

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

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 20th day of July, 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

James Brandon led the pledge of allegiance.

THE FOLLOWING ITEM WAS TAKEN OUT OF ORDER

CEREMONIAL CALENDAR

07/20/10-2. Presentation of a Commendation to Sister City Santa Rosalia and Recognition of the Baja Club for their Efforts with the Sister City/Baja Club Student Exchange Program

Mayor Ward, on behalf of the Council, presented a plaque to the City of Santa Rosalia, Mexico in recognition of their participation in the Sister Cities/Baja Club Student Exchange Program.

ROLL CALL

Present: Tell, Powell, Cohen, Montgomery and Mayor Ward.
Cohen (arrived at 6:38 p.m.)
Absent: None.
Clerk: Tamura.

CEREMONIAL CALENDAR

07/20/10-1. Presentation of a "Baby Passport" to Susan Shelton and Carlos Vigon

Mayor Ward, on behalf of the Council, presented a "Baby Passport" to **Susan Shelton** and **Carlos Vigon** in acknowledgment of the birth of their son **Carlos Paxton Vigon**.

CONSENT CALENDAR

Prior to voting on the Consent Calendar, Mayor Pro Tem Montgomery asked for clarification regarding the hours of operation for Item No. 8 (*Consideration of Determination that the Public Convenience or Necessity Would be Served by the Issuance of an Alcohol Beverage License at 1400 Parkview Avenue (Marriott Hotel)*).

Interim City Manager Thompson stated that the hours of operation for the Marriott Hotel Gift Shop are 7:00 a.m. – 10:00 p.m.

Mayor Pro Tem Montgomery also asked to confirm whether the contractor, **American Asphalt South**, listed at the bottom of Page 3 of Item No. 10 (*Consideration to Approve Award of Contract (\$21,896.00) for the Safe Routes to School Pedestrian Countdown Signal Retrofit Project to Christopher R. Morales, Inc.*) was a typo.

Interim City Manager Thompson confirmed that it was a typo and it will be corrected.

Councilmember Powell asked that Item No. 17 (*Consideration of Draft Minutes, Parks and Recreation Commission Meeting of June 28, 2010*) be revised to reflect that the date of the “Movies at the Beach” is August 7, 2010, not August 2, 2010.

The Consent Calendar (Item Nos. 3 through 19), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Mayor Pro Tem Montgomery seconded by Councilmember Cohen and passed by unanimous roll call vote.

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

GENERAL CONSENT

07/20/10-3. Approve Minutes of the City Council Regular Meeting of July 6, 2010

The Council approved the subject minutes.

07/20/10-4. Consideration of a Resolution to Support Assembly Bill 1998 (Brownley) for Implementation of a Statewide Plastic Bag Ban and Limits on Paper Bag Distribution

The Council adopted Resolution No. 6268.

07/20/10-5. Consideration of Financial Reports:
a) Ratification of Demands: July 1, 2010 and July 8, 2010
b) Investment Portfolio for the Month Ending June 30, 2010

The Council approved with no exception Warrant Register Nos. 1B, 2B and 28B in the amount of \$6,290,634.12 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 June 30, 2010.

07/20/10-6. Consideration of Ratification of Motor Fuel Purchase from Falcon Fuels in the Amount of \$22,458.67

The Council approved ratifying the subject purchase.

07/20/10-7. Consideration of the Attached Side Letter Agreement Extending the Memorandum of Understanding Between the City of Manhattan Beach and the Manhattan Beach Firefighters' Association Until July 31, 2011

The Council approved the attached Side Letter Agreement extending the Memorandum of Understanding (MOU) between the City of Manhattan Beach and the Manhattan Beach Firefighters' Association until July 31, 2011.

07/20/10-8. Consideration of Determination that the Public Convenience or Necessity Would be Served by the Issuance of an Alcohol Beverage License at 1400 Parkview Avenue (Marriott Hotel)

The Council approved the request by determining that the public convenience would be served by the issuance of a beer and wine license for the Marriott Hotel gift shop at 1400 Parkview Avenue.

