

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
OCTOBER 19, 2010**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 19th day of October, 2010, at the hour of 6:31 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

Former Councilmember Walt Dougher led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

10/19/10-1. Presentation of a Commendation to Monsignor Barry and the American Martyrs Church in Recognition of Their Community Support

Mayor Montgomery, on behalf of the Council, presented a commendation to **Monsignor Barry** and **American Martyrs Church** in recognition of their community support.

Prior to voting on the Consent Calendar, Councilmember Ward requested clarification on Item No. 7 (*Consideration of Approval of a Contract with Election Consultants Martin & Chapman for Election Services Pertaining to the Tuesday, March 8, 2011 General Municipal Election (Not-to-Exceed \$55,000)*).

City Clerk Liza Tamura responded to Council's questions.

Mayor Pro Tem Tell also asked for clarification on Item No. 12 (*Consideration to Approve Award of Construction Contract to T.E. Roberts Inc. (\$982,400) and Award of Professional Engineering Services Contract to Willdan (\$65,000) for the Fiscal Year 2010-11 Water Main Replacement/Installation Project*).

Public Works Director Jim Arndt responded to Council's questions.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 2 through 16), 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. 2, 6, 9 10 and 15, 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

10/19/10-2. Approve Minutes of the Adjourned Regular Study Session (Library/CIP) Session Meeting of September 28, 2010

Item No. 2 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

10/19/10-3. Approve Minutes of the Special City Council Closed Session Meeting of October 4, 2010

The Council approved the subject minutes.

10/19/10-4. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of October 5, 2010

The Council approved the subject minutes.

10/19/10-5. Consideration of Financial Report: Ratification of Demands - October 14, 2010

The Council approved the Financial Report ending October 14, 2010.

10/19/10-6. Approval of a Revised Purchase Cost for the Frank Mando's Sea Horse from the 2009 Sculpture Garden Program

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

10/19/10-7. Consideration of Approval of a Contract with Election Consultants Martin & Chapman for Election Services Pertaining to the Tuesday, March 8, 2011 General Municipal Election (Not-to-Exceed \$55,000)

The Council waived formal bidding per Municipal Code Section 2.36.130 (professional services) and authorized the City Manager to enter into the agreement between the City and Martin & Chapman Co., for election services pertaining to said Election.

10/19/10-8. Consideration of Resolutions Calling and Giving Notice of the Tuesday, March 8, 2011, General Municipal Election; Requesting Assistance from the Los Angeles County Board of Supervisors; Adopting Regulations for Candidates for Elective Office; and Providing for a Procedure to Resolve Tie Votes for Elected Offices at General Municipal Elections

The council adopted Resolution Nos. 6279, 6280, 6281 and 6282 representing the necessary actions to proceed with the holding of the Tuesday, March 8, 2011 General Municipal Election.

10/19/10-9. Consideration of a Resolution in Support of Proposition 22 (Continued from the October 5, 2010 City Council Meeting)

Item No. 9 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

10/19/10-10. Consideration of an 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. 10 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

10/19/10-11. Consideration of Purchase of \$200,000 of Proposition "A" Funds from the City of Lakewood at a Cost of \$140,000 in General Funds

The Council approved the exchange of \$140,000 in General Fund money for \$200,000 in Proposition A funds with the City of Lakewood; and appropriated \$140,000 from the unreserved General Fund balance in order to accomplish the exchange.

10/19/10-12. Consideration to Approve Award of Construction Contract to T.E. Roberts Inc. (\$982,400) and Award of Professional Engineering Services Contract to Willdan (\$65,000) for the Fiscal Year 2010-11 Water Main Replacement/Installation Project

The Council approved the award of a contract in the net amount of \$982,400.00 for the 2010-11 Water Main Replacement/Installation Project to T.E. Roberts, Inc.; approved authorizing the Director of Public Works to approve additional work in an amount not-to-exceed \$100,000, if required; and approved awarding a Professional Engineering Services contract to Willdan in an amount not-to-exceed \$65,000 for construction inspection services.

