

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

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 16th day of March, 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

Finance Director Bruce Moe led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

03/16/10-1. Presentation of a Commendation to Fire Chief Scott Ferguson in Recognition of his Dedicated Service to the City of Manhattan Beach

Mayor Ward, on behalf of the Council, presented outgoing Fire Chief Ferguson with a commendation in recognition of his dedicated service to the City of Manhattan Beach.

03/16/10-2. Presentation of a Commendation to Paul Silva for His Selfless Act of Generosity as an Organ Donor

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

03/16/10-3. Presentation of the "Persons of the Month" Award to the Manhattan Beach Property Owner's Association for Their Generous Donation of \$520,000 to Refurbish the Mira Costa High School Auditorium

Mayor Ward, on behalf of the City Council, presented a commendation to members of the **Manhattan Beach Property Owner's Association** in recognition of the Association's generous donation of \$520,000 to Mira Costa High School for the refurbishment of their auditorium.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 4 through 15), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Mayor Pro Tem Montgomery, seconded by Councilmember Powell and passed by unanimous roll call vote with the exception of Item No. 9 which was considered later in the meeting under "*Items Removed from the Consent Calendar*".

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

GENERAL CONSENT

03/16/10-4. This Space Intentionally Left Blank

03/16/10-5. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of February 16, 2010

The Council approved the subject minutes.

03/16/10-6. Approve Minutes of the Adjourned Regular Joint City Council/Planning Commission Meeting of February 23, 2010

The Council approved the subject minutes as amended.

03/16/10-7. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of March 2, 2010

The Council approved the subject minutes.

03/16/10-8. Adoption of an Ordinance Amending Chapter 2.36 – Purchasing - of the Manhattan Beach Municipal Code Including Informal Bid Limit and Emergency Procurement Policy

The Council adopted Ordinance No. 2132.

03/16/10-9. Adoption of an Ordinance to Amend Citywide Speed Limits Pursuant to the 2009 Engineering and Traffic Survey as Required by the State

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

03/16/10-10. Consideration of Financial Reports:
a) Ratification of Demands: March 4, 2010
b) Investment Portfolio for the Month Ending February 28, 2010

The Council approved with no exception Warrant Register No. 19B in the amount of \$1,717,444.69 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 February 28, 2009.

03/16/10-11. Consideration of Ratification of Motor Fuel Purchase from Nickey Petroleum in the Amount of \$20,699.98

The Council approved ratifying the subject purchase.

03/16/10-12. Consideration of Donation from the Manhattan Beach Rotary Club for a Monument Sign for the Joslyn Community Center

The Council approved the Donation from the Manhattan Beach Rotary Club for a monument sign for the Joslyn Community Center.

03/16/10-13. Approval of Progress Payment No. 1 in the Net Amount of \$87,809.85 to Atlas Underground, Inc. for the 2006-2007 Sewer Main Replacement Project

The Council approved the issuance of the subject progress payment.

BOARDS AND COMMISSIONS

Cultural Arts Commission

03/16/10-14. Consideration of Draft Minutes, Cultural Arts Commission Meeting of February 9, 2010

The Council received and filed the subject draft minutes.

Parking & Public Improvements Commission

03/16/10-15. Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of February 25, 2010

The Council received and filed the subject action minutes.

COMMUNITY ANNOUNCEMENTS

03/16/10-20. Don Gould Re Upcoming Library Events

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

03/16/10-21. Marina Fine Re Sand Dune Rally

Marina Fine, No Address Provided, invited everyone to the Sand Dune Rally on Sunday, March 21st from 2:00 p.m. - 4:00 p.m. at 26th Street on the sand.

03/16/10-22. Timothy Sweeney Re Richstone Pier-to-Pier Walk-a-Thon

Timothy Sweeney, No Address Provided, invited the public to participate in the annual Richstone Family Center Pier-To-Pier Walk-a-Thon on April 24, 2010 at 8:00 a.m. at the Manhattan Beach Pier.

03/16/10-23. Assistant to the City Manager Coe-Juell Re Earth Hour

Assistant to the City Manager Lindy Coe-Juell announced that the City will participate in Earth Hour on March 27, 2010 from 8:30 p.m. to 9:30 p.m. She encouraged the public to participate by turning off lights and appliances during this hour to bring awareness to climate change.

03/16/10-24. Mayor Pro Tem Montgomery Re Sherry Kramer

Mayor Pro Tem Montgomery congratulated **Sherry Kramer**, the honorary chairperson of the St. Patrick's Gold Tournament, for an excellent event that raised money for the South Bay Police and Fire Departments. He also announced that **Senator Oropeza** will be honoring **Sherry Kramer** as the 2010 Woman of the Year on Thursday, April 8th from 5:30 p.m. to 7:00 p.m. at the Doubletree Hotel and that those interested should call (310) 318-6994 for more information.

