

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
JUNE 15, 2010**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 15th day of June, 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

City Attorney Robert V. Wadden, Jr. led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

06/15/10-1. Presentation of a Certificate to Bridget Johnson in Recognition of Her "People to People World Tour"

Mayor Ward, on behalf of the Council, presented a certificate and city pin to **Bridget Johnson** and named her as an Ambassador of Manhattan Beach in recognition of her "People to People World Tour".

06/15/10-2. Presentation of the Mira Costa High School Costa-Council Project

Mayor Ward, on behalf of the Council, presented certificates and city pins to **Suzanne Cafilische, Zachary Kay, Ben Whistler** and **Adam Gerard** for participating in the Costa Council Project. Teacher **Andy Caine** was unable to attend.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 3 through 11), 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 unanimous roll call vote with the exception of Item No. 7, 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

06/15/10-3. Approve Minutes of the City Council Regular Meeting of June 1, 2010

The Council approved the subject minutes.

06/15/10-4. Consideration of a Resolution to Support and Authorize Participation in the Los Angeles County Property Assessed Energy Program

The Council adopted Resolution No. 6256.

06/15/10-5. Consideration of Authorizing the Mayor to Sign a Letter Opposing Potential State Legislation to Pre-empt Cities from Fully Collecting Transient Occupancy Tax (TOT) from Online Travel Companies

The Council approved authorizing the Mayor to sign a letter that expresses opposition for any potential state legislation that would pre-empt cities from fully collecting Transient Occupancy Tax (TOT) from online travel companies (OTC).

06/15/10-6. Consideration of an Award of a Three-Year Janitorial Services Contract to Universal Building Maintenance (Estimated Annual Value of \$151,190)

The Council approved an award of RFP #799-10 to Universal Building Maintenance for a three-year janitorial services contract with an estimated annual value of \$151,190 for routine maintenance only.

06/15/10-7. Consideration of Financial Reports:
a) Ratification of Demands: June 10, 2010
b) Investment Portfolio for the Month Ending May 31, 2010

Item No. 7 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

06/15/10-8. Consideration to Approve Progress Payment No. 3 in the Net Amount of \$27,716.31 to Atom Engineering Construction for the City Yard Fuel Island Cover Project

The Council approved the issuance of the subject progress payment.

06/15/10-9. Consideration to Approve Progress Payment No. 1 in the Net Amount of \$179,194.50 to T.E. Roberts, Inc. for the 2007-10 Water Main Replacement Project

The Council approved the issuance of the subject progress payment.

06/15/10-10. Consideration to Approve Award of Contract (\$342,937) for the 2010 Slurry Seal Project to American Asphalt South, Inc.

The Council approved an award of contract in the amount of \$342,937.00 to American Asphalt South, Inc. for the 2010 Slurry Seal Project.

BOARDS AND COMMISSIONS

Parks and Recreation Commission

06/15/10-11. Consideration of Draft Minutes, Parks and Recreation Commission Meeting of April 26, 2010

The Council received and filed the subject draft minutes.

COMMUNITY ANNOUNCEMENTS

06/15/10-16. Don Gould Re Upcoming Library Events

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

06/15/10-17. Jill Brunkhardt Re Chevron Grand Prix

Chevron representative, Jill Brunkhardt, announced that the 49th annual Chevron Grand Prix will take place at 7:00 a.m. on June 27th. For more information visit www.mbgrandprix.com.

06/15/10-18. Viet Ngo Re Public Corruption

Viet Ngo, No Address Provided, explained that he is a victim and witness of public corruption.

06/15/10-19. Councilmember Powell Re Art Reception

Councilmember Powell invited everyone to an art reception at the Creative Arts Center on June 29, 2010, at 6:00 pm.

06/15/10-20. Councilmember Powell Re Viet Ngo's Allegations

Councilmember Powell responded to **Mr. Ngo's** allegation by stating that no one is being investigated or prosecuted.

06/15/10-21. Councilmember Cohen Re Successful Aging Seminar

Councilmember Cohen invited residents to participate in the Successful Aging Seminar on June 26, 2010, from 9:00 am to 12:00 pm at the Manhattan Beach Marriott. (Call to register: 800-301-1326).

06/15/10-22. Mayor Pro Tem Montgomery Re Care Center

Mayor Pro Tem Montgomery announced that the Torrance Memorial Acute Emergency Care Center is now open.

Councilmember Tell added that the care center is manned by two Torrance Memorial Emergency Room physicians.

06/15/10-23. Councilmember Powell Re Opening of New Businesses

Councilmember Powell mused that the number of ribbon cuttings for new businesses has increased, hopefully signifying an upswing in the economy.

06/15/10-24. Mayor Ward Re U.S. Conference of Mayors

Mayor Ward announced that he traveled to Oklahoma City to attend the U.S. Conference of Mayors and that he gave an update on Drug Drop-off programs, the oil spill and thanked the Mayor and people of Oklahoma City for their generosity during the flash floods that stranded him in Oklahoma.

AUDIENCE PARTICIPATION

06/15/10-25. Carlos Vigon Re Oil Spill

Carlos Vigon, No Address Provided, stated that an oil spill off our coast would take an hour to reach shore and asked for information regarding a comprehensive emergency plan.

06/15/10-26. Viet Ngo Re Public Corruption

Viet Ngo, No Address Provided, declared he is a victim and witness of public corruption and had two requests: he asked that Council comply with federal law to conduct an open hiring process for the new City Manager with background checks and accused Council of violating the California penal code in regards to Geoff Dolan.

City Attorney Wadden responded he was not aware of any misappropriation of public funds by this Council.

