

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
AUGUST 3, 2010**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 3rd day of August, 2010, at the hour of 6:34 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

Acting Fire Chief Ken Shuck led the pledge of allegiance.

THE FOLLOWING ITEM WAS TAKEN OUT OF ORDER

CEREMONIAL CALENDAR

08/03/10-1. Presentation of the "Person of the Month" Award to Beverly Rohr for Her Lifetime Achievement in Local Education

Mayor Ward announced that **Dr. Beverly Rohr** was unable to attend tonight's meeting and directed staff to agendaize her recognition on a future agenda.

08/03/10-2. Presentation of a Commendation to the Manhattan Beach Firefighters' Burn Foundation Recognizing their Support, Generosity and Dedication to the City and the South Bay

Mayor Ward, on behalf of the Council, along with Acting Fire Chief Ken Shuck, presented a commendation to the Manhattan Beach Firefighters' Burn Foundation Board members (Battalion Chief John Weber, Firefighter /Paramedic Matt Simkins, Fire Captain/Paramedic Derek Edmonds and Fire Captain/Paramedic Scott Hafdell) in recognition of the volunteer work they do in the South Bay.

08/03/10-3. Presentation of a Commendation to Assistant to the City Manager Lindy Coe-Juell in Recognition of Her Service to the City of Manhattan Beach

Mayor Ward, on behalf of the Council, presented a commendation to outgoing Assistant to the City Manager Lindy Coe-Juell in recognition of her service to the City of Manhattan Beach.

CONSENT CALENDAR

Interim City Manager Richard Thompson requested that Item No. 7 be continued to a future City Council meeting.

Hearing no objection, it was so ordered.

Councilmember Cohen requested that Item No. 13 be continued to the September 7, 2010 City Council meeting.

Hearing no objection, it was so ordered.

The Consent Calendar (Item Nos. 4 through 21), 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. 12 and 20 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.

ROLL CALL

Present: Powell, Cohen, Montgomery and Mayor Ward.
Absent: Tell.
Clerk: Tamura.

GENERAL CONSENT

08/03/10-4. Approve Minutes of the City Council Regular Meeting of July 20, 2010

The Council approved the subject minutes.

08/03/10-5. Consideration of the City’s Support for the October 10, 2010 (10-10-10) Sustainability Summit, a Day of International Environmental Action

The Council approved the City’s participation in the 10-10-10 Sustainability Summit, to include the community in a worldwide effort to increase environmental awareness on October 10, 2010.

08/03/10-6. Consideration of the Appointment of Doug Herbst to the South Bay Workforce Investment Board

The Council appointed **Doug Herbst** to serve as the Manhattan Beach representative to the South Bay Workforce Investment Board (SBWIB) for the term of office of July 1, 2007 through June 30, 2011.

08/03/10-7. Consideration of a Resolution Amending the Personnel Rules Formalizing Management Leave for Certain Executive Management Positions; Clarifying Eligibility and Employee Contributions for Part-Time Employees and the Updating the Definition of Temporary Employees; and Authorizing the City Manager to Negotiate and Execute a Side Letter Agreement to the Teamsters Memorandum of Understanding Expanding the Use of an Alternative Work Schedule (9/80) for Police Department Secretarial Staff

The Council continued this item to a future City Council meeting.

08/03/10-8. Consideration of Ratification of Motor Fuel Purchase from Nicky Petroleum in the Amount of \$21,178.83

The Council approved ratifying the subject purchase.

08/03/10-9. Consideration of Financial Reports:

a) Ratification of Demands: July 22, 2010

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

The Council approved with no exception Warrant Register No. 3B & 29B in the amount of \$3,162,133.37 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 June 30, 2010.

08/03/10-10. Consideration of Authorization for the Finance Subcommittee and Staff to Negotiate Terms and Conditions and Execute a Contract with DeWitt Petroleum Establishing a Sales Tax Sharing Agreement

The Council approved authorizing the Finance Subcommittee and staff to negotiate and execute the final terms and conditions of a sales tax sharing agreement with DeWitt Petroleum.

08/03/10-11. Consideration of a Resolution Approving an Additional Optional Water Rate Classification for Commercial Customer Accounts, and Approving a One Time Option for All Such Customers to Opt-In to the New Rate Plan

The Council approved an addition rate schedule to the water rate tables to provide for the option of a flat rat for commercial accounts that have residential-sized (5/8", 3/4" and 1") water meters; approved providing for a one time option for those customers to select the alternative rate schedule; and adopted Resolution No. 6270.

