

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
OCTOBER 5, 2010**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 5th day of October, 2010, at the hour of 6:32 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.cityymb.info.

PLEDGE TO FLAG

Taylor Dillon from Chadwick School led the pledge of allegiance.

ROLL CALL

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

REORGANIZATION

10/05/10-1. City Council Reorganization:

a) Recognition of Outgoing Mayor Mitch Ward

The Council recognized outgoing Mayor Ward and presented him with various mementos in appreciation of his service to Manhattan Beach.

b) Selection of Mayor and Mayor Pro Tem

MOTION: Mayor Ward moved to appoint Mayor Pro Tem Montgomery to serve as Mayor. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote:

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

MOTION: Councilmember Cohen moved to appoint Councilmember Tell as Mayor Pro Tem. The motion was seconded by Councilmember Powell and passed by the following unanimous roll call vote:

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

RECESS AND RECONVENE

At 6:58 p.m. the Council recessed and reconvened at 7:13 p.m. with Councilmembers Powell, Ward and Mayor Montgomery present.

Councilmember Tell joined at 7:14 p.m. and Councilmember Cohen joined at 7:15 p.m.

CEREMONIAL CALENDAR

None.

CONSENT CALENDAR

Prior to voting on the Consent Calendar, Mayor Montgomery pointed out that staff made a correction to Item No. 10 (*Consideration for the Approval of Sales Tax Sharing Agreement with J.E. Dewitt*) and the revision has been distributed to the Council and public.

Councilmember Powell requested that the letter going to the Federal Aviation Administration (FAA) regarding the proposed Long Beach Airport airspace change be approved by the Council. He also added that if the City is going to lobby the FAA, the issue that most needs to be addressed is the low flying non-emergency helicopters and banner planes.

Mayor Montgomery pointed out that the City has no control over air space; that Congresswoman Jane Harmon was instrumental in resolving previous problems with low flying aircraft over the City in the past; and that he supports this letter to the FAA.

The Consent Calendar (Item Nos. 2 through 12), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Powell seconded by Councilmember Cohen and passed by unanimous roll call vote with the exception of Item Nos. 6, 8 and 10 which were considered later in the meeting under "Items Removed from the Consent Calendar".

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

GENERAL CONSENT

10/05/10-2. Approve Minutes of the Special City Council Closed Session Meeting of September 21, 2010

The Council approved the subject minutes.

10/05/10-3. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of September 21, 2010

The Council approved the subject minutes.

10/05/10-4. Approve Minutes of the Special City Council Closed Session Meeting of September 23, 2010

The Council approved the subject minutes.

10/05/10-5. Consideration of a Letter Raising Issues of Concern Regarding the Proposed Long Beach Airport Airspace Change to Class C Designation

The Council received and filed the letter of support that Interim City Manager Thompson sent to the Federal Aviation Administration (FAA) raising issues of concern regarding the proposed Long Beach Airport airspace change to a Class C designation.

10/05/10-6. Consideration of a Resolution in Support of Proposition 22

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

10/05/10-7. Consideration of a Resolution in Support of the South Bay Regional Bicycle Master Plan

The Council adopted Resolution No. 6277 to support the development of the South Bay Regional Bicycle Master Plan.

10/05/10-8. Consideration of Financial Reports:

a) Ratification of Demands: September 30, 2010

b) Financial Reports for Month Ending August, 2010

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

10/05/10-9. Consideration of the Purchase of Two Budgeted Replacement Police Motorcycles From Huntington Beach Honda (\$46,760.50)

The Council approved Bid #817-11 to Huntington Beach Honda in the amount of \$46,760.50 for the budgeted purchase of two replacement police motorcycles.

10/05/10-10. Consideration to Approve the Sales Tax Sharing Agreement with J.E. Dewitt

Item No. 10 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

10/05/10-11. Consideration to Approve Final Payment in the Net Amount of \$17,951.40 to Christopher R Morales, Inc. for the Safe Routes to School Pedestrian Countdown Signal Retrofit Project; Formally Accept the Safe Routes to School Pedestrian Countdown Signal Retrofit Project as Complete; Authorize Filing of the Notice of Completion and Release Retention in the Amount of \$1,994.60

The Council approved the issuance of the subject final payment; formally accepted the Safe Routes to School Pedestrian Countdown Signal Retrofit Project as Complete; and authorized the filing of the appropriate Notice of Completion and Release of Retention in the amount of \$1,994.60.