03/16/10-25. Councilmember Powell Re Coordinating Council Luncheon

Councilmember Powell announced that the Manhattan Beach Coordinating Council Luncheon would be at Verandas restaurant on Thursday, March 18, 2010 at 11:30 a.m. and that Police detectives would be giving a presentation about census fraud.

03/16/10-26. Councilmember Powell Re Celebration of Julia Tedesco's Life

Councilmember Powell announced that the Manhattan Beach Community Church will host a celebration of Julia Tedesco's life on Saturday, March 27, 2010 at 2:00 p.m.

03/16/10-27. Councilmember Powell Re Leadership Manhattan Beach Recruitment Meeting

Councilmember Powell informed the public that Leadership Manhattan Beach would be holding an informational meeting in the City Council Chambers on March 31, 2010 at 6:30 p.m.

03/16/10-28. Mayor Ward Re Pancreatic Awareness Month

Mayor Ward announced he was wearing his tie in support of Pancreatic Awareness month.

03/16/10-29. Mayor Ward Re Colonoscopy Month

Mayor Ward declared the month of April as Colonoscopy Month and encouraged all residents, but especially male residents over 50 years old, to have colonoscopies on a regular basis.

AUDIENCE PARTICIPATION

03/16/10-30. Don McPherson Re City Manager Recruitment

Don McPherson, 1000 Block of 31st Street, asked that information regarding the City Manager recruitment be accessible from the City's website. **Mr. McPherson** also asked that residents be consulted during the hiring process.

03/16/10-31. Faith Lyons Re Sand Dune Traffic Study

Faith Lyons, 500 Block of 33rd Street, asked that a traffic study of the neighborhood around Sand Dune Park be considered.

03/16/10-32. David Watchfogel Re Sand Dune Traffic Study

David Watchfogel, No Address Provided, seconded **Faith Lyons** comment adding that he would like baseline information for the neighborhood around Sand Dune Park.

03/16/10-33. Bob Perkins Re Undergrounding

Bob Perkins, 4400 Block of The Strand, requested another survey of a number of Undergrounding Districts because the costs have risen.

03/16/10-34. Bill Victor Re Administrative Fees on Refuse Bills

Bill Victor, No Address Provided, asked why there is a 17.24% administrative fee on refuse bills and commented that he would like the solid waste contract to go out to bid.

03/16/10-35. Susan Jones Re Broken Windows in the Senior Village

Susan Jones, No Address Provided, explained that soccer balls, from the field next door, have been breaking windshields and bedroom windows in the Senior Village and she would like the City to pay for the damage.

Mayor requested that staff follow up with **Susan Jones**.

PUBLIC HEARINGS

None.

GENERAL BUSINESS

03/16/10-16. Consideration of Environmental Task Force Recommendations to Reduce Greenhouse Gas Emissions

Interim City Manager Richard Thompson introduced the subject item and Environmental Programs Manager Sona Kalapura, Climate Action Subcommittee Chairperson Bob Scott and Climate Action Subcommittee member Todd Dipaola provided a PowerPoint presentation.

The following individuals spoke on this item:

- **Casey Beyer, Green Building Subcommittee member**
- **Peter De Maria, No Address Provided**
- **David Wachtfogel, No Address Provided**

MOTION: Mayor Pro Tem Montgomery moved to approve the following recommendations from the Climate Action Subcommittee: a plan for phasing in energy efficiency measures for municipal facilities when funds become available; replacement of the City's vehicle fleet with low-emissions vehicles; restructuring of the City's Rideshare Program to encourage use by commuters with larger carbon footprints; adoption of a Green Purchasing Plan; continued work with the South Bay Bicycle Coalition to access County grant funding for a regional bike plan; and the inclusion of traffic circles and roundabouts as potential traffic mitigation tools that can reduce CO2 emissions. The motion was seconded by Councilmember Tell and passed by the following roll call vote.

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

Council also recommended that some of the items be funded in the Capital Improvement Plan.

Hearing no objection, it was so ordered.

RECESS AND RECONVENE

At 8:47 p.m. the Council recessed and reconvened at 9:05 p.m. with all Councilmembers present.

03/16/10-17. Consideration of Recommendations By the Environmental Task Force to Amend the Municipal Code for Comprehensive Sustainable Building Measures

Interim City Manager Richard Thompson introduced the subject item and Building Official Carol Jacobson, Green Building Subcommittee Chairperson Chris Conaway, Green Building Subcommittee Member Ben Burkhalter and Green Building Subcommittee Member Casey Beyer provided a PowerPoint presentation.