10/19/10-13. Consideration of a Resolution Accepting the West Basin Municipal Water District's Zero-Runoff Street Median Water Conservation Program Grant in the Amount of \$15,000 and Appropriate Said Amount from the Unreserved General Fund Balance, Which Will Be Reimbursed by the Grant

The council adopted Resolution No. 6283 and appropriated \$15,000 to the Parks Maintenance Account (100-18-042-5217) from the unreserved General Fund balance, which will be reimbursed by the grant.

10/19/10-14. Consideration to Approve Final Payment in the Net Amount of \$13,563.00 to Industry Coatings Inc. for the Maintenance Painting of Lot 3 and the State Pier Project; Formally Accept the Maintenance Painting of Lot 3 and the State Pier Project as Complete; Authorize Filing of the Appropriate Notice of Completion and Release of Retention in the Amount of \$6,705.21

The Council approved the issuance of the subject final payment; formally accepted the Maintenance Painting of Lot 3 and the State Pier Project as Complete; and authorized the filing of the appropriate Notice of Completion and Release of Retention in the amount of \$6,705.21.

BOARDS AND COMMISSIONS

Parks and Recreation Commission

10/19/10-15 Consideration of Draft Minutes, Parks and Recreation Commission Meeting of September 27, 2010

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

Centennial Committee

10/19/10-16 Consideration of Minutes, Centennial Committee Meeting of September 27, 2010

The Council received and filed the subject minutes.

COMMUNITY ANNOUNCEMENTS

10/19/10-20. 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** asked the FBI to intervene and that the City Council take his allegations seriously.

10/19/10-21. Vicki Whipple Re New Educational Aide

Waste Management Representative Vicki Whipple announced that Waste Management is introducing a new “Recycling Raccoon” and is helping to green the Pier-to-Pier Friendship Walk and Pumpkin Races.

10/19/10-22. Councilmember Cohen Re Coordinating Council

Councilmember Cohen announced that the Manhattan Beach Coordinating Council lunch will take place Thursday, October 21, 2010 at Verandas.

10/19/10-23. Councilmember Cohen Re TEDx Event

Councilmember Cohen informed the public of a TEDx event on October 21, 2010 at the Creative Arts Center and for more information, please visit: www.tedxmanhattanbeach.com.

10/19/10-24. Councilmember Cohen Re Burn Foundation

Councilmember Cohen reminded the public that on Saturday, October 23, 2010, the Burn Foundation is holding a fundraiser at the Neptunian Women’s Club on Highland Avenue.

10/19/10-25. Councilmember Cohen Re Halloween Haunt

Councilmember Cohen shared that the Annual Halloween Haunt will happen on October 30, 2010 at Manhattan Heights and that there is also an art opening at the Creative Arts Center from 6:00 p.m. until 8:00 p.m.

10/19/10-26. Councilmember Powell Re Pumpkin Races

Councilmember Powell reminded the public that the Pumpkin Races are Sunday, October 24, 2010 and that he will be Master of Ceremonies at the races between 3:00 p.m. and 4:00 p.m.

10/19/10-27. Mayor Montgomery Re Pier-to-Pier Friendship Walk

Mayor Montgomery announced that the Pier-to-Pier Friendship Walk, sponsored by Sketchers, has already raised \$300,000 and that the funds will be donated to the Friendship Circle or one of the Education Foundations in Manhattan Beach, El Segundo, Redondo Beach, Torrance or Hermosa Beach.

AUDIENCE PARTICIPATION

10/19/10-28. Evelyn Fry Re Vitality City Program

Evelyn Fry, No Address Provided, began to discuss her position on the Vitality City Program.

Mayor Montgomery interjected stating that the issue is on the agenda and asked **Ms. Fry** to hold her comments until the item was discussed.

10/19/10-29. Paul Gross Re Budget Process

Paul Gross, No Address Provided, praised the City Council and staff for continuing to deliver excellent fiscal performance during very difficult times.

10/19/10-30. Robert Bush Re Propositions

Robert Bush, No Address Provided, spoke about the different ballot propositions.

10/19/10-31. Viet Ngo Re Public Corruption

Viet Ngo, No Address Provided, claimed to be a victim and witness of public corruption and theft of public money. He accused the Council of violating the Brown Act by holding Closed Session meetings at the Belamar Hotel and also accused the Council of criminal activity.