PUBLIC HEARINGS

06/15/10-12. Public Hearing and Adoption of Fiscal Year 2010-2011 Operating Budget and Fiscal Year 2011-2015 Capital Improvement Plan

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

Police Chief Rod Uyeda and Acting Fire Chief Ken Shuck responded to questions.

Mayor Ward opened the Public Hearing at 7:36 p.m.

- **Faith Lyons, 500 Block of 33rd Street**
- **Avigal Horrow, No Address Provided**

Mayor Ward closed the Public Hearing at 7:50 p.m.

MOTION: Councilmember Powell moved to adopt Resolution No. 6259 establishing the appropriations limit for the 2010-2011 Fiscal Year; adopt Resolution No. 6260 approving the Fiscal Year 2010-2011 Operating Budget; adopt Resolution No. 6261 approving the Fiscal Year 2010-2011 Capital Improvement Plan; adopt Resolution No 6262 approving an increase in the ambulance fees and indexing future rate increases to the L.A. County rate, and increasing the fine schedule for Police false alarms; approve authorizing the transfer \$35,000 of Measure “R” Funds to the Proposition “A” Fund to cover the anticipated shortfall of funding in Proposition “A” in Fiscal Year 2009-2010; and assign responsibility to the Finance Subcommittee to review and develop options for the City Council to consider to improve fiscal sustainability in the coming year. 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.

06/15/10-13. Continuation of the Downtown Business Improvement District (BID) Public Hearing Regarding Renewal of the District for Fiscal Year 2010-2011

MOTION: Mayor Pro Tem Montgomery moved to open the Public Hearing and continue the Public Hearing, for the renewal of the Downtown Business Improvement District, to the July 6, 2010, City Council meeting. 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.

Mayor Ward opened the Public Hearing at 7:56 p.m.

Hearing no requests to speak, Mayor Ward closed the Public Hearing at 7:57 p.m.

Mayor Ward then reminded the public that this Public Hearing will be “re-opened” at the July 6, 2010 City Council meeting.

06/15/10-14. Consideration of a Resolution Accepting the Citizen’s Option for Public Safety Program Supplemental Law Enforcement Services Funds (SLESF) Grant; Authorize and Appropriate SLESF Grant Funds to Purchase Radio Communication Equipment from South Bay Regional Public Communication Authority in the Amount of \$94,000 and Law Enforcement Equipment in the Amount of \$9,000

Mayor Ward introduced the subject item and Police Lieutenant Tony DiGenova provided the presentation.

Mayor Ward opened the Public Hearing at 8:04 p.m.

Hearing no requests to speak, Mayor Ward closed the Public Hearing at 8:05 p.m.

MOTION: Mayor Pro Tem Montgomery moved to adopt Resolution No. 6257 to accept grant monies from Supplemental Law Enforcement Services Fund (SLESF), appropriate SLESF Grant Funds and accrued interest for proposed expenditures; waive formal bidding per Municipal Code Section 2.36.140 (waivers); approve an award of purchase order to the South Bay Regional Public Communications Authority for Radio Communication Equipment in the Amount of \$94,000; authorize the City Manager to execute the purchase of the remaining equipment within the subject staff report to fully expend the remaining SLESF grant funds and accrued interest (approximately \$9,000). 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.

RECESS AND RECONVENE

Prior to the recess, Councilmember Tell announced that he would be abstaining from item No. 15 (*Appropriation of \$78,174.25 from the General Fund for Verizon and Time Warner Design Plans for Underground Utility Assessment District 15 OR Approval of Re-Surveying the District*) and therefore excused himself for the remainder of the meeting.

At 8:06 p.m. the Council recessed and reconvened at 8:26 p.m. with Councilmembers Powell, Cohen, Montgomery and Mayor Ward present.

GENERAL BUSINESS

06/15/10-15. Appropriation of \$78,174.25 from the General Fund for Verizon and Time Warner Design Plans for Underground Utility Assessment District 15 OR Approval of Re-Surveying the District

Mayor Ward introduced the subject item and City Engineer Steve Finton provided a PowerPoint presentation.

Public Works Director Jim Arndt, Finance Director Bruce Moe and Senior Civil Engineer Gilbert Gamboa responded to Council questions.

The following individuals from District 15 spoke on this item:

- **Tina Peterson, 200 Block of South Dianthus Street**
- **Irl Cramer, 100 Block of North Dianthus Street**
- **Dick Whilden, 100 Block of South Poinsettia**
- **Nancy Simpson, 100 Block of North Dianthus Street**
- **Karen Westover, 200 Block of South Dianthus Street**

MOTION: Mayor Pro Tem Montgomery moved to approve the appropriation of funds in the amount of \$78,174.25 from the Unreserved General Fund for Verizon and Time Warner engineering services associated with Underground Utility Assessment District (UUAD) 15. The motion was seconded by Councilmember Cohen and passed by the following roll call vote:

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

ITEMS REMOVED FROM THE CONSENT CALENDAR

06/15/10-7. Consideration of Financial Reports:
a) Ratification of Demands: June 10, 2010
b) Investment Portfolio for the Month Ending May 31, 2010

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

The following individual spoken on this item:

- **Viet Ngo, No Address Provided**

Finance Director Bruce Moe responded to **Mr. Ngo's** questions regarding the International City Manager's Association (ICMA).

MOTION: Mayor Pro Tem Montgomery moved to approve with no exception Warrant Register No. 26B in the amount of \$2,377,727.55 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 receive and file the Investment Portfolio for the month ending May 31, 2010. The motion was seconded by Councilmember Powell and passed by the following roll call vote:

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

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

06/15/10-27. Mayor Pro Tem Montgomery Re Birthday

Mayor Pro Tem Montgomery wished **Laura Missioreck** a Happy Birthday.

ADJOURNMENT

At 9:15 p.m. the Regular City Council meeting of June 15, 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, July 6, 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