07/20/10-9. Consideration to Approve Award of Professional Services Contract to Stantec Consulting Services, Inc. (\$30,400) for the Triennial Update to the City's Pavement Management Program

The Council approved the award of a Professional Services Contract to Stantec Consulting Services, Inc. in the amount of \$30,400 for the Triennial Update to the City's Pavement Management Program.

07/20/10-10. Consideration to Approve Award of Contract (\$21,896.00) for the Safe Routes to School Pedestrian Countdown Signal Retrofit Project to Christopher R. Morales, Inc.

The Council approved an award of contract in the net amount of \$21,896.00 to Christopher R. Morales, Inc. for the Safe Routes to School Pedestrian Countdown Signal Retrofit Project.

07/20/10-11. Consideration to Approve Progress Payment No. 3 in the Net Amount of \$126,000.00 to T.E. Roberts, Inc. for the 2007-10 Water Main Replacement Project

The Council approved the issuance of the subject progress payment.

07/20/10-12. Consideration to Approve Final Payment in the Net Amount of \$27,403.82 to Atom Engineering Construction; Formally Accept the City Yard Fuel Island Cover Project as Complete; Approve Change Orders; Authorize Filing of the Appropriate Notice of Completion and Release of Retention in the Amount of \$9,373.04

The Council approved the issuance of the subject final payment; formally accepted the City Yard Fuel Island Cover Project as Complete; approved a Change Order in the amount of \$3,751.38; and authorized the filing of the appropriate Notice of Completion and Release of Retention in the amount of \$9,373.04.

07/20/10-13. Consideration of an Amendment to a License Agreement with Northrop Grumman Systems Corporation Related to an Aerial Fiber Optic Communication Line Connecting Northrop Grumman Facilities in Manhattan Beach and Redondo Beach

The Council approved authorizing the City Manager to execute an amendment to a license agreement with Northrop Grumman Systems Corporation related to an Aerial Fiber Optic Communication Line connecting Northrop Grumman Facilities in Manhattan Beach and Redondo Beach.

07/20/10-14. Consideration to Approve Award of Professional Services Contract to Kathleen McGowan, P.E., for the Municipal Stormwater National Pollutant Discharge Elimination System (NPDES) Permit and Total Maximum Daily Load (TMDL) Consulting

The Council approved the award of a Professional Services Contract to Kathleen McGowan, P.E., in the amount of \$59,338 to assist the City in meeting the requirements of the National Pollutant Discharge Elimination System (NPDES) Permit for Municipal Storm Water and Urban Runoff Discharges (Municipal Stormwater Permit) and undertaking implementation activities to comply with the Santa Monica Bay Beaches Bacteria Wet Weather and Dry Weather Total Maximum Daily Loads (TMDLs).

07/20/10-15. Consideration to Approve Award of Professional Services Agreement to MDA Johnson Favaro for \$93,135 and Linda Demmers Consulting for \$27,300 for the Los Angeles County Manhattan Beach Library Improvements

The Council approved the award of Professional Services Contracts to MDA Johnson Favaro for \$93,135 and authorization for the Public Works Director to approve additional work in the amount not-to-exceed \$9,313 (10% contingency), and Linda Demmers Consulting in the amount of \$27,300 and authorization for the Public Works Director to approve additional work in the an amount not-to-exceed \$2,730 (10% contingency) to assist the City in the pre-design of improvements to the Los Angeles County Library in Manhattan Beach and managing oversight of the Library project.

It was also noted that funds will be appropriated from the City's General Fund until such time as the Los Angeles County releases Library Reserves for their Manhattan Beach Library and reimburses the City of Manhattan Beach for these professional services.

BOARDS AND COMMISSIONS

Cultural Arts Commission

07/20/10-16. Consideration of Draft Minutes, Cultural Arts Commission Meeting of June 8, 2010

The Council received and filed the subject draft minutes.

