

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
SEPTEMBER 7, 2010**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 7th day of September, 2010, at the hour of 6:42 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

Public Works Director Jim Arndt led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

09/07/10-1. Presentation of the "Person of the Month" Award to Beverly Rohr for Her Lifetime Achievement in Local Education

Mayor Ward, on behalf of the City Council, presented a commendation to **Beverly Rohr** for extraordinary lifetime efforts in local education.

09/07/10-2. Presentation of "Person of the Month" Awards to Mark McDonald, Dr. David Austin and Dr. Brad Thue for Their Efforts in Saving a Child on the Beach

Mayor Ward, on behalf of the City Council, presented a commendation to **Mark McDonald, Dr. David Austin and Dr. Brad Thue** for saving a child on the beach.

Mayor Ward introduced **Evan Navaro** and his mother and recognized Firefighter/Paramedic Michael Murrey for his assistance in the rescue.

09/07/10-3. Presentation of a Proclamation Declaring the Week of November 4, 2010 as the Manhattan Beach Education Foundation Pledge Day

Mayor Ward, on behalf of the City Council, presented a proclamation to **Manhattan Beach Unified School District Superintendent Dr. Michael Mathews, Manhattan Beach Education Foundation Co-President Maria Zaslansky and Pledge Day Co-Chair Leasa Ireland** proclaiming November 4th as Pledge Day.

CONSENT CALENDAR

Prior to voting on the Consent Calendar, Councilmember Powell asked for, and received, clarification on Item No. 12 (*Consideration of Financial Reports*).

The Consent Calendar (Item Nos. 4 through 30), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Powell, seconded by Councilmember Tell and passed by unanimous roll call vote with the exception of Item Nos. 6, 7, 8, 11, 13, 15, 17 and 18 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

09/07/10-4. Approve Minutes of the Special City Council Closed Session Meeting of July 30, 2010

The Council approved the subject minutes.

09/07/10-5. Approve Minutes of the City Council Regular Meeting of August 3, 2010

The Council approved the subject minutes.

09/07/10-6. Approve Minutes of the Special City Council Closed Session Meeting of August 4, 2010

Item No. 6 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

09/07/10-7. Approve Minutes of the Special City Council Closed Session Meeting of August 25, 2010

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

09/07/10-8. Approve Minutes of the Special City Council Closed Session Meeting of August 27, 2010

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

09/07/10-9. Consideration of Adoption of an Ordinance Revising Section 3.56 of the Manhattan Beach Municipal Code Regarding Alarm Systems

The Council adopted Ordinance No. 2134.

09/07/10-10. Consideration of a Resolution Adopting the 2010 Conflict of Interest Code for the City of Manhattan Beach

The Council adopted Resolution No. 6273.

09/07/10-11. Consideration of Resolution Adding Additional Signatories to the CalPERS Employer Benefit Trust Account for the City's Retiree Medical Benefits Program in Order to Process Reimbursements to the City for Benefit

Item No. 11 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

09/07/10-12. Consideration of Financial Reports:

- a) Ratification of Demands: August 5, 2010, August 19, 2010 and September 2, 2010
- b) Portfolio for the Month Ending July 31, 2010
- c) Financial Reports for the Month Ending July 31, 2010

The Council approved with no exception Warrant Register Nos. 4B, 5B, 6B, 30B and 31B in the amount of \$9,147,718.40 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 July 31, 2010 and received and filed the Financial Reports for the month ending July 31, 2010.

09/07/10-13. Consideration of Modifications to the City's Rules and Regulations and the Teamsters Memorandum of Understanding as Follows:

- a) Modifications to the City's Rules and Regulations Clarifying Eligibility and Employee Contributions for Part Time Employees
- b) Update of the Rules and Regulations Definition of Temporary Employees
- c) Temporary Suspension of the Rules and Regulations Requirement Providing Management/Confidential Employees with a Medical Insurance Cafeteria Contribution Equal to the PERS Choice Medical Premium for Fiscal Year 2010-2011
- d) Authorize the City Manager to Negotiate and Execute a Side Letter Agreement to the Teamsters Memorandum of Understanding Expanding the Use of an Alternate Work Schedule (9/80) for Police Department Secretarial Staff

Item No. 13 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

09/07/10-14. Consideration of the Parks and Recreation Commission Recommendation to Expand the List of Drought Tolerant Trees in the City of Manhattan Beach Tree and Bench Donation Program

The Council approved the recommendation from the Parks and Recreation Commission Recommendation to expand the list of drought tolerant trees for the City's Tree and Bench Donation Program.