08/03/10-12. Consideration of the Award of a Three-Year Traffic Engineering Services Contract to Charles Abbott Associates, Inc. (Estimated Value of \$68,640)

Item No. 12 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

08/03/10-13. Consideration to Approve the Solid Waste Request for Proposal (RFP) for Public Distribution to Interested Waste Haulers

The Council continued this item to the September 7, 2010 City Council meeting.

08/03/10-14. Consideration to Approve Progress Payment No. 1 in the Net Amount of \$383,123.29 to All American Asphalt for the Highland Avenue Resurfacing Project

The Council approved the issuance of the subject progress payment.

08/03/10-15. Consideration to Approve Final Payment in the Net Amount of \$33,735.40 to Atlas Underground, Inc. for the 2006-07 Sewer Main Replacement Project; Formally Accept the 2006-07 Sewer Main Replacement Project as Complete; Approve Change Orders; Authorize Filing of the Appropriate Notice of Completion and Release of Retention in the Amount of \$32,611.56; Authorize Additional Funds from the Approved Budget in the Amount of \$12,719.57 to Cover the Change Orders

The Council approved the issuance of the subject final payment; formally accepted the 2006-07 Sewer Main Replacement Project as Complete; approved Change Orders; authorized the filing of the appropriate Notice of Completion and Release of Retention in the amount of \$32,611.56; and approved authorizing additional funds from the approved budget in the amount of \$12,719.57 to cover the change orders.

08/03/10-16. Consideration to Approve Final Payment in the Net Amount of \$89,405.84 to Atom Engineering Construction for The Strand and Live Oak Park Erosion Control Project; Formally Accept The Strand and Live Oak Park Erosion Control Project as Complete; Authorize Filing of the Appropriate Notice of Completion and Release of Retention in the Amount of \$9,933.98

The Council approved the issuance of the subject final payment; formally accepted the Strand and Live Oak Park Erosion Control Project as Complete; and approved authorizing the filing of the appropriate Notice of Completion and Release of Retention in the amount of \$9,933.98.

08/03/10-17. Consideration to Approve Progress Payment No. 4 in the Net Amount of \$123,217.36 to T.E. Roberts, Inc. for the 2007-10 Water Main Replacement Project

The Council approved the issuance of the subject progress payment.

BOARDS AND COMMISSIONS

Cultural Arts Commission

08/03/10-18. Consideration of Draft Minutes, Cultural Arts Commission Meeting of July 13, 2010

The Council received and filed the subject draft minutes.

Library Commission

08/03/10-19. Consideration of Draft Minutes, Library Commission Meeting of July 12, 2010

The Council received and filed the subject draft minutes.

Planning Commission

08/03/10-20. Consideration of Action Minutes, Planning Commission Meeting of July 28, 2010

Item No. 20 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

08/03/10-21. Consideration of Planning Commission Approval of a Use Permit Amendment to Allow the Extension of Hours of Operation for Izaka-Ya Restaurant, Located at 1133 Highland Avenue

The Council received and filed the Planning Commission's approval of the Use Permit Amendment for the restaurant located at 1133 Highland Avenue.

COMMUNITY ANNOUNCEMENTS

08/03/10-26. Management Analyst Madrid Re Oversized Parking Permit Program

Management Analyst Nhung Madrid announced that the Parking and Public Improvements (PPIC) Commission will continue their discussion of oversized vehicle parking at the August 26, 2010 PPIC meeting.

08/03/10-27. Viet Ngo Re Corruption and Theft of Public Funds

Viet Ngo, No Address Provided, urged the public to join his “Equal Justice For All Task Force” to fight corruption and the theft of public funds.

08/03/1028- Don Gould Re Upcoming Library Events

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

08/03/10-29. Police Chief Uyeda Re Blood Drive for Officer Vasquez

Police Chief Rod Uyeda announced that there will be a blood drive at the Joslyn Community Center from 11:30 a.m. - 5:00 p.m. on Friday, August 6, 2010 in honor of Manhattan Beach Police Officer Mark Vasquez, who is currently battling Multiple Myeloma.

08/03/10-30. Mayor Pro Tem Montgomery Re 6-Man

Mayor Pro Tem Montgomery thanked Police, Fire and Parks and Recreation for making this year’s 6-Man Volleyball tournament a success.