BOARDS AND COMMISSIONS

Cultural Arts Commission

10/05/10-12. Consideration of Draft Minutes, Cultural Arts Commission Meeting of September 14, 2010

The Council received and filed the subject draft minutes.

COMMUNITY ANNOUNCEMENTS

10/05/10-16. Don Gould Re Upcoming Library Events

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

10/05/10-17. Jill Brunkhardt Re Manhattan Beach Coordinating Council

Coordinating Council President Jill Brunkhardt updated the public on issues related to the Coordinating Council and provided copies of the October newsletter, speaker schedule, applications to join and sponsorship information.

10/05/10-18. Viet Ngo Re Public Corruption

Viet Ngo, No Address Provided, stated that he is a victim and witness of public corruption and a member of the Justice for Us Task Force (310) 318-2769. **Mr. Ngo** also expressed his condolences to the family of Manhattan Beach Police Officer Jeff Goodrich.

10/05/10-19. Bob Holmes Re Free Speech

Bob Holmes, No Address Provided, commented that he thinks it is shameful of residents who waste the Council's time by taking advantage of the right to freedom speech, which many veterans died for.

10/05/10-20. Susan Griego Re Boy Scout Fundraiser

Susan Griego, No Address Provided, invited everyone to participate in the "Over the Edge" fundraiser for the Boy Scouts on October 29, 2010 at the Bonaventure Hotel.

10/05/10-21. Sona Kalapura Re Sustainability Summit

Environmental Programs Manager, Sona Kalapura, invited the public to Manhattan Beach's Sustainability Summit, eco-fair, and garden installation on October 10, 2010. For more information or to RSVP please visit www.citymb.info.

10/05/10-22. Robert Bush Re Career

Referencing a previous speaker's comments about veterans, **Robert Bush, No Address Provided**, spoke of the many different jobs he held during his career, including several related to the military.

10/05/10-23. Councilmember Powell Re Manhattan Beach Community Emergency Response Team

Councilmember Powell reminded everyone that the Manhattan Beach Community Emergency Response Team (CERT) classes begin Saturday, October 9, 2010, and run from 8:00 a.m. until 4:00 p.m. For more information please visit www.mbcerta.org.

10/05/10-24. Councilmember Powell Re Disaster Preparedness Class

Councilmember Powell invited the public to a disaster preparedness class on Tuesday, October 5, 2010, to be held at the Joslyn Community Center beginning at 7:00 p.m. He explained that Neighborhood Watch, Police Chief Uyeda and Acting Fire Chief Shuck will be answering questions and explaining what to do to be prepared.

AUDIENCE PARTICIPATION

10/05/10-25. Maggie Movius Re Manhattan Beach Hometown Fair

Hometown Fair Board President, Maggie Movius, reported that the Hometown Fair was a success and thanked the City, City Council, Police Chief Uyeda and the Police Department for their support. **Ms. Movius** invited everyone to the 39th annual Hometown Fair on October 1, 2011.

10/05/10-26. Robert Bush Re The National Debt and Healthcare

Robert Bush, No Address Provided, spoke about the national deficit, debt and the healthcare bill.

10/05/10-27. Viet Ngo Re Violation of Government Code

Viet Ngo, No Address Provided, demanded that the City Council correct a violation of the Government Code, asked that **Lindy Coe-Juell** return the money she has made as a contract employee, and accused the Council of violating the Brown Act by holding a meeting at the Belamar Hotel.

PUBLIC HEARINGS

None.

GENERAL BUSINESS

10/05/10-13. Ratification of New Council Assignments

Mayor Richard Montgomery introduced the subject item.

Council held discussion regarding the new Council Assignments and the following changes were made: Councilmember Cohen will take Mayor Montgomery's position as Delegate on the Edison/Undergrounding and Trolley Committees; Councilmember Cohen will take Councilmember Ward's position as Alternate on the Southern California Association of Governments Committee; Councilmember Powell will take Mayor Montgomery's position as Alternate on the Downtown Manhattan Beach Business & Professional Association; and Councilmember Cohen will take Councilmember Ward's position as liaison to Mira Costa High School.

There were no requests to speak on this item.

MOTION: Councilmember Cohen moved to ratify the Council Assignment list as amended. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote:

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

10/05/10-14. Consideration of Approval for the Manhattan Beach 2012 Centennial Logo

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

Council briefly discussed and concurred on the two changes that they would like the artist to make: 1) removing the word “of” from “Of Sun, Sand & Sea” and 2) moving the word “years” to go underneath the “100”.