09/07/10-15. Consideration of the Cultural Arts Commission's Recommendation for Eight Sculptures for the 2010 Sculpture Garden

Item No. 15 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

09/07/10-16. Consideration of Renewal of a One-Year Fire Department Records Management System Maintenance Contract with Fire Information Support Services, Inc. in the Amount of \$25,875, No Increase Over Last Year

The Council waived formal bidding per Municipal Code Section 2.36.140 (waivers) and approved the renewal of a one-year Fire Records Management System (RMS) maintenance contract with Fire Information Support Services, Inc. for the same amount as last year, \$25,875.00.

09/07/10-17. Consideration of Amendment to a Services Agreement with U.C.L.A. to Provide Continuing Education and Quality Improvement to the Fire Department Paramedics in the Amount of \$27,605.88 Per Year for the Next Two Years, No Increase Over Last Year

Item No. 17 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

09/07/10-18. Consideration of an Amendment to the Refuse Franchise Agreement with Waste Management Allowing an Optional Contract Extension Not to Exceed Six Months at \$60,000 per Month, or \$360,000 Total, to be Allocated from Refuse Fund Reserves

Item No. 18 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

09/07/10-19. Consideration to Approve Progress Payment No. 1 in the Net Amount of \$196,586.55 to American Asphalt South, Inc. for the 2010 Slurry Seal Project

The Council approved the issuance of Progress Payment No. 1 in the Net Amount of \$196,586.55 to American Asphalt South, Inc. for the 2010 Slurry Seal Project.

09/07/10-20. Consideration to Approve Progress Payment No. 1 in the Net Amount of \$37,784.00 to Industry Coatings Inc. for the Maintenance Painting of Lot 3 and the State Pier Project

The Council approved the issuance of Progress Payment No. 1 in the Net Amount of \$37,784.00 to Industry Coatings Inc., for the Maintenance Painting of Parking Lot 3 and the State Pier Project

09/07/10-21. Consideration to Authorization to Approve Award of Contract (\$54,806.22) to T.E. Roberts Inc. for the Replacement of Water Flow Control Equipment at the Intersection of Manhattan Beach Boulevard and Redondo Avenue as Needed to Control Imported Water Flows from the Metropolitan Water District

The Council approved an award of a contract in the amount of \$54,806.22 to T.E. Roberts Inc., for the Replacement of water flow control equipment at the intersection of Manhattan Beach Boulevard and Redondo Avenue; and approved authorizing the Public Works Director to approve Change Orders in an amount of \$5,480.62 (10% of the contract amount).

09/07/10-22. Consideration to Approve Final Payment in the Net Amount of \$179,923.15 to All American Asphalt for the Highland Avenue Resurfacing Project; Formally Accept the Highland Avenue Resurfacing Project as Complete; Approve Change Orders; Authorize Filing of the Appropriate Notice of Completion and Release of Retention in the Amount of \$62,560.71

The Council approved the issuance of the subject final payment in the net amount of \$179,923.15 to All American Asphalt for the Highland Avenue Resurfacing Project; formally accepted the Highland Avenue Resurfacing Project as Complete; and authorized the filing of the appropriate Notice of Completion and Release of Retention in the amount of \$62,560.71.

09/07/10-23. Consideration to Approve Final Payment in the Net Amount of \$44,100 to Belaire-West Landscaping, Inc. for the Sand Dune Slope Restoration Project; Formally Accept the Sand Dune Slope Restoration Project as Complete; Authorize Filing of the Appropriate Notice of Completion and Release of Retention in the Amount of \$4,900

The Council approved the issuance of the subject final payment in the net amount of \$44,100 to Belaire-West Landscaping, Inc. for the Sand Dune Slope Restoration Project; formally accepted the Sand Dune Slope Restoration Project as Complete; and authorized the filing of the appropriate Notice of Completion and Release of Retention in the amount of \$4,410.00.

09/07/10-24. Consideration to Approve Progress Payment No. 5 in the Net Amount of \$243,729.00 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

09/07/10-25. Consideration of Draft Minutes, Cultural Arts Commission Meeting of July 19, 2010

The Council received and filed the subject draft minutes.

09/07/10-26. Consideration of Draft Minutes, Cultural Arts Commission Meeting of August 10, 2010

The Council received and filed the subject draft minutes.

Parks and Recreation Commission

09/07/10-27. Consideration of Minutes, Parks and Recreation Commission Meeting of July 26, 2010

The Council received and filed the subject minutes.

Parking & Public Improvements Commission

09/07/10-28. Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of July 22, 2010

The Council received and filed the subject action minutes.

Planning Commission

09/07/10-29. Consideration of Action Minutes, Planning Commission Meeting of August 25, 2010

The Council received and filed the subject action minutes.