08/03/10-31. Councilmember Powell Re Dine-n-Discover Program

Councilmember Powell encouraged older adults to reserve their spot for the next Dine-n-Discover event, *The Society to Preserve Radio Drama and Comedy*.

08/03/10-32. Councilmember Powell Re Thank You to Supervisor Knabe

Councilmember Powell thanked **Los Angeles County Supervisor Don Knabe** for donating tickets and a bus for the jazz concert. He also thanked Older Adults Program Manager Jan Buike for making the program a success.

08/03/10-33. Willy Leventhal Re Various Issues

Will Leventhal, No Address Provided, stated that he will give blood for Officer Vasquez; that the problem with excess dog excrement on the Strand has improved; and questioned whether the Council had made a decision on naming parks.

AUDIENCE PARTICIPATION

08/03/10-34. Viet Ngo Re Requested Salaries, Benefits, be Posted to the Website

Viet Ngo, No Address Provided, asked that the information he requested including: dues, City cars and Department Head and City Council salaries and benefits be posted to the City’s web site, including former City Manager Geoff Dolan’s contract. He also asked that Council adopt a policy to establish salary ranges.

08/03/10-35. Mayor Pro Tem Montgomery Re Salaries and Budget on the Website

Mayor Pro Tem Montgomery informed the public that salary ranges and the annual budget are both posted on the City’s website (www.citymb.info); that the allowance/stipend for Council will be posted in the near future; and that any further questions should be directed to Interim City Manager Thompson or Finance Director Moe.

PUBLIC HEARINGS

08/03/10-22. Consideration of a Determination that the City is in Compliance with the Program Requirements of the 2010 Congestion Management Program (CMP) for Los Angeles County as Prepared by the Metropolitan Transportation Authority (MTA)

Mayor Ward introduced the subject item and Assistant Planner Angelica Ochoa provided the staff presentation.

Mayor Ward opened the Public Hearing at 7:04 p.m.

Hearing no requests to speak, Mayor Ward closed the Public Hearing at 7:05 p.m.

MOTION: Mayor Pro Tem Montgomery moved to adopt Resolution No. 6271 demonstrating the City's compliance with the program requirements of the 2010 Congestion Management Program (CMP). The motion was seconded by Councilmember Cohen and passed by the following roll call vote:

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

GENERAL BUSINESS

08/03/10-23. Consideration of Alternatives Related to Expanding Transportation Services for Older Adults and Review of Information from Program Focus Group Meetings

Interim City Manager Richard Thompson introduced the subject item and Parks and Recreation Director Richard Gill and Recreation Services Manager Eve Kelso provided the staff presentation.

Older Adult Programs Supervisor Jan Buike responded to questions from Council.

The following individuals spoken on this item:

- **Willy Leventhal, No Address Provided**
- **Dave Wachtfogel, No Address Provided**
- **Fyllis Kramer, No Address Provided**
- **Viet Ngo, No Address Provided**
- **Richard Zief, Vice Chair of Senior Advisory Committee**
- **Patrick McBride, 5th Street and Peck Avenue**

MOTION: Councilmember Cohen moved to appropriate \$11,500 from the Council Contingency Fund to fund 2 transportation projects: 1) The Dial-a-Ride Pilot Project for one year, for one added night of service, twice a month, at a cost of \$5,000; 2) Round Trip Taxi Vouchers to medical facilities out of the area (but within a 20 mile service area) at a cost of \$6,500; and directed staff to report back to Council in 3 months with a status report. 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.

RECESS AND RECONVENE

At 7:50 p.m. the Council recessed and reconvened at 8:05 p.m. with Councilmembers Powell, Cohen, Montgomery and Mayor Ward present.

08/03/10-24. Status Update of Underground Utility Assessment District (UUAD) 6 and Update from Southern California Edison, Time Warner Cable and Verizon

Interim City Manager Richard Thompson introduced the subject item and City Engineer Steve Finton provided a PowerPoint presentation.

Southern California Edison Representative Scott Gobble and **Verizon Representative Mike Murray** also provided presentations.

City Engineer Finton announced that the representative from **Time Warner** informed him that they were unable to attend the meeting.

