

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
JUNE 1, 2010**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 1st day of June, 2010, at the hour of 6:35 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

Sydney Walley, an 8th Grader at Manhattan Beach Middle School, led the pledge of allegiance.

ROLL CALL

Present: Tell, Powell, Cohen, Montgomery and Mayor Ward.
(Cohen arrived at 6:50 p.m.)
(Tell arrived at 7:30 p.m.)
Absent: None.
Clerk: Tamura.

CEREMONIAL CALENDAR

06/01/10-.1 Presentation of the "Persons of the Month" Award to Manhattan Beach Unified School District Teachers with 20 or More Years of Service

Mayor Ward, on behalf of the Council, presented flowers, certificates and City pins to teachers who have 20 or more years of service with the Manhattan Beach Unified School District: Sue Ann Bertran, Linda Gesualdi, Joanne Guelff, Carole Hoesterey, Kimberless Holz, Miguel Kulczycki, Carol Mathews, Christine McRae, Ann Meyers, Danielle Radl, Beverly Read, Shirlee Rodgers, Emily Sanders, Roberta Schreiner, and Nancy Stephenson attended.

06/01/10-.2 Presentation of a Commendation to the Beach Cities Robotics in Recognition of Their FIRST (For Inspiration and Recognition of Science and Technology) Robotics Competition World Championship

Mayor Ward, on behalf of the Council, presented a certificate and city pins to **Beach Cities Robotics** in recognition of their world championship win at the FIRST (For Inspiration and Recognition of Science and Technology) Robotics Competition.

CONSENT CALENDAR

Mayor Ward addressed with staff his concerns regarding Item No. 12.

After a brief discussion and prior to the Consent Calendar, the following motion was made.

MOTION: Mayor Ward moved to continue Item No. 12 {*Consideration of an Award of a Three-Year Janitorial Services Contract to Universal Building Maintenance (Estimated Annual Value of \$169,147)*} to the June 15, 2010 City Council meeting and directed staff to include historical and business practice information on the recommended vendor, as well as a listing of cities that the company currently contracts with. 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.

The Consent Calendar (Item Nos. 3 through 19), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Powell, seconded by Mayor Pro Tem Montgomery and passed by the following roll call vote with the exception of Item Nos. 14 and 16, 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

06/01/10-3. Approve Minutes of the City Council Adjourned Regular Capital Improvement Plan (CIP) Introduction Meeting of May 18, 2010

The Council approved the subject minutes.

06/01/10-4. Approve Minutes of the City Council Regular Meeting of May 18, 2010

The Council approved the subject minutes.

06/01/10-5. Approve Minutes of the City Council Adjourned Regular Budget Study Session #1 Meeting of May 18, 2010

The Council approved the subject minutes.

06/01/10-6. Approve Minutes of the City Council Adjourned Regular Budget Study Session #2 Meeting of May 19, 2010

The Council approved the subject minutes.

06/01/10-7. Approve Minutes of the City Council Adjourned Regular Budget Study Session #3 Meeting of May 25, 2010

The Council approved the subject minutes.

06/01/10-8. Consideration of a Resolution Supporting the Implementation of Assembly Bill 32, California’s Global Warming Solutions Act

The Council adopted Resolution No. 6255.

06/01/10-9. Consideration of Ratifying the Appointment of a Mira Costa High School Student to the Parks & Recreation Commission Seat No. 7

The Council appointed Levi Schoenfeld to Seat No. 7 on the Parks and Recreation Commission for a term of one year.

06/01/10-10. Consideration of the Annual Required Contribution Payment to CalPERS for Retiree Medical Plans (\$424,013)

The Council approved authorizing the payment of the Annual Required Contribution for retiree medical programs to CalPERS in the amount of \$424,013; and appropriated funds totaling \$155,013 from the following funds: General Fund (\$140,104), Water Fund (\$5,926), Storm Water Fund (\$516), Waste Water Fund (\$1,376), Refuse Fund (\$842), Parking Fund (\$593), County Parking Lot Fund (\$152), Sate Pier Fund (\$153), Insurance Fund (\$764), Information Systems (\$1,529), Fleet (\$1,529) and Building Maintenance Fund (\$1,529).

06/01/10-11. Consideration of the Budgeted Purchase of Replacement Parts Including Installation for City Refuse Containers from Quick Crete in the Amount of \$59,124.52

The Council waived formal bidding per Municipal Code Section 2.36.140 (waivers) and approved authorizing the purchase of replacement parts including installation for the City refuse containers form Quick Crete in the amount of \$59,124.52.

06/01/10-12. Consideration of an Award of a Three-Year Janitorial Services Contract to Universal Building Maintenance (Estimated Annual Value of \$169,147)

This item was continued to the June 15, 2010 City Council meeting.

