

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
SEPTEMBER 21, 2010**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 21st day of September, 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

Human Resources Director Cathy Hanson led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

09/07/10-1. Recognition of Chris Miko and Joanne Michael for Completing the National Aeronautics and Space Administration's (NASA's) Space Academy

Mayor Ward, on behalf of the City Council, presented commendations to **Chris Miko** and **Joanne Michael** for their accomplishment in completing the NASA Space Academy.

09/21/10-2. Presentation of the "Person of the Month" Award to Julie Gonella for Her Community Service as President of the Manhattan Beach Botanical Garden

Mayor Ward, on behalf of the City Council, presented a commendation to **Julie Gonella** for Community Service to the City of Manhattan Beach and the Botanical Garden.

09/21/10-3. Presentation of the Manhattan Beach Centennial Logo

Mayor Ward announced that this item will be discussed with Agenda Item #22 (*Update on Initial Centennial Committee Activities and Additional Committee Member Selection*).

09/21/10-4. Presentation of the ITE 2010 Parking Council Best Practices Award to the City of Manhattan Beach for the Downtown Parking Management Plan

Mayor Ward, on behalf of the City Council accepted a plaque from Acting Community Development Director Laurie Jester awarding the City of Manhattan Beach with the ITE 2010 Parking Council Best Practices Award for the Downtown Parking Management Plan.

09/21/10-5. Introduction of New Employees, Employee Promotions and Service Awards and Recognition of Firefighter of the Year

The following Department Heads introduced new hires; promotions; and service awards within their departments.

Mayor Ward presented city pins and/or certificates to the following:

Acting Fire Chief Ken Shuck introduced new employee Firefighter/Paramedic Craig Youngdale, newly promoted Fire Engineer/Paramedic John Dulmage and presented a commendation to Firefighter of the Year, Mike Wills.

Police Chief Rod Uyeda introduced new employee Police Officer Rayme Brock and acknowledged the following service award recipients: Police Lieutenant Andrew Harrod (35 years); Police Captain Randolph Leaf (30 years); Police Sergeant Ryan Small (20 years); Police Officer Stephanie Martin (20 years); Police Lieutenant Bryan Klatt (15 years). Police Chief Uyeda also introduced newly promoted Police Sergeant Scott Combs.

Finance Director Bruce Moe introduced new employee Budget Analyst Eden Serina.

Human Resources Director Cathy Hanson introduced newly promoted Risk Manager Christine Tomikawa.

Mayor Ward presented a service award to City Clerk Liza Tamura (15 years).

Public Works Director Jim Arndt introduced new employee Water Field Supervisor Brian Wright.

The following employees were unable to attend: Police Lieutenant Tony DiGenova (30 years); Police Detective John Loy (20 years); Police Officer John Hardwick (15 years); Associate Planner Eric Haaland (20 years); and Payroll Accountant Eugene Wee (20 years)

CONSENT CALENDAR

Prior to voting on the Consent Calendar, Mayor Pro Tem Montgomery, in reference to Item No. 12 (*Consideration of Approval to Reduce Fees for the Parks and Recreation Department After School Playground Program*), pointed out that staff should make sure that Council is not approving a subsidy for the program when the After School Playground Program comes back to Council for approval in the future.

The Consent Calendar (Item Nos. 6 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 unanimous roll call vote.

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

GENERAL CONSENT

09/21/10-6. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of September 7, 2010

The Council approved the subject minutes.

09/21/10-7. Consideration of Canceling the January 4, 2011 City Council Meeting

The Council approved canceling the January 4, 2011 City Council Meeting.

09/21/10-8. Consideration of a Drought Tolerant Garden Installation as Part of the 10-10-10 Sustainability Summit

The Council approved the installation of a drought tolerant learning garden at City Hall as part of the 10-10-10 Sustainability Summit.

09/21/10-9. Consideration of a Resolution in Support of the Southern California Association of Government's (SCAG) Business Friendly Principles

The Council adopted Resolution No. 6276.

09/21/10-10. Consideration of Ratification of Motor Fuel Purchase from Falcon Fuels in the Amount of \$20,751.07

The Council approved ratifying the subject purchase.

09/21/10-11. Consideration of Financial Reports:
a) Ratification of Demands: September 16, 2010
b) Portfolio for the Month Ending August 31, 2010

The Council approved with no exception Warrant Register No. 7B in the amount of \$2,310,438.59 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 August 31, 2010.

09/21/10-12. Consideration of Approval to Reduce Fees for the Parks and Recreation Department After School Playground Program

The Council approved the reduction of fees for the Parks and Recreation After School Playground Program to \$100 per semester and the fees for the walking program from the schools to the park reduced to \$98 per month.

09/21/10-13. Consideration of the Award of a Three-Year Traffic Engineering Services Contract to Charles Abbott Associates, Inc. (Estimated Annual Value of \$68,640)

The Council approved awarding RFP #810-10 to Charles Abbott Associates, Inc. for a three-year contract to provide traffic engineer services, with an estimated annual value of \$68,640 for routine on-site services only.