Parks and Recreation Commission

07/20/10-17. Consideration of Draft Minutes, Parks and Recreation Commission Meeting of June 28, 2010

The Council received and filed the subject draft minutes as amended.

Councilmember Powell requested that these minutes be amended to reflect that the date of the "Movies at the Beach" is August 7, 2010, not August 2, 2010.

Planning Commission

07/20/10-18. Consideration of Action Minutes, Planning Commission Meeting of July 14, 2010

The Council received and filed the subject action minutes.

07/20/10-19. Consideration of the Planning Commission Decision to Approve a Master Use Permit Amendment to Allow a New Retail Wine and Beer Shop With On-Site Beer and Wine Sampling at 3500 Sepulveda Boulevard, Hacienda/Haagen Building (The Vintage Wine Shoppe) and Determine that the Public Convenience or Necessity would be Served by the Issuance of a Liquor License

The Council received and filed the decision of the Planning Commission to approve a Master Use Permit Amendment and determine that the public convenience or necessity would be served by the issuance of a liquor license.

COMMUNITY ANNOUNCEMENTS

07/06/10-23. Don Gould Re Upcoming Library Events

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

07/06/10-24. Administrative Clerk Ariana Kennedy Re Big Green Bus

Administrative Clerk Kennedy announced that the Big Green Bus (a bus that teaches the public simple lifestyle changes that can save money, energy, and resources in everyday activities) will be parked at the Manhattan Beach Pier on August 2, 2010 from 9:00 a.m. to 4:00 p.m.; at the Farmer's Market on August 3, 2010 from 11:00 a.m. to 4:00 p.m.; and for more information, contact Environmental Programs Manager Sona Kalapura at (310) 802-5058.

07/06/10-25. Police Lieutenant Andy Harrod Re Oversized Vehicles

Police Lieutenant Harrod invited interested residents to attend the Parking and Public Improvements Commission meeting on July 22, 2010 at 6:30 p.m. for a discussion on the oversized vehicle ordinance. He also asked that questions be e-mailed to aharrod@citymb.info.

07/06/10-26. Assistant to the City Manager Lindy Coe-Juell Re Centennial Logo Competition

Assistant to the City Manager Coe-Juell announced that the Centennial Committee has launched a logo design competition open to all who live, work or attend school in the City; that the deadline for entries is August 23, 2010; that the winner will be announced at the September 7, 2010 City Council meeting; and for more information, visit www.citymb.info or call Assistant to the City Manager Lindy Coe-Juell at (310) 802-5054.

07/06/10-27. Mayor Pro Tem Montgomery Re New Parking Meters

Mayor Pro Tem Montgomery explained that the new parking meters are not installed in the parking structures and garages. He pointed out that the new meters will take coins or credit cards; that people interested in returning their cash keys may do so in the Finance Department; and that the balance and deposit will be returned.

07/06/10-28. Mayor Pro Tem Montgomery Re Coastal Commission

Mayor Pro Tem Montgomery stated that the Coastal Commission has once again approved the permit for the Association of Volleyball Players (AVP) Manhattan Beach Open.

07/06/10-29. Councilmember Cohen Re North Manhattan Beach Summer Stroll

Councilmember Cohen reminded the public that the North Manhattan Beach Summer Stroll and Open House will take place on July 29, 2010 from 5:00 p.m. until 10:00 p.m.

07/06/10-30. Councilmember Powell Re LA County Lifeguard Medal of Valor

Councilmember Powell announced that the Los Angeles County Lifeguard Medal of Valor dinner will be held on July 29, 2010 at 6:00 p.m. at the Seaside Lagoon in Redondo Beach.

07/06/10-31. Councilmember Powell Re Concerts in the Park

Councilmember Powell reminded the public that *Concerts in the Park* take place every Sunday at Polliwog Park from 5:00 p.m. to 7:00 p.m. until September 5, 2010. He invited everyone to attend the August 1st concert and added that he will be the master of ceremonies that evening.