06/01/10-13. Consideration of Financial Reports:

a) Ratification of Demands: May 27, 2010

b) Financial Reports for the Month Ending April 30, 2010

The Council approved with no exception Warrant Register No. 25B in the amount of \$2,364,454.78 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 Financial Reports for the month ending April 30, 2010.

06/01/10-14. Consideration of Resolutions Approving the Assessment Engineer's Report for the Annual Levy of Street Lighting Assessments for Fiscal Year 2010-2011, and Declaration of the City Council's Intention to Provide for the Annual Levy and Collection of Assessments for Street Maintenance and Setting of the Public Hearing for July 6, 2010

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

06/01/10-15. Consideration of Approval for a Direct Invitation Process for the Second Sculpture Garden; Three-Month Extension of the Current Installation; and Appropriate \$4,375 From the Public Art Trust Fund for the Artists Stipend

The Council approved the implementation of a Direct Invitation Process for the Sculpture Garden Program's second installation, 2010-2011 and a three-month extension of the current installation and appropriated \$4,375 from the Public Art Trust Fund.

06/01/10-16. Authorization to Approve Award of Contract (\$67,600.00) for the Maintenance Painting of El Porto Parking Lot 3 and the State Pier to Industry Coatings, Inc.

Item No. 16 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

06/01/10-17. Approval of Progress Payment No. 1 in the Net Amount of \$59,600.00 for the Well #15 Reconditioning Project to General Pump Company, Inc

The Council approved the issuance of the subject progress payment.

BOARDS AND COMMISSIONS

Cultural Arts Commission

06/01/10-18. Consideration of Draft Minutes, Cultural Arts Commission Special Meeting of May 6, 2010

The Council received and filed the subject draft minutes.

06/01/10-19. Consideration of Draft Minutes, Cultural Arts Commission Meeting of May 11, 2010

The Council received and filed the subject draft minutes.

COMMUNITY ANNOUNCEMENTS

06/01/10-22. Bill Fahey Re American Youth Soccer Organization

Bill Fahey, No Address Provided, announced that he is the new Commissioner for the Manhattan Beach and Hermosa Beach American Youth Soccer Organization (AYSO). He thanked Council for partnering with AYSO, embraces the fee increase and pledged financial support for the Capital Improvement Plan projects. He also reminded the public that early registration ends June 15, 2010; regular registration runs through August 15, 2010; and those interested should visit www.aysol8.org.

06/01/10-23. Viet Ngo Re Task Force

Viet Ngo, No Address Provided, stated that he is a victim and witness of public corruption. He asked that community members join him in the fight against public corruption on his Equal Justice For All Task Force (310) 318-2769.

AUDIENCE PARTICIPATION

06/01/10-24. Avigal Harrow Re Budget Process

Avigal Harrow, No Address Provided, thanked Council for doing their due diligence during the Budget Study Sessions. She explained that, in the past, Council has given money to the Manhattan Beach Unified School District and asked that this year the Council match the money raised by the community.

06/01/10-25. Michelle Murphy Re Undergrounding

Michelle Murphy, 4400 Block of The Strand, explained that there is no safety net of money left for Undergrounding and asked Council to resurvey Undergrounding Assessment Districts 12 and 14.

06/01/10-26. Viet Ngo Re Mayor Wards Use of Public Money and Facilities During his Campaign

Viet Ngo, No Address Provided, accused Mayor Ward of using public money and facilities for his campaign and stated that he filed a complaint with the District Attorney.

Mayor Ward responded to **Mr. Ngo** and stated that all of his accusations and claims are false.

06/01/10-27. Dennis Fitzgerald Re Undergrounding District 6

Dennis Fitzgerald, 1400 Block of Ocean Drive, commended Councilmember Powell and Mayor Pro Tem Montgomery for their availability on weekends and asked for more information regarding Undergrounding Assessment District 6 (budget, timeline for completion, etc).

06/01/10-28. Bill Victor Re Public Records Request

Bill Victor, No Address Provided, complimented Councilmember Powell and Mayor Pro Tem Montgomery for answering their e-mails timely and expressed frustration with his current Public Records Request.

Mayor Ward explained to **Mr. Victor** that Finance Director Bruce Moe has been working with his staff to prepare the City budget, as directed by Council.

In response to Mayor Ward, Finance Director Moe responded that he will respond to **Mr. Victor's** request as time permits.

PUBLIC HEARINGS

None.

GENERAL BUSINESS

06/01/10-20. Consideration of a Request from Manhattan Beach Little League to Rename Marine Park or Field and Install a Commemorative Wall/Walk Within Marine Park that Recognizes Our Youth and Adults Who Have Contributed to Youth Sports in Manhattan Beach

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

The following individuals spoke on this item:

- **Lynn Harris, No Address Provided**
- **Dave Wachtfogel, No Address Provided**

After public comments, Council discussed this matter and then allowed the following individuals to speak on this item:

- **Tom Cajka, Monterey Court**
- **Lynn Harris, No Address Provided**

Council directed staff to return this matter to the Parks and Recreation Commission for consideration to explore the creation of a “Commemorative Wall” OR a “Commemorative Walk” OR “Both” to honor the City’s youth and adults who have contributed to the youth sports program and to return with proposed funding sources for Council approval.