09/07/10-30. Consideration of Planning Commission Decision to Deny An Appeal of an Administrative Decision Denying a Lower Garage Floor Elevation and Other Garage Modifications for a New Single Family Residence at 626 Rosecrans Avenue, Thereby Upholding the Decision of the Acting Community Development Director

The Council received and filed the Planning Commission's decision to deny an appeal of a lowered garage floor elevation and other garage modifications at 626 Rosecrans Avenue.

COMMUNITY ANNOUNCEMENTS

09/07/10-36. Don Gould Re Upcoming Library Events

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

09/07/10-37. Kevin Pinkerton Re Soccer Club Fundraiser

Kevin Pinkerton, No Address Provided, announced that the Sand/Surf Soccer Club will hold a "Kicking it Together" soccer event for children with cancer and blood disorders. The event will be held on September 26, 2010, at Exhibition Park in Los Angeles.

09/07/10-38. Bill Hein Re Golden Heart Urban Race

Bill Hein, No Address Provided, announced that the "Golden Heart Urban Race" will raise money for the Golden Heart Ranch and urged those interested to visit www.goldenheartranch.com for more information.

09/07/10-39. Maria Caponi Re Lung Cancer Walk

Maria Caponi, No Address Provided, invited the City Council and members of the public to participate in the November 6, 2010, "Lung Cancer Walk" and stated that more information is available at www.longevity.org/lawalk.

09/07/10-40. Police Chief Uyeda Re Police/Fire Open House

Police Chief Uyeda invited the community to attend the Police/Fire Open House on September 11, 2010, from 10:00 a.m. until 1:00 p.m.

09/07/10-41. Police Chief Uyeda Re Movie on the Beach

Police Chief Uyeda reminded the public and City Council that the last "Movie on the Beach", entitled "UP", will be shown on Saturday, September 11, 2010 just North of the Pier.

09/07/10-42. Viet Ngo Re Theft of Public Money

Viet Ngo, No Address Provided, stated that he is a victim and witness of public corruption. He asked all residents to join the Equal Justice for All Task Force and call the FBI regarding the theft of public money.

09/07/10-43. Mayor Pro Tem Montgomery Re Pier-to-Pier Friendship Walk

Mayor Pro Tem Montgomery announced that the Skechers Pier-to-Pier Friendship Walk (from the Manhattan Beach Pier to the Hermosa Beach Pier and back) will take place on October 24, 2010, at 9:00 a.m.

09/07/10-44. Mayor Pro Tem Montgomery Re Business License Fee

Mayor Pro Tem Montgomery announced that the business license fee issue will be on the September 21, 2010, City Council agenda.

09/07/10-45. Councilmember Powell Re Neighborhood Watch Meetings

Councilmember Powell announced that the bi-annual Neighborhood Watch meeting will be held on Tuesday, September 14, 2010, at the Joslyn Community Center at 7:00 p.m.

09/07/10-46. Councilmember Powell Re Older Adults Art Show Opening

Councilmember Powell announced that the Older Adults Art Show Opening will take place at the Creative Arts Center on September 10, 2010, from 4:00 p.m. to 6:00 p.m.

09/07/10-47. Mayor Ward Re Rollerblading on the Bike Path

Mayor Ward informed the public that while the bike path is Los Angeles County property, the City of Manhattan Beach enforces the law and will ticket anyone rollerblading on the bike path.

AUDIENCE PARTICIPATION

09/07/10-48. Yury Gurvich Re Parking Meters

Yury Gurvich, No Address Provided, voiced his disapproval regarding the new parking meters, new hours of enforcement and higher hourly rates and stated that he does not want to support the City by paying more for parking.

Councilmember Powell clarified that the revenue generated by the parking meters goes into a Parking Meter Fund, not the General Fund.

09/07/10-49. Viet Ngo Re Shade Hotel

Viet Ngo, No Address Provided, asked for a copy of the DDA for the Shade Hotel property.

Mayor Ward explained that because the Shade Item was an agenda item, **Mr. Ngo** would have to wait and address his comments at the proper time.

09/07/10-50. William Capone Re Parking Citation

William Capone, No Address Provided, expressed his frustration over a \$300 parking citation he received.

Mayor Ward referred **Mr. Capone** to Police Chief Rod Uyeda.

09/07/10-51. Bill Victor Re Manhattan Beach Open

Bill Victor, No Address Provided, complimented the City Council and Parks and Recreation Director Richard Gill for the successful Manhattan Beach Open.