07/06/10-32. Mayor Ward Re Parking Meters

Mayor Ward clarified a few issues about the new parking meters and commented that he thinks they will be a good step forward for the City.

AUDIENCE PARTICIPATION

07/06/10-33. Joan Allen Re Thanks

Joan Allen, 200 Block of 36th Street, thanked Council for being extremely responsive to concerns regarding the North Manhattan Beach Valet Program. She also thanked the Police Department for their responsiveness.

PUBLIC HEARINGS

None.

GENERAL BUSINESS

07/20/10-20. Consideration of Issues Regarding the Proposed Solid Waste Request for Proposal (RFP)

Mayor Ward introduced the subject item and Public Works Director Jim Arndt provided the staff presentation, with **HF&H Senior Vice President Laith Ezzet** providing the PowerPoint presentation.

Environmental Programs Manager Sona Kalapura responded to Council questions.

The following individuals spoken on this item:

- **Richard Hatch, No Address Provided**
- **Lisa Ryder Moore, Hermosa Beach Resident**
- **Tim Frye, Crown Disposal**
- **Jeannine Hammer, Waste Management**

MOTION: Councilmember Powell moved to approve Option 2 “Additional Residential Trash Cart Costs” as identified in the staff report; approve the 44% minimum required “Hauler Diversion Goal” to be included as a part of the Request for Proposal (RFP); and approve that the contract provide for liquidated damages for any hauler that fails to meet the minimum diversion rate. The motion was seconded by Councilmember Tell and passed by the following roll call vote:

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

07/20/10-21. Consideration of the Proposed 2010-2011 Environmental Work Plan and Renewal of the Environmental Task Force

Mayor Ward introduced the subject item and Environmental Programs Manager Sona Kalapura provided the staff presentation.

There was no public comment on this item.

Council directed staff to begin recruitment for the next phase of a 10-Member Environmental Task Force; and to return in September for Council to appoint members to the Task Force and approve the list of specific goals to be identified in the 2010-2011 Environmental Work Plan.

Hearing no objection, it was so ordered.

ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

07/20/10-34. Mayor Pro Tem Montgomery Re ICA Conference

Mayor Pro Tem Montgomery shared that Mayor Ward, Councilmember Powell, and he attended the Independent Cities Conference (ICA) and the topic was “How do Cities Move to the Next Decade” with speakers focusing on pension reform and the health care bill.

07/20/10-35. Mayor Ward Re Congratulations to Mayor Pro Tem Montgomery

Mayor Ward congratulated Mayor Pro Tem Montgomery as the next ICA President explaining that Mayor Pro Tem Montgomery will carry on a great tradition.

Mayor Pro Tem Montgomery thanked Mayor Ward and announced that his installation dinner will be held on September 10, 2010 here in Manhattan Beach.

07/20/10-36. Councilmember Powell Re ICA Conference

Councilmember Powell stated that the ICA conference was fantastic and that he has never learned so much in such a short period of time. He mentioned that a good portion of the credit is attributable to Mayor Pro Tem Montgomery’s involvement.

07/20/10-37. Mayor Ward Re ICA Conference

Mayor Ward commented that the ICA Conference was fantastic and that he appreciated the warm weather.

07/20/10-22. Request by Mayor Pro Tem Montgomery to Discuss the Limitation of Taxi Cab Pick-Ups

Mayor Pro Tem Montgomery explained that while the City contracts with five taxicab companies, he has received a number of complaints that one hotel is restricting taxicab pick-ups to one company. Mayor Pro Tem Montgomery suggested Council consider drafting an ordinance prohibiting exclusivity.

Mayor Ward concurred and directed staff to return with a draft ordinance at a future City Council meeting.

Hearing no objection it was so ordered.

ADJOURNMENT

At 9:00 p.m. the Regular City Council meeting of July 20, 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, August 3, 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