTEST:

Liza Tamura
City Clerk

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR MEETING
FEBRUARY 16, 2010**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 16th day of February, 2010, 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: Tell, Powell, Cohen, Montgomery and Mayor Ward.
Absent: None.
Clerk: Thompson (Acting).

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 (one case).

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Government Code Section 54956.9(a))

- a) *Butters v. City of Manhattan Beach*
- b) *Save the Plastic Bag Coalition vs. City of Manhattan Beach*

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 6:34 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:34 p.m.

Robert V. Wadden, Jr.
Recording Secretary

Mitch Ward
Mayor

ATTEST:

Liza Tamura
City Clerk