

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
APRIL 20, 2010**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 20th day of April, 2010, at the hour of 6:33 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

Assistant to the City Manager Lindy Coe-Juell led the pledge of allegiance.

ROLL CALL

Present: Tell, Powell, Cohen, Montgomery and Mayor Ward.
(Cohen arrived at 6:43 p.m.)
(Ward absent from 7:21 p.m. – 8:14 p.m.)
(Tell left at 10:10 p.m.)

Absent: None.

Clerk: Tamura.

CEREMONIAL CALENDAR

04/20/10-1. Presentation of a Commendation to Monica Farrell for Her Selfless Act of Generosity as an Organ Donor

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

04/20/10-2. Presentation of a Proclamation Declaring the Month of May as Rotary Club of Manhattan Beach “Magic in Giving” Month

Mayor Ward, on behalf of the Council, presented **Manhattan Beach Rotary Club President Jan Rhees** and **President-Elect Roger Cox** with a proclamation declaring the Month of May as Rotary Club of Manhattan Beach “Magic in Giving” Month.

04/20/10-3. Presentation of the Manhattan Beach Youth Recognition Awards

Mayor Ward, on behalf of the Council, presented commendations to the sponsors of the Manhattan Beach Youth Recognition Awards and presented scholarship checks to **Jason K. Jones** and **Taylor Mills**.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 4 through 14), 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, with the exception of Item Nos. 8, 9,10 and 14 which were 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

04/20/10-4. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of April 6, 2010

The Council approved the subject minutes.

04/20/10-5. Consideration of Financial Reports:

a) Ratification of Demands: April 15, 2010

b) Investment Portfolio for the Month Ending March 31, 2010

The Council approved with no exception Warrant Register No. 22B in the amount of \$2,530,784.29 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 March 31, 2010.

04/20/10-6. Consideration of Ratification of Motor Fuel Purchase from Merrimac Energy Group in the Amount of \$20,062.60

The Council approved ratifying the subject purchase.

04/20/10-7. Consideration of Fee Waiver Requests Associated with Non-Profit Special Events

The Council approved a 100% fee waiver for the Manhattan Bach 10K Run, the Holiday Fireworks Festival, Little League Opening Day Parade and all school events, as was approved in 2009, and approved charging 25% of all other “legacy” organization fees, including the Growing Great Healthy Living Festival.

04/20/10-8. Approval for the Proposed Temporary Public Art Piece “If Slater Bowled” as Part of the Sculpture Garden Program

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

04/20/10-9. Award a Professional Services Agreement in the Amount of \$105,000 to HF&H Consultants, LLC for the Completion of the Solid Waste Contract Request for Proposal Process and Appropriate Funds From the Refuse Fund Reserve

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

04/20/10-10. Consideration of an Appropriation of \$78,174.25 from the General Fund for Verizon and Time Warner Design Plans for Underground Utility Assessment District 15

Item No. 10 was pulled from the “CONSENT CALENDAR”. Please refer to “ITEMS REMOVED FROM THE CONSENT CALENDAR.”

04/20/10-11. Disbursement of Progress Payments:

- a) Final Payment in the Net Amount of \$171,398.48 to Sully-Miller Contracting Co.; Formally Accept the Valley Drive Street Resurfacing Project as Complete; Authorize Filing of the Appropriate Notice of Completion and Release of Retention in the Amount of \$34,057.26.
- b) Final Payment in the Net Amount of \$2,613.90 to Sully-Miller Contracting Co.; Formally Accept the Aviation Boulevard Street Resurfacing Project as Complete; Authorize Filing of the Appropriate Notice of Completion and Release of Retention in the Amount of \$12,615.37

The Council approved the issuance of the subject final payments and authorized the filing of the appropriate Notice of Completion for the Valley Drive Street Resurfacing Project and the Aviation Boulevard Street Resurfacing Project.

04/20/10-12. Approval of Progress Payment No. 2 in the Net Amount of \$56,977.39 to Atlas Underground, Inc. for the 2006-07 Sewer Main Replacement Project

The Council approved the issuance of the subject progress payments.

04/20/10-13. Award of Contract (\$1,017,825.00) for the 2007-10 Water Main Replacement Project to T.E. Roberts Inc

The Council approved an award of contract in the net amount \$1,017,825.00 for the 2007-10 Water Main Replacement Project to T.E. Roberts, Inc. and approved authorizing the Director of Public Works to approve additional work in an amount not-to-exceed \$101,800.00 if required.