Hearing no objection, it was so ordered.

RECESS AND RECONVENE

At 8:07 p.m. the Council recessed and reconvened at 8:26 p.m. with all Councilmembers present.

06/01/10-21. Continuation of Discussion of Fiscal Year 2010-2011 Proposed Operating Budget and Fiscal Year 2011-2015 Capital Improvement Project Plan

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

The following individual spoke on this item:

- **Bill Victor, No Address Provided**
- **Patrick McBride, 5th Street and Peck Avenue**
- **Paul Gross, No Address Provided**
- **Scott (last name inaudible), No Address Provided**

MOTION: Mayor Ward moved to approve the recommendations of the Fiscal Year 2010-2011 Proposed Operating Budget and the Fiscal Year 2011-2015 Capital Improvement Project (CIP) Plan as identified in the staff report; approve an amendment to add in the \$4,000 for the National League of Cities Membership; and approve to set the Public Hearing for the June 15, 2010, City Council meeting. The motion was seconded by Councilmember Cohen.

Hearing no objection it was so ordered.

In addition, Council provided the following direction: Proposition A – that the subsidy for the current year and for next year be taken from the Measure R Funds; that the \$12,000 for “Ride Share” purposes be moved from the Proposition A Fund to the Clean Air (AB2766) Fund; that the FY 2010-2011 Capital Improvement Fund projects as proposed remain unfunded until the Council discusses priorities for those funds during a September 2010 Council meeting; and that for Fiscal Year 2011-2012, the Finance Subcommittee shall review and develop options for the City Council to consider to improve fiscal sustainability.

ITEMS REMOVED FROM THE CONSENT CALENDAR

06/01/10-14. Consideration of Resolutions Approving the Assessment Engineer's Report for the Annual Levy of Street Lighting Assessments for Fiscal Year 2010-2011, and Declaration of the City Council's Intention to Provide for the Annual Levy and Collection of Assessments for Street Maintenance and Setting of the Public Hearing for July 6, 2010

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**

MOTION: Mayor Pro Tem Montgomery moved to adopt Resolution No. 6253 approving the Assessment Engineer's Report for the annual levy of Street Lighting Assessments for Fiscal Year 2010-2011; adopt Resolution No. 6254 declaring City Council's intention to provide for the annual levy and collection of assessments for the Street Lighting and Landscaping Maintenance Fund; and approve to set the Public Hearing for the July 6, 2010, City Council meeting. 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.
Absent: None.
Abstain: None.

06/01/10-16. Authorization to Approve Award of Contract (\$67,600.00) for the Maintenance Painting of El Porto Parking Lot 3 and the State Pier to Industry Coatings, Inc.

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**

MOTION: Mayor Pro Tem Montgomery moved to approve an award of contract in the net amount of \$67,600 for the Maintenance Painting of Lot 3 and the Municipal Pier to Industry Coatings. The motion was seconded by Councilmember Powell and passed by the following unanimous roll call vote:

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

MOTION: Councilmember Cohen moved to approve authorizing the Director of Public Works to approve additional work in an amount not-to-exceed \$6,760 (10% contingency), if required. The motion was seconded by Mayor Pro Tem Montgomery and passed by the following unanimous roll call vote:

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

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

06/01/10-29. Councilmember Powell Re LA County Beach Commission Annual Conference

Councilmember Powell stated that he recently attended a conference where local government productivity and efficiency were discussed and Manhattan Beach's Geographic Information Systems Analyst, Bonnie Shrewsbury was commended for doing an outstanding job.

06/01/10-30. Mayor Ward Re Mobi-Mats

Mayor Ward announced that Los Angeles County Supervisor Don Knabe indicated that the County is interested in moving forward with the Mobi-Mats and would like a letter of support from the City of Manhattan Beach.

Council concurred to direct staff to prepare a letter of support from the City of Manhattan Beach.

Hearing no objection it was so ordered.

06/01/10-31. Mayor Ward Re Swing Set Petition

Mayor Ward spoke of a petition he had received from eight children that live in the City asking that the swing set that was removed from 41st Street be returned.

06/01/10-32. Mayor Ward Re Upcoming Election

Mayor Ward reminded the public that the Primary Elections are on June 8, 2010, and encouraged everyone to vote.

Mayor Pro Tem Montgomery also reminded the public that they can go to the Los Angeles County website to find their polling locations.

ADJOURNMENT

At 10:36 p.m. the Regular City Council meeting of June 1, 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, June 15, 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