09/07/10-52. Bill Victor Re Tennis Courts

Bill Victor, No Address Provided, asked if the Parks and Recreation Department is going to implement a reservation system for the tennis courts, similar to the Sand Dune Park system. If so, he recommended against it.

PUBLIC HEARINGS

09/07/10-31. Consideration of An Appeal of Limited Conditions of a Planning Commission Decision to Approve a Master Use Permit Amendment for Modifications to the Hours of Operation, Notification for Special Events, and Restaurant Operations and Denying a Height Variance at the Shade Hotel, Metlox Site, 1221 North Valley Drive

Mayor Ward introduced the subject item and Acting Community Development Director Laurie Jester provided the staff presentation.

Mayor Ward opened the Public Hearing at 7:34 p.m.

The following individuals spoke on this item:

- **Nate Hubbard, Neighborhood Representative**
- **Viet Ngo, No Address Provided**

Councilmember Cohen stated, for the record, she has never received anything of value or interest from **Mr. Mike Zislis**, his attorney or anyone, for that matter, and that she has never made a decision based on it.

Mayor Ward closed the Public Hearing at 7:41 p.m.

MOTION: Councilmember Cohen moved to uphold the appeal; to uphold the revised limited conditions; and adopt Resolution No. 6275. 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.

MOTION: Mayor Ward moved to approve authorizing the City Manager to approve an amendment to the Disposition and Development Agreement (DDA) as necessary. The motion was seconded by Councilmember Cohen and passed by the following unanimous roll call vote:

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

GENERAL BUSINESS

09/07/10-32. Consideration to Approve the Solid Waste Request For Proposal (RFP) for Public Distribution to Interested Waste Haulers (Continued from the August 3, 2010 City Council Meeting)

Mayor Ward introduced the subject item and Public Works Director Jim Arndt provided the staff presentation.

Management Analyst Anna Luke and **Laith Ezzet, HF&H Consultants, LLC** responded to Council questions.

The following individual spoke on this item:

- **Bill Victor, No Address Provided**

MOTION: Councilmember Tell moved to approve the City of Manhattan Beach’s Solid Waste Request for Proposal (RFP) and Franchise Agreement package for public release, as amended, to include language to reflect that the City’s waste diversion goal is to significantly exceed the State Mandate set forth in AB 939 with a goal of Zero Waste. 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.

AT 8:29 P.M. AGENDA ITEM NO. 34 WAS TAKEN OUT OF ORDER

09/07/10-34. Consideration of an Ordinance Establishing a Non Exclusive-Pickup Provision for Taxicabs Operating Within Manhattan Beach

MOTION: Mayor Pro Tem Montgomery moved to continue Agenda Item No. 34 to a future 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.

RECESS AND RECONVENE

At 8:30 p.m. the Council recessed and reconvened at 8:43 p.m. with all Councilmembers present.

09/07/10-33. Consideration of an Automated Bike Rental Station at the Pier and Discussion of Related Policy Issues

Interim City Manager Richard Thompson introduced the subject item and Management Analyst Ariana Kennedy provided a PowerPoint presentation.

Todd Loewenstein and Steve Svajian, of Baiku Bikes, responded to Council questions.

The following individuals spoke on this item:

- **Bill Victor, No Address Provided**
- **Viet Ngo, No Address Provided**

MOTION: Mayor Pro Tem Montgomery moved to direct staff to return in 90 days with more detail about a pilot program; liability issues associated with this type of program; and the structure of the partnership between **Baiku Bikes** and **Eco-Trip**. 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.

09/07/10-35. Consideration of a Request from TEDxManhattanBeach to Serve Beer and Wine During Their Monthly Meetings at the Manhattan Beach Creative Arts Center

Mayor Ward introduced the subject item and asked for public input.

The following individual spoken on this item:

- **John Mastiff, TEDxManhattanBeach member**

Parks and Recreation Director Richard Gill answered questions.

MOTION: Mayor Pro Tem Montgomery moved to approve allowing TEDxManhattanBeach to serve beer and wine during their monthly meetings at the Manhattan Beach Creative Arts Center. The motion was seconded by Councilmember Cohen and passed by the following unanimous roll call vote:

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

ITEMS REMOVED FROM THE CONSENT CALENDAR

09/07/10-6. Approve Minutes of the Special City Council Closed Session Meeting of August 4, 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**

City Attorney Robert Wadden stated that generally matters discussed in closed session are confidential.

MOTION: Mayor Pro Tem Montgomery moved to approve the subject minutes. 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.

09/07/10-7. Approve Minutes of the Special City Council Closed Session Meeting of August 25, 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**

City Attorney Robert Wadden stated that generally matters discussed in closed session are confidential.