BOARDS AND COMMISSIONS

Parking & Public Improvements Commission

04/20/10-14. Consideration of Parking and Public Improvements Commission (PPIC) Recommendation for City Council 2008-09 Work Plan Item to Prohibit Parking on the West Side of Sepulveda Boulevard Near Marine Avenue and Manhattan Beach Boulevard

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

COMMUNITY ANNOUNCEMENTS

04/20/10-19. Richard Zief Re Poetry Month

Richard Zief, No Address Provided, announced that April is National Poetry Month and to celebrate the Older Adult Poetry Circle is hosting an event on April 29, 2010, at the Santa Monica Library.

04/20/10-20. Don Gould Re Upcoming Library Events

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

04/20/10-21. Mark Ledesma Re Sister City Celebration

Mark Ledesma, No Address Provided, invited the public to attend the May 2, 2010, Cinco de Mayo celebration, from 1:00 p.m. – 4:00 p.m., at Ortega 120, to help raise funds for the Sister City organization. He further announced that more information can be found at www.hb-sistercity.org.

04/20/10-22. Management Analyst Madrid Re Oversized Vehicles

Management Analyst Nhung Madrid announced that the Parking and Public Improvements Commission would be discussing an Oversized Vehicle Ordinance and Parking Permit Program at the Parking and Public Improvements Commission (PPIC) meeting on April 22, 2010, at 6:30 p.m., in the City Council Chambers.

04/20/10-23. Administrative Clerk Kennedy Re City's Board & Commissions

Administrative Clerk Ariana Kennedy announced the 10 vacancies on the City's Boards and Commissions and asked interested residents to apply before noon on April 22, 2010. She explained that applications are available on the City's website at www.citymb.info and that more information may be obtained by calling the City Clerk's office at (310) 802-5056.

04/20/10-24. Environmental Programs Manager Kalapura Re Earth Day

Environmental Programs Manager Sona Kalapura announced Earth Week events including the Earth Day celebration on Saturday at Polliwog Park, the taking of the go-green pledge, an energy efficiency class, Earth Day Birthday and the final meeting of the Environmental Task Force. She further asked that interested parties visit the Go Green page on the City's website: www.citymb.info.

04/20/10-25. Mayor Pro Tem Montgomery Re LA Kings

Mayor Pro Tem Montgomery congratulated the Los Angeles Kings recent win and encouraged residents to congratulate team members.

04/20/10-26. Councilmember Cohen Re Foundation

Councilmember Cohen announced the relatively new organization: FOLA the Foundation of Local Arts. She encouraged residents to visit www.foundationoflocalarts.com for more information.

04/20/10-27. Councilmember Cohen Re Conference

Councilmember Cohen thanked all those who attended the successful Women in Business conference.

Councilmember Powell announced that he too attended the conference and commended Councilmember Cohen who moderated the event.

04/20/10-28. Councilmember Powell Re Art Reception at the Creative Arts Center

Councilmember Powell reminded the public that Mira Costa's 10th Annual All Media Art Show opens on April 25, 2010, and that the reception is from 6:00 p.m. to 10:00 p.m.

04/20/10-29. Councilmember Powell Re Dine & Discover Event

Councilmember Powell announced that the next Older Adults “Dine and Discover” program is scheduled for Thursday, April 22, 2010, and that the topic will be “Botanical Gardens.”

04/20/10-30. Councilmember Powell Re Pier-to-Pier Walk

Councilmember Powell 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.

04/20/10-31. Mayor Pro Tem Montgomery Re Birthday Wishes for April Wayland and Mayor Ward

Mayor Pro Tem Montgomery wished resident April Wayland and Mayor Ward a Happy Birthday.

04/20/10-32. Mayor Ward Re City of Gardena Cinco de Mayo Parade

Mayor Ward announced that Gardena Mayor Pro Tem Dan Medina reached out to the South Bay Cities to participate in the City of Gardena’s Cinco de Mayo Parade on the first of May. Mayor Ward will be one of the participants.

04/20/10-33. Mayor Ward Re Coffee With the Mayor

Mayor Ward thanked residents who attended his “Coffee with the Mayor” on Tuesdays from 7:00 a.m. until 8:00 a.m. at Manhattan Bread and Bagel (1812 N. Sepulveda). He announced that he would “tweet” if he is running late and that the public can follow him on Twitter: @MayorMitchWard.