The following individuals spoken on this item:

- **Paul Gross, No Address Provided, District 6**
- **Richard Hatch, 100 Block of 19th Street, District 6**
- **Charles Paulet, 21st Street, District 6**
- **Mark Rutter, No Address Provided**
- **Robert Kaminski, 100 Block of 18th Street, District 6**
- **Chris Graham, 100 Block of 21st Street, District 6**
- **Phil Norton, 100 Block of 19th Street**
- **Irv (Last Name Inaudible), 200 Block of 20th Street**
- **Viet Ngo, No Address Provided**
- **Paul Shelton, Verizon**

Council requested that Verizon: provide a written commitment and work schedule, within 30 days, showing a completion date by January 2011 at a rate not less than 20 homes per week; conduct pre-fielding work in District 6 to identify potential delays and provide timely alerts to City staff of properties or issues that require intervention or that could result in delays; complete pre-fielding work and provide a report by August 20, 2010; provide weekly progress reports and updates via e-mail and participate in regular meetings with staff as needed to coordinate remaining work; immediately resolve the issue of the loose/clanking vault lids; inventory their excess wires/coils hanging overhead throughout the City and provide a plan to remove any unused wires or to utilize those planned for service; and plan to attend and provide a status report of progress in District 6 at the City Council meeting of October 19, 2010.

Council directed staff to draft a formal complaint letter to the California Public Utilities Commission (CUP) in preparation for the October 19, 2010 meeting. If the City Council determines that sufficient progress has not been made, it will be their option to file the formal PUC complaint.

08/03/10-25. Consideration of an Ordinance Revising Section 3.56 of the Manhattan Beach Municipal Code Regarding Alarm Systems

Interim City Manager Richard Thompson introduced the subject item and Management Analyst Julie Dahlgren provided the staff presentation.

There were no requests to speak on this item.

Councilmember Powell read aloud the title of Ordinance No. 2134.

MOTION: Councilmember Powell moved to waive further reading and introduce Ordinance No. 2134 amending the Manhattan Beach Municipal Code Chapter 3.56 regarding regulation of alarm systems. The motion was seconded by Councilmember Cohen and passed by the following roll call vote:

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

ITEMS REMOVED FROM THE CONSENT CALENDAR

08/03/10-7. Consideration of a Resolution Amending the Personnel Rules Formalizing Management Leave for Certain Executive Management Positions; Clarifying Eligibility and Employee Contributions for Part-Time Employees and the Updating the Definition of Temporary Employees; and Authorizing the City Manager to Negotiate and Execute a Side Letter Agreement to the Teamsters Memorandum of Understanding Expanding the Use of an Alternative Work Schedule (9/80) for Police Department Secretarial Staff

The Council continued this item to a future City Council meeting.

08/03/10-12. Consideration of the Award of a Three-Year Traffic Engineering Services Contract to Charles Abbott Associates, Inc. (Estimated Value of \$68,640)

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

The following individual spoken on this item:

- **Paul Gross, No Address Provided**

Acting Community Development Director Laurie Jester responded to Council's questions.

Council directed staff to extend the current contract of City Traffic Engineer Erik Zandvliet and return to Council with a Cost Analysis comparing a Part-Time In-House Traffic Engineer with that of a Contract Traffic Engineer.

Hearing no objections it was so ordered.

08/03/10-13. Consideration to Approve the Solid Waste Request For Proposal (RFP) for Public Distribution to Interested Waste Haulers

The Council continued this item to the September 7, 2010 City Council meeting.

Planning Commission

08/03/10-20. Consideration of Action Minutes, Planning Commission Meeting of July 28, 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**

MOTION: Councilmember Powell moved to receive and file the subject action minutes. The motion was seconded by Councilmember Cohen 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

08/03/10-36. Council Re 6-Man Volleyball Tournament

Councilmember Cohen thanked Police Chief Uyeda, City staff and Public Works for containing the 6-Man tournament.

Mayor Ward stated he is proud of the fans and players who participated and focused on volleyball this year.

Councilmember Powell commended the Fire Department for their part as well.

08/03/10-37. Mayor Ward Re Coffee with the Mayor

Mayor Ward invited the public to join him for coffee at the Coffee Bean located at 321 Manhattan Beach Boulevard from 7:00 a.m. to 8:00 a.m. on Tuesdays. He added that the public can also follow him on Twitter @mayormitchward.

ADJOURNMENT

At 10:03 p.m. the Regular City Council meeting of August 3, 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, September 7, 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