The following individual spoken on this item:

- **Viet Ngo, No Address Provided**
- **Jacque May, No Address Provided**

MOTION: Councilmember Powell moved to approve the proposed Centennial logo as amended. The motion was seconded by Councilmember Tell and passed by the following unanimous roll call vote:

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

10/05/10-15. Consideration of Purchasing Sculptures from the 2009 City of Manhattan Beach Sculpture Garden

Interim City Manager Richard Thompson introduced the subject item and Cultural Arts Manager Juanita Purner provided the staff presentation.

There were no requests to speak on this item.

MOTION: Councilmember Powell moved to approve the purchase of the *Remember When Fish Were ...* sculpture for \$5,000 and the *Sea Horse* sculpture for \$2,000 and approve authorizing Cultural Arts Manager Purner to re-negotiate with **Amos Robinson** to purchase the *A Bicycle* sculpture exclusively for \$6,000.00. The motion was seconded by Councilmember Ward and passed by the following unanimous roll call vote:

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

ITEMS REMOVED FROM THE CONSENT CALENDAR

10/05/10-6. Consideration of a Resolution in Support of Proposition 22

Councilmember Ward pulled this item and encouraged Council not to support Proposition 22 because he believes it adds further constraint on the state’s education budget.

Mayor Montgomery pointed out that he supports Proposition 22 because it will close the loophole which has allowed the state to continue taking money from local governments.

After a brief discussion, Council concurred to continue this item to the October 19, 2010 City Council Meeting so that Mayor Pro Tem Tell and Councilmember Cohen can meet with the City Council / Manhattan Beach Unified School District Ad Hoc Committee to inquire as to where they stand on Proposition 22.

The following individual spoken on this item:

- **Robert Bush, No Address Provided**

Hearing no objection, it was so ordered.

10/05/10-8. Consideration of Financial Reports:

a) Ratification of Demands: September 30, 2010

b) Financial Reports for Month Ending August, 2010

The audience member who pulled this item from the Consent Calendar for Council discussion was no longer present; therefore the following motion was made.

MOTION: Councilmember Tell moved to approve with no exception Warrant Register No. 8B in the amount of \$2,650,958.10 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 August 31, 2010. The motion was seconded by Councilmember Powell and passed by the following unanimous roll call vote:

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

10/05/10-10. Consideration to Approve the Sales Tax Sharing Agreement with J.E. Dewitt

Councilmember Ward explained that he pulled this item to get a layman's explanation of what the ramifications of approving this agreement would mean to other businesses.

Finance Director Bruce Moe and **James H. Kane, Managing Director for J.E. Dewitt** responded to Council's questions.

MOTION: Councilmember Ward moved to approve the sales tax sharing agreement with J.E. Dewitt, Inc. and approved the City Manager to execute the agreement with J.E. Dewitt, Inc. The motion was seconded by Councilmember Cohen and passed by the following unanimous roll call vote:

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

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

10/05/10-28. Mayor Montgomery Re Revising Pension Plans

Mayor Montgomery announced that he attended the National League of California Cities Conference for Mayors and Vice Mayors where he participated in a forum regarding pension plans. He shared that Philadelphia, Florida and Washington state have plans worth studying.

ADJOURNMENT

At 8:50 p.m. the Regular City Council meeting of October 5, 2010, was duly adjourned, in memory of Manhattan Beach Police Officer Jeff Goodrich, to the 5:30 p.m. Adjourned Regular Meeting to be followed by the 6:30 p.m. Regular City Council Meeting on Tuesday, October 19, 2010, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Liza Tamura
Recording Secretary

Richard Montgomery
Mayor

ATTEST:

Liza Tamura
City Clerk

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR MEETING
OCTOBER 5, 2010**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 5th day of October, 2010, at the hour of 6:10 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: Montgomery (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 (one case).

PUBLIC EMPLOYEE APPOINTMENT (Government Code Section 54957)

Title: City Manager

RECESS INTO CLOSED SESSION

The Council recessed into Closed Session at 6:10 p.m.

RECESS INTO OPEN SESSION

The Council reconvened into Open Session at 6:20 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:20 p.m.

Richard Montgomery
Recording Secretary

Mitch Ward
Mayor

ATTEST:

Liza Tamura
City Clerk