04/20/10-34. Mayor Ward Re Absence

Mayor Ward stated that he will need to leave the meeting at some point and would return at approximately 8:00 p.m.

04/20/10-24. Environmental Programs Manager Kalapura Re Reusable Bags

Environmental Programs Manager Kalapura set up a go green table in the lobby and asked audience members to take a reusable, organic cotton go green bag on their way out.

AUDIENCE PARTICIPATION

04/20/10-35. Don Trucker Re Sand Dune Park

Don Trucker, Chestnut Avenue, thanked Council for their efforts to address usage issues at Sand Dune Park and observed it may not serve a useful purpose to exclude adults from mid-day use.

04/20/10-36. Bill Victor Re Various Issues

Bill Victor, No Address Provided, explained his frustration with his public records request and the need for accurate water meters.

04/20/10-37. Richard Zief Re Trolleys

Vice Chair of the Senior Advisory Committee Richard Zief addressed Council regarding the Trolley issue.

Mayor Ward informed **Mr. Zief** that this subject matter is an agenda item and to therefore hold his comments until Item No. 18.

AT 7:21 P.M. MAYOR WARD LEFT THE DAIS AND MAYOR PRO TEM MONTOMERY ASSUMED CONTROL OF THE MEETING.

PUBLIC HEARINGS

04/20/10-15. Consideration of Proposed Properties to be Designated Culturally Significant Landmarks in the City of Manhattan Beach, in Accordance with Chapter 10.86 of the Zoning Code

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

Mayor Ward opened the Public Hearing at 7:30 p.m.

The following individual spoke on this item:

- **Jan Dennis, No Address Provided**

Mayor Ward closed the Public Hearing at 7:37 p.m.

MOTION: Councilmember Powell moved to adopt Resolution No. 6249. The motion was seconded by Councilmember Tell and passed by the following roll call vote:

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

After the adoption of Resolution No. 6249, Mayor Pro Tem Montgomery, on behalf of the City Council, presented plaques to the following: Bruce's Beach, the "Red" House, Moon's Market, 224 5th Street and 216 4th Street.

GENERAL BUSINESS

04/20/10-16. Consideration of Manhattan Little League Request for a Fee Waiver of the 2009 City Field Usage Fees

Interim City Manager Richard Thompson introduced the subject item and Recreation Services Manager Mark Leyman provided the staff presentation.

There were no requests to speak in this item.

MOTION: Councilmember Tell moved to approve the request from the Manhattan Little League (MLL) for a fee waiver of the 2009 City field usage fees. The motion was seconded by Councilmember Cohen and passed by the following roll call vote:

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

04/20/10-17. Consideration of a Municipal Climate Action Plan for the City of Manhattan Beach

Interim City Manager Richard Thompson introduced the subject item and Environmental Programs Manager Sona Kalapura provided the staff presentation.

The following individuals spoke on this item:

- **Peter DeMaria, No Address Provided**
- **Lillian Light, No Address Provided**
- **Bill Victor, Property Owner**

MOTION: Councilmember Cohen moved to adopt the Climate Action Plan, which represents a guideline of possible programs to reduce the City's energy consumption and carbon footprint. The motion was seconded by Councilmember Powell and passed by the following roll call vote:

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

4/20/10-18. Presentation of the Manhattan Beach Trolley Feasibility Study Prepared by Rural Transit Consultants

Mayor Pro Tem Montgomery introduced the subject item, Assistant to the City Manager Lindy Coe-Juell provided the staff presentation and **Greg Meeks of Rural Transit Consultants** provided a PowerPoint presentation.

AT 8:14 P.M. MAYOR WARD RETURNED TO THE DAIS.

The following individuals spoke on this item:

- **Richard Zeif, No Address Provided**
- **Patrick McBride, 5th Street and Peck Avenue**
- **Baden Mansfield, No Address Provided**

MOTION: Councilmember Cohen moved to accept the presentation and directed staff to prepare a detailed budget assessment along with a Request for Proposal (RFP) for Council review. 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.

ITEMS REMOVED FROM THE CONSENT CALENDAR

04/20/10-8. Approval for the Proposed Temporary Public Art Piece “If Slater Bowled” as Part of the Sculpture Garden Program

Mayor Ward pulled this item from the Consent Calendar explaining that he was concerned about the placement and location of the art piece.