MOTION: Mayor Pro Tem Montgomery moved to approve the subject minutes. 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.

09/07/10-8. Approve Minutes of the Special City Council Closed Session Meeting of August 27, 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**

City Attorney Robert Wadden stated that generally matters discussed in closed session are confidential.

MOTION: Mayor Pro Tem Montgomery moved to approve the subject minutes. 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.

09/07/10-11. Consideration of Resolution Adding Additional Signatories to the CalPERS Employer Benefit Trust Account for the City's Retiree Medical Benefits Program in Order to Process Reimbursements to the City for Benefit

Mayor Pro Tem Montgomery explained that he pulled this item because he believes it is important that the Mayor also be a signatory on this Benefit Trust Account.

MOTION: Mayor Pro Tem Montgomery moved to adopt Resolution No. 6274 as amended. 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.

09/07/10-13. Consideration of Modifications to the City's Rules and Regulations and the Teamsters Memorandum of Understanding

Councilmember Cohen pulled this item from the Consent Calendar in order to make sure that the public has a complete understanding of what the implications of these modifications will be.

Finance Director Bruce Moe provided the staff presentation.

The following individual spoke on this item:

- **Bill Victor, No Address Provided**

MOTION: Councilmember Cohen moved to adopt Resolution No. 6272. 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.

MOTION: Councilmember Tell moved to approve authorizing the City Manager to negotiate and execute a Side Letter Agreement to the Teamsters Memorandum of Understanding expanding the use of an alternate work schedule (9/80) for Police Department secretarial staff as amended. The motion was seconded by Mayor Pro Tem Montgomery and passed by the unanimous following roll call vote:

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

09/07/10-15. Consideration of the Cultural Arts Commission's Recommendation for Eight Sculptures for the 2010 Sculpture Garden

Mayor Pro Tem Montgomery explained that he pulled this item because he would like the City to have the right to purchase the sculptures.

Cultural Arts Manager Juanita Turner responded to Council questions.

There were no requests from the public to speak on this item.

MOTION: Mayor Pro Tem Montgomery moved to approve the “Imagine if There Were Dragons”, “Pele”, “Pier/Osprey”, “On Board” and “Sweet Music” sculptures only. 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.

09/07/10-17. Consideration of Amendment to a Services Agreement with U.C.L.A. to Provide Continuing Education and Quality Improvement to the Fire Department Paramedics in the Amount of \$27,605.88 Per Year for the Next Two Years, No Increase Over Last Year

Mayor Ward pulled this item from the Consent Calendar requesting that the item be brought back to a future Council meeting with additional information and to consider competitive bids.

There were no requests from the public to speak on this item.

Hearing no objections, it was so ordered.

09/07/10-18. Consideration of an Amendment to the Refuse Franchise Agreement with Waste Management Allowing an Optional Contract Extension Not to Exceed Six Months at \$60,000 per Month, or \$360,000 Total, to be Allocated from Refuse Fund Reserves

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**

Public Works Director Jim Arndt responded to questions.

MOTION: Mayor Pro Tem Montgomery moved to approve an amendment to the current Refuse Franchise Agreement with Waste Management allowing for an optional contract extension not-to-exceed six months from the current April 30, 2011 expiration. 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.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

09/07/10-53. Councilmember Cohen Re Mayor Pro Tem Montgomery's ICA Event

Mayor Pro Tem Montgomery confirmed Councilmember Cohen's comment that he will become President of the Independent Cities Association (ICA) on September 10, 2010. He added that sponsors will pick up the entire cost of the event and that the City Council, Department Heads and other South Bay elected officials will be attending.

ADJOURNMENT

At 10:25 p.m. the Regular City Council meeting of September 7, 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 21, 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

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR MEETING
SEPTEMBER 7, 2010**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 7th day of September, 2010, at the hour of 6:06 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

ROLL CALL

Present: Tell, Powell, Cohen, Montgomery and Mayor Ward.
(Cohen arrived at 6:12 p.m.)
Absent: None.
Clerk: Thompson (Acting).

ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 (two cases).

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Discussion of pending litigation Pursuant to Subdivision (a) of Government Code Section 54956.9.

Vasquez v. City of Manhattan Beach (Workers' Comp.)

DISCUSSION REGARDING THE CITY MANAGER POSITION
(Government Code Section 54957)

RECESS INTO CLOSED SESSION

The Council recessed into Closed Session at 6:06 p.m.

RECESS INTO OPEN SESSION

The Council reconvened into Open Session at 6:37 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:37 p.m.

Robert V. Wadden, Jr.
Recording Secretary

ATTEST:

Mitch Ward
Mayor

Liza Tamura
City Clerk