City Clerk Tamura stated that all Special Meetings are noticed at least 24 hours in advance and that each of the Special Meetings at the Belamar were legally noticed.

PUBLIC HEARINGS

None.

GENERAL BUSINESS

10/19/10-17. Presentation of the Vitality City Initiative Sponsored by Beach Cities Health District and Consideration of the City of Manhattan Beach's Participation in the Initiative

Mayor Richard Montgomery introduced the subject item.

Interim City Manager Richard Thompson acknowledged that **Beach Cities Health District CEO Susan Burden** and Board Members are present in support of the program.

Environmental Programs Manager Sona Kalapura provided a brief summary and introduced **Joel Spoonheim of Healthways Org** who provided the presentation.

The following individuals spoke on this item:

- **Walt Dougher, former Beach Cities Health District Board President and City Councilmember, No Address Provided**
- **Noel Lee Chun, MD, Beach Cities Health District Board Member**
- **Ian Kramer, MD, No Address Provided**
- **Evelyn Frye, No Address Provided**
- **Jim Hannon, Beach Cities Cycling Club**
- **Linda Schack, MD, Manhattan Beach Unified School District Medical Advisory Board**
- **Jacque May on behalf of Esther Besbris, No Address Provided**
- **Pastor Eileen Mayers, No Address Provided**
- **Phil Reimbert, No Address Provided**
- **Robert Kinislay, 100 Block of 18th Street**

- **Vanessa Poster, Beach Cities Health District Board President**
- **Viet Ngo, No Address Provided**
- **Robert Grossman, MD, Beach Cities Health District Board Member**
- **Kathleen Paralusz, No Address Provided**
- **Mary Jo Ford, No Address Provided**
- **Michael Blue, No Address Provided**

MOTION: Councilmember Powell moved to approve the City’s participation in the Vitality City Initiative to support a regional effort to enhance the well-being of people who live and work in the beach cities. 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.

RECESS AND RECONVENE

At 8:47 p.m. the Council recessed and reconvened at 9:02 p.m. with all Councilmembers present.

10/19/10-18. Status Update of Underground Utility Assessment District (UUAD) 6 and Update from Southern California Edison, Time Warner Cable and Verizon

Mayor Montgomery introduced the subject item and Public Works Management Analyst Clay Curtin provided the PowerPoint presentation.

Scott Gobble, Regional Manager of Public Affairs for Southern California Edison and **Mike Murray, Director of Governmental & External Affairs for Verizon** responded to Council’s questions.

The following individuals spoke on this item:

- **Al Villasenor, No Address Provided**
- **Bob (Last Name Not Given), No Address Provided**
- **Richard Haft, 100 Block of 19th Street**
- **Paul Gross, No Address Provided**
- **Robert Bush, No Address Provided**
- **Charles Willett, 200 Block of 29th Street**

MOTION: Mayor Pro Tem Tell moved to receive and file the subject report. 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.

10/19/10-19. Consideration of an Ordinance Establishing a Non Exclusive-Pickup Provision for Taxicabs Operating Within Manhattan Beach (Continued from the August 3, 2010 City Council Meeting)

Mayor Montgomery introduced the subject item and Revenue Manager Steve Charelian provided the staff presentation.

The following individuals spoke on this item:

- **Chris Wilkinson, Manager of Manhattan Beach Marriott Hotel**
- **Michael Calin, General Manager Bell Cab**
- **Shirley Pe, Director of Marketing South Bay Yellow Cab**
- **Victor Garate, Operations Manager All Yellow Taxi**

After a brief discussion, Council concurred to continue this item to a future City Council Meeting and directed staff to bring back the Ordinance to establish a non exclusive pick up provision with no consideration of money or monetary value. In anticipation of this discussion, the City Attorney has prepared an Ordinance for prohibiting exclusive taxi pick up agreements for compensation.

Hearing no objection, it was so ordered.