09/21/10-14. Consideration to Approve Final Payment in the Net Amount of \$80,745.77 to General Pump Company Inc. for the Well #15 Reconditioning Project; Formally Accept the Well #15 Reconditioning Project as Complete; Authorize Filing of the Appropriate Notice of Completion and Release of Retention in the Amount of \$15,593.97

The Council approved the issuance of the subject final payment; formally accepted the Well #15 Reconditioning Project as Complete; authorized the filing of the appropriate Notice of Completion and Release of Retention in the amount of \$15,593.97.

09/21/10-15. Consideration to Approve Final Payment in the Net Amount of \$107,457.30 to T.E. Roberts, Inc. for the 2007-10 Water Main Replacement Project; Formally Accept the 2007-10 Water Main Replacement Project as Complete; Approve Change Order No. 1 (\$6,441.18); Authorize Filing of the Appropriate Notice of Completion and Release of Retention in the Amount of \$102,426.62

The Council approved the issuance of the subject final payment; formally accepted the 2007-10 Water Main Replacement Project as Complete; approved Change Order No. 1; authorized the filing of the appropriate Notice of Completion and Release of Retention in the amount of \$102,426.62.

BOARDS AND COMMISSIONS

Parks and Recreation Commission

09/21/10-16. Consideration of Draft Minutes, Parks and Recreation Commission Meeting of August 23, 2010

The Council received and filed the subject draft minutes.

Parking & Public Improvements Commission

09/21/10-17. Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of August 26, 2010

The Council received and filed the subject action minutes.

09/21/10-18. Consideration of Parking and Public Improvements Commission (PPIC) Recommendation for City Council 2009-2010 Work Plan Item to Install Parking Meters on Parkview Avenue and Village Drive, Authorize the City Manager to Enter into a Contract with IPS Group and Duncan Industries, and Appropriate \$223,000 from the Parking Fund

The Council approved the Parking and Public Improvements Commission's recommendation to approve the installation of parking meters on both sides of Parkview Avenue and Village Drive effective between 9:00 a.m. and 6:00 p.m. daily with no parking time limitation and a metered parking rate of \$1.25 per hour; approved authorizing the City Manager to enter into a contract to purchase 200 smart technology individual parking meters from IPS Group for \$110,000; waived formal bidding per Municipal Code Section 2.36.140 (waivers) and award contracts to IPS Group for \$110,000 for parking meter mechanisms and Duncan Industries for \$85,000 for parking meter housings; approved transferring \$223,000 from the Capital Improvement Plan (CIP) Fund to the Parking Fund; and appropriated those funds to purchase the parking meters and related materials which will be repaid through an inter-fund loan repayment program with interest.

Planning Commission

09/21/10-19. Consideration of Action Minutes, Planning Commission Meeting of September 8, 2010

The Council received and filed the subject action minutes.

09/21/10-20. Consideration of the Planning Commission Decision to Approve a Use Permit Amendment to Allow the Extension of Hours of Operation and a New Alcohol License for On-Site Sale of Beer and Wine at 3421 Highland Avenue (North End Caffe) 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 Use Permit Amendment and determine that the public convenience and necessity would be served by the issuance of a liquor license.

09/21/10-21. Consideration of the Planning Commission Decision to Approve a Request for a One-Year Time Extension of a Master Use Permit and Associated Applications for 1000-1008 Sepulveda Boulevard – Veranda’s/Office Condominiums

The Council received and filed the decision of the Planning Commission.

COMMUNITY ANNOUNCEMENTS

09/21/10-25. Don Gould Re Upcoming Library Events

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

09/21/10-26. Bill Fahey Re American Youth Soccer Organization (AYSO)

AYSO Commissioner Bill Fahey invited everyone to attend the AYSO’s 40th Anniversary Celebration which will be held on Saturday and Sunday, September 25-26, 2010 at the Marine Complex East from 9:00 a.m. until 3:00 p.m. **Commissioner Fahey** also thanked the City and Council for their continuous support.

09/21/10-27. Viet Ngo Re Public Theft of Money

Viet Ngo, No Address Provided, stated that the Equal Justice for All Task Force is now named the Equal Justice for Us Task Force. **Mr. Ngo** also stated he is a victim and witness of public theft and corruption and urged residents to request that the FBI intervene.

09/21/10-28. Environmental Programs Manager Kalapura Re 10-10-10 Sustainability Summit

Environmental Programs Manager Sona Kalapura announced that the City of Manhattan Beach will be hosting a Sustainability Summit with an Eco-Fair on 10-10-10. She encouraged interested parties to attend and learn about solutions to “go green.”

09/21/10-29. Mayor Pro Tem Montgomery Re Hometown Fair

Mayor Pro Tem Montgomery reminded everyone to attend the Hometown Fair on Saturday and Sunday October 2-3, 2010 and the 10k race on Saturday morning.