The following individual spoke on this item:

- **David Kissinger, South Bay Association of Realtors**

MOTION: Councilmember Cohen moved to approve the recommendations from the Green Building Subcommittee which involve amending the Municipal Code to include several changes regarding Site Sustainability, Water Conservation, Energy Efficiency, Materials, & Air Quality and approve several zoning issues related to Green Roofs, Wind Turbines and Solar Panels as outlined in the staff report. The motion was seconded by Councilmember Powell and passed by the following roll call vote.

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

Council further directed Staff to review the above with the Planning Commission, as needed; to return with the subject changes in an ordinance for Council consideration; and to provide more information regarding the upgrades to water efficient toilets, the cost implications of requiring 60% of pool heating by renewable resources, and the implications of storm water and landscaping improvement requirements for large scale (over 50%) interior remodels.

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 10:36 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 unanimous roll call vote.

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

03/16/10-18. Consideration of a City Council Work Plan Item to Consolidate the City’s March General Municipal Election with the Los Angeles County’s November Odd-Year Election

Interim City Manager Richard Thompson introduced the subject item and City Clerk Liza Tamura provided the staff presentation.

The following individuals spoke on this item:

- **Martha Andreani, Downtown Manhattan Beach**
- **Don McPherson, 1000 Block of 1st Street**
- **Todd Dipaola, 100 Block of 14th Place**
- **David Wachtfogel, No Address Provided**
- **Sandra Seville-Jones, No Address Provided**
- **Charles Foley, 1100 Block of 2nd Street**

Following a brief discussion regarding the possibility of moving the City’s General Municipal Election in March of odd-years to the Manhattan Beach Unified School District (MBUSD) November odd-year election, Council directed staff to contact MBUSD to find out whether they would be interested in consolidating their November odd-year election with the City’s General Municipal Election in March of odd-years; to obtain information from the Los Angeles County Registrar Recorder’s Office regarding the possibility of consolidating the City’s General Municipal Election with the County’s November even-year election utilizing the same polling locations, and if doable, contact the MBUSD to determine whether they would be interested in consolidating with the City; and to research historical data regarding voter turnout not only for MBUSD, but for other jurisdictions that combine their General Election with their School Districts.

Hearing no objection, it was so ordered.

ITEMS REMOVED FROM THE CONSENT CALENDAR

03/16/10-9. Adoption of an Ordinance to Amend Citywide Speed Limits Pursuant to the 2009 Engineering and Traffic Survey as Required by the State

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

The following individuals spoken on this item:

- **George Repucci, 2nd Street**
- **Esther Besbris, No Address Provided**

MOTION: Mayor Pro Tem Montgomery moved to re-introduce Ordinance No. 2133 as amended with Item Nos. 1, 2, 5, 6, 7 and 8 removed. The motion was seconded by Councilmember Cohen and passed by the following roll call vote.

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

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

03/16/10-19. Request by Mayor Ward to Consider Supporting a Regional Greenway Trail for the South Bay from Manhattan Beach to Ballona Creek and Venice

Mayor Ward brought up the idea of connecting Manhattan Beach and other South Bay cities via a “greenway trail” to the Ballona Creek and Venice areas. He stated that he believed that there would be minimal cost to the City.

After a brief discussion, the Council concurred that they would support the consideration of a trail.

ADJOURNMENT

At 11:46 p.m. the Regular City Council meeting of March 16, 2010, was duly adjourned to the 6:30 p.m. Joint City Council/Library Commission Meeting on Tuesday, March 30, 2010, in the Police/Fire Conference Room, 400/420 15th Street 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
MARCH 16, 2010**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 16th day of March, 2010, at the hour of 5:20 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

ROLL CALL

Present: Powell, Cohen, Montgomery and Mayor Ward. (Cohen arrived at 5:55 p.m.)
Absent: Tell.
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).

Initiation of Litigation Pursuant to Subdivision (c) of Government Code Section 54956.9 (one case).

CONFERENCE WITH LABOR NEGOTIATOR

(Government Code Section 54957.6)

Agency Negotiator: Richard Thompson, Interim City Manager, Cathy Hanson, Human Resources Director, Bruce Moe, Finance Director and Scott Ferguson, Fire Chief

Employee Groups: Manhattan Beach Firefighters' Association; Manhattan Beach Police Officers' Association; Management Confidential; and Teamsters

RECESS INTO CLOSED SESSION

The Council recessed into Closed Session at 5:20 p.m.

RECESS INTO OPEN SESSION

The Council reconvened into Open Session at 6:27 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:27 p.m.

Robert V. Wadden, Jr.
Recording Secretary

Mitch Ward
Mayor

ATTEST:

Liza Tamura
City Clerk