Cultural Arts Manager Juanita Purner, **Artist Alison Wright** and Cultural Arts Commissioner Sharon Greco answered questions.

MOTION: Mayor Ward moved to approve the “If Slater Bowled” temporary art piece and approved \$2,500 from the Public Art Trust Fund. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote:

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

04/20/10-9. Award a Professional Services Agreement in the Amount of \$105,000 to HF&H Consultants, LLC for the Completion of the Solid Waste Contract Request for Proposal Process and Appropriate Funds From the Refuse Fund Reserve

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

The following individuals spoken on this item:

- **Bill Victor, No Address Provided**

MOTION: Mayor Pro Tem Montgomery moved to approve authorizing the City Manager to enter into a Professional Services Agreement with HF&H Consultants, LLC to complete the RFP process for solid waste hauling, with executed multi-year contract and franchise agreement; appropriate \$105,000 from the Refuse Fund reserve for the HF&H’s service; and to refer to the Finance Subcommittee. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote:

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

THE FOLLOWING ITEM WAS TAKEN OUT OF ORDER

04/20/10-14. Consideration of Parking and Public Improvements Commission (PPIC) Recommendation for City Council 2008-09 Work Plan Item to Prohibit Parking on the West Side of Sepulveda Boulevard Near Marine Avenue and Manhattan Beach Boulevard

Mayor Ward explained that he pulled this item from the Consent Calendar because the recommendation to “direct staff to work with business owners to find suitable parking” is not definitive enough.

The following individuals spoken on this item:

- **Baden Mansfield, 2600 Block of North Sepulveda Boulevard**
- **Toni Reina, Continental Development**
- **Patrick McBride, 5th Street and Peck Avenue**
- **Michelle Murphy, The Strand**

MOTION: Mayor Pro Tem Montgomery moved to approve the Parking and Public Improvements Commission's (PPIC) recommendation to post "No Parking Anytime" restrictions on the west side of Sepulveda Boulevard between 2617 and 2317 Sepulveda Boulevard (near Marine Avenue) inclusive; post "No Parking Anytime" restrictions on the west side of Sepulveda Boulevard between 1301 and Sepulveda Boulevard and 11th Street (near Manhattan Beach Boulevard) inclusive. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote:

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

04/20/10-10. Consideration of an Appropriation of \$78,174.25 from the General Fund for Verizon and Time Warner Design Plans for Underground Utility Assessment District 15

At 10:10 p.m. Councilmember Tell announced that due to the location of his residence he would recuse himself from the discussion of Item No. 10.

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

The following individuals spoken on this item:

- **Michelle Murphy, Manhattan Beach Residents Association**
- **Esther Besbris, No Address Provided**
- **Patrick McBride, 5th Street and Peck Avenue**
- **Bill Victor, No Address Provided**

MOTION: Councilmember Powell moved to approve the agendaizing and renoticing of Districts 12, 14 & 15 to consider a validation survey and to determine if the City should spend public monies moving forward that may never be recouped. The motion was seconded by Mayor Ward and failed by the following roll call vote:

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

MOTION FAILED.

City Attorney Robert Wadden clarified for Council that under state law a minimum of three votes are required to make a budget appropriation.

MOTION: Mayor Pro Tem Montgomery moved to approve appropriating \$78,174.25 from the General Fund for Verizon and Time Warner Design Plans for Underground Utility Assessment District 15. The motion was seconded by Councilmember Cohen and failed by the following roll call vote:

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

MOTION FAILED.

MOTION: Due to the deadlock above, Councilmember Powell moved to approve to reauthorize Underground Utility Assessment District 15 with all of its associated costs (because of the lack of the movement forward on the appropriation) and all costs associated with the validation survey explained therein. The motion was seconded by Mayor Ward and passed by the following roll call vote:

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

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

04/20/10-38 Councilmember Powell Re New Position

Councilmember Powell announced that he was elected Vice Chair of the South Bay Regional Communications Center (RCC) Board at a meeting earlier this morning.

ADJOURNMENT

At 11:16 p.m. the Regular City Council meeting of April 20, 2010, was duly adjourned to the 5:30 p.m. Adjourned Regular Boards and Commissions Interviews on Tuesday, April 27, 2010, at the Police/Fire Conference Room, 400/420 15th Street in said City.

Liza Tamura
Recording Secretary

Mitch Ward
Mayor

ATTEST:

Liza Tamura
City Clerk