09/21/10-30. Councilmember Cohen Re Foundation of Local Artists (FOLA)

Councilmember Cohen invited the public to attend the FOLA Garden Party on September 26, 2010 at 1:00 pm (901 Highview Avenue). Artists and authors of different mediums will be displaying/selling their art and 10% of the proceeds will go to Manhattan Beach and Hermosa Beach schools for arts education. www.fola.org

09/21/10-31. Councilmember Powell Re Creative Arts Center Opening

Councilmember Powell announced the Creative Arts Center Opening Art Reception, “*Ocean, Dreams, Beach, Life Fantastic,*” to be held on Saturday, September 25, 2010 from 7:00 p.m. until 9:00 p.m.

09/21/10-32. Mayor Ward Re SEED Awards

Mayor Ward announced that he will be presenting the SEED Awards on Thursday at 3:00 p.m. at the Manhattan Beach Marriott. Mayor Ward referred interested parties to the website: www.sbbec.org.

AUDIENCE PARTICIPATION

09/21/10-33. Dick Fruin Re Roundhouse Aquarium

Roundhouse Aquarium Boardmember Dick Fruin, gave an update on the Roundhouse Aquarium stating that it is going to run a budget deficit of \$80,000. He asked for support to intensify solicitations and discuss the holding of private functions at the end of the pier.

09/21/10-34. Esther Besbris Re Vitality City Project

Manhattan Beach Residents Association member Esther Besbris, asked a series of questions regarding the Vitality City Project including: why such a far reaching program has not been first discussed with the residents?

Interim City Manager Thompson responded to questions.

Councilmember Cohen stated that there would be an informational session on the subject matter at the senior lunch on Thursday at the Joslyn Center.

09/21/10-35. Yury Gurvich Re City Council Meeting Concerns

Yury Gurvich, No Address Provided, stated that he was shocked that another resident accused the Council of corruption and the that local papers did not print a story about it. **Mr. Gurvich** also stated that he felt Mayor Ward was rude to him during the last Council Meeting.

09/21/10-36. Viet Ngo Re Public Corruption

Viet Ngo, No Address Provided, stated that he is a victim and witness of public corruption; that a theft of public money has occurred; that he has been intimidated; and that information he has requested has not been made available. He reminded Council that eight employees from the City of Bell were arrested today and expressed his hope that the same will happen in Manhattan Beach. **Mr. Ngo** also accused Council, the Interim City Manager, the City Attorney, and others of corruption.

Mayor Ward stated that the accusations are false.

09/21/10-37. Jeffery Cude Re Open Carry at the Hometown Fair

South Bay Open Carry member, Jeffery Cude, stated that the Hometown Fair organizers are illegally banning the carrying of weapons during the Fair.

PUBLIC HEARINGS

None.

GENERAL BUSINESS

09/21/10-22. Update on Initial Centennial Committee Activities and Additional Committee Member Selection

Mayor Ward introduced the subject item and Centennial Committee Liaison Lindy Coe-Juell provided the staff presentation.

There were no requests to speak on this item.

Council directed staff to agendize discussion of the proposed logo on the October 5, 2010 agenda to allow for public comments.

Hearing no objection, it was so approved.

MOTION: Councilmember Powell moved to appoint Irene Cotter (marketing/merchandising); Jeanna Harkenrider (event planning); Larry Lemoine (entertainment industry/media/fundraising) and Oliver Thomas Schulster (event production) to the Centennial Committee and receive and file the proposed Centennial logo. 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.

09/21/10-23. This Space Intentionally Left Blank

09/21/10-24. Consideration of Collection of Existing Business License Tax on Real Estate Agents

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

There were no requests to speak on this item.

Council directed staff not to collect the business license tax on real estate agents.

Hearing no objections, it was so ordered.

Mayor Ward further commented that he believes that staff was merely trying to treat all business owners fairly and not single out any particular sector of businesses.

ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

09/21/10-38. Mayor Pro Tem Montgomery Re League of California Cities Conference

Mayor Pro Tem Montgomery announced that he, Mayor Ward and Councilmember Powell attended the League of California Cities Conference in San Diego last week and that they had a lengthy discussion on Proposition 22.

Councilmember Powell commented that they also had a great discussion on rising pension costs, transparency and openness in government.

Mayor Ward added that these conferences are helpful in that Elected Officials can talk with their peers about what problems they are currently facing.

ADJOURNMENT

At 7:48 p.m. the Regular City Council meeting of September 21, 2010, was duly adjourned to a continuation of the 5:30 p.m. Special Closed Session Meeting.

At 9:10 p.m., the Special Closed Session Meeting was duly adjourned to the 5:30 p.m. Adjourned Regular County Library/Capital Improvement Program Study Session Meeting on Tuesday, September 28, 2010, in the Police/Fire Conference Room, 400/420 15th Street, 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 21, 2010**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 21st day of September, 2010, at the hour of 6:00 p.m., in the City Council Chambers Conference Room of City Hall, at 1400 Highland Avenue, in said City.

ROLL CALL

Present: Tell, Powell, Cohen, Montgomery and Mayor Ward.
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.)

RECESS INTO CLOSED SESSION

The Council recessed into Closed Session at 6:00 p.m.

RECESS INTO OPEN SESSION

The Council reconvened into Open Session at 6:29 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:29 p.m.

Robert V. Wadden, Jr.
Recording Secretary

Mitch Ward
Mayor

ATTEST:

Liza Tamura
City Clerk