ITEMS REMOVED FROM THE CONSENT CALENDAR

10/19/10-2. Approve Minutes of the Adjourned Regular Study Session (Library/CIP) Session Meeting of September 28, 2010

Mayor Pro Tem Tell pulled the minutes from the Library/CIP Study Session in order to clarify how the City's Capital Improvement Project (CIP) dollars are being prioritized between the Joslyn and Manhattan Heights Community Centers, City Hall, Live Oak Park facilities and Begg Pool.

Interim City Manager Richard Thompson stated that the plan is to bring back the issue of prioritizing Joslyn, Manhattan Heights and City Hall at the first City Council meeting in February. In addition, he stated that the City Council/MBUSD Ad Hoc Committee will discuss the prioritization of Begg Pool.

Councilmember Powell also wished to clarify that the bonds referred to in the second paragraph on Page 3 are Los Angeles County bonds.

Councilmember Ward also acknowledged that he would like to correct the statement that permanent fencing around the Sand Dune is one of his top three priorities. He stated that he would be in favor of something like natural vegetation to prevent people from accessing the park when it is not supposed to be used.

MOTION: Councilmember Ward moved to approve the subject minutes as amended. 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.

10/19/10-6. Approval of a Revised Purchase Cost for the Frank Mando's Sea Horse from the 2009 Sculpture Garden Program

Councilmember Ward pulled this item to recommend that the Sea Horse sculpture not be purchased because the price is now two and a half times more than the original price.

Cultural Arts Manager Juanita Purner responded to Council questions.

There were no requests to speak on this item.

MOTION: Councilmember Ward moved to deny the purchase of the *Sea Horse* sculpture from the 2009/2010 Sculpture Garden Program. The motion was seconded by Mayor Pro Tem Tell and passed by the following unanimous roll call vote:

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

10/19/10-9. Consideration of a Resolution in Support of Proposition 22 (Continued from the October 5, 2010 City Council Meeting)

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

The following individual spoke on this item:

- **Robert Bush, No Address Provided**

MOTION: Mayor Montgomery moved to adopt Resolution No. 6278 supporting California Proposition 22, the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010.

MOTION FAILED DUE TO THE LACK OF A SECOND.

10/19/10-10. Consideration of an 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

Councilmember Ward pulled this item to inquire as to whether Manhattan Beach and Hermosa Beach could share resources and whether the City could obtain a long range reimbursement commitment from Beach Cities Health District.

Acting Fire Chief Ken Shuck responded to Council's questions.

There were no requests to speak on this item.

MOTION: Councilmember Ward moved to approve an amendment to Article 4, Section 4.1 and Article 6, Section 6.1 of a Services Agreement between the City of Manhattan Beach and University of California Los Angeles (UCLA) to provide Continuing Education and Quality Improvement Services to the City's Emergency Medical Technicians (EMT) and EMT-Paramedics. The motion was seconded by Mayor Montgomery and passed by the following unanimous roll call vote:

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

10/19/10-15 Consideration of Draft Minutes, Parks and Recreation Commission Meeting of September 27, 2010

Councilmember Tell pulled this item to clarify the elements involved with the commemorative installation at Marine Park.

Parks and Recreation Director Richard Gill responded to Council's questions.

MOTION: Mayor Pro Tem Tell moved to receive and file the subject draft minutes and directed staff that the Parks and Recreation Commission is "only" to focus on the walkway and a commemorative wall, with no water features whatsoever. The motion was seconded by Mayor Montgomery 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

None.

ADJOURNMENT

At 10:57 p.m. the Regular City Council meeting of October 19, 2010, was duly adjourned, in memory of Diane Erikson, to the 5:30 p.m. Adjourned Regular Meeting to be followed by the 6:30 p.m. Regular City Council Meeting on Wednesday, November 3, 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 19, 2010**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 19th day of October, 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: Powell, Cohen, Ward, Tell and Mayor Montgomery.
Absent: None.
Clerk: Tell (Acting).

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

1. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Significant Exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 (one case).

2. **PUBLIC EMPLOYEE APPOINTMENT** (Government Code Section 54957)

Title: City Manager

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 6:25 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:25 p.m.

Nick Tell
Recording Secretary

Richard Montgomery
Mayor

ATTEST:

Liza Tamura
City Clerk