

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

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 3rd day of November, 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

Katharine Rogerson, a 5th grader from Meadows Elementary School, led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

11/03/10-1. Presentation of "Baby Passports" to Kevin and Shelby Barry

Mayor Montgomery announced that the **Berry Family** was unable to attend the meeting and stated that this item will be rescheduled to a future meeting.

CONSENT CALENDAR

Prior to voting on the Consent Calendar, Councilmember Powell requested clarification on Item No. 8 (*Consideration of a Lease of Groundwater Rights from the City of El Segundo*).

Public Works Director Jim Arndt provided a brief summary and responded to Council questions.

The Consent Calendar (Item Nos. 2 through 12), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Ward, seconded by Councilmember Powell and passed by the following roll call vote.

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

GENERAL CONSENT

11/03/10-2. Approve Minutes of the Special Adjourned Regular City Council Meeting of October 19, 2010

The Council approved the subject minutes.

11/03/10-3. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of October 19, 2010

The Council approved the subject minutes.

11/03/10-4. Consideration of a Resolution Amending Resolution No. 3561 (Section 7 Position Classification Plan) Adding the Classification of Senior Accountant and Eliminating the Classification of Assistant Finance Director

The council adopted Resolution No. 6286.

11/03/10-5. Consideration of Financial Reports:

a) Ratification of Demands: October 28, 2010

b) Financial Reports for the Month Ending September 2010

c) Investment Portfolio for the Month Ending September 30, 2010

The Council approved with no exception Warrant Register No. 10B in the amount of \$2,235,723.09 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 September 30, 2010 and received and filed the Financial Reports for the month ending September 30, 2010.

11/03/10-6. Consideration of Ratification of Motor Fuel Purchase from Nickey Petroleum in the Amount of \$21,219.36

The Council approved ratifying the subject purchase.

11/03/10-7. Consideration to Approve Additional Appropriations (\$163,749) and Appropriation Modifications for Street Projects Funded with American Recovery Reinvestment Act (ARRA) Stimulus, Los Angeles County Metropolitan Transportation Authority (LACMTA), and Proposition 42 Funds in the Fiscal Year 2010-11 Capital Improvement Program

The Council approved an additional appropriation of Stimulus Funds provided through the American Recovery and Reinvestment Act (ARRA) of 2009 in the amount of \$283,749 for the Pacific Avenue Resurfacing Project (Manhattan Beach Boulevard to Rosecrans Avenue) Project No. 11828E from bringing total ARRA funding for this project to \$543,749; approved a reduction in LACMTA fund appropriations in the amount or \$140,000 from the Pacific Avenue Resurfacing Project (Manhattan Beach Boulevard to Rosecrans Avenue), Project No. 11821E, eliminating LACMTA appropriations for this project; approved an additional appropriation of Proposition 42 Funds in the amount of \$120,000 for the 17th and 18th Street Resurfacing Project, Project No. 11820E, bringing total Proposition 42 funds for this project to \$180,000; approved a reduction in ARRA appropriations in the amount of \$100,000 from the 17th and 18th Street Resurfacing Project, Project No. 11827E, eliminating ARRA appropriations for this project; approved an additional appropriation of LACMTA funds in the amount of \$185,000 for the Rosecrans Avenue Resurfacing Project (Sepulveda Boulevard to Redondo Avenue), Project No. 11822E, bringing total LACMTA appropriations for this project to \$250,000; and, approved a reduction in ARRA appropriations in the amount of \$185,000 from the Rosecrans Avenue Resurfacing Project (Sepulveda Boulevard to Redondo Avenue), Project No. 11829E, eliminating ARRA appropriations on this project.

11/03/10-8. Consideration of a Lease of Groundwater Rights from the City of El Segundo

The Council approved authorizing the Mayor to enter into an agreement to lease 953 acre feet of water rights at \$105 per acre feet from the City of El Segundo (total cost of the lease amounts to \$100,065).

11/03/10-9. Consideration to Execute a Program Supplement Agreement with Caltrans for Adding Pacific Avenue Resurfacing Project Under the Existing Master Agreement

The Council approved a Program Supplement with Caltrans for the Pacific Avenue Resurfacing Project and adopted Resolution No. 6284 authorizing the Interim City Manager to sign the program supplement agreement on behalf of the City.

11/03/10-10. Consideration to Approve Contract Agreement with AAE, Inc. for Design Services for the Fiscal Year 2010-11 and Fiscal Year 2011-12 Sewer Main Rehabilitation Projects, Not-to-Exceed \$109,770

The Council approved a contract agreement with AAE, Inc. to provide design services for the Fiscal Year 2010-2011 and 2011-2012 Sewer Main Rehabilitation Projects in an amount not-to-exceed \$109,770 and approved extension of the term of the existing as-needed professional services agreement with AAE, Inc. to June 30, 2012.

BOARDS AND COMMISSIONS

Planning Commission

11/03/10-11. Consideration of Action Minutes, Planning Commission Meeting of October 27, 2010

The Council received and filed the subject action minutes.

Centennial Committee

11/03/10-12. Consideration of Minutes, Centennial Committee Meeting of October 12, 2010

The Council received and filed the subject minutes.

COMMUNITY ANNOUNCEMENTS

11/03/10-16. Don Gould Re Upcoming Library Events

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

11/03/10-17. Management Analyst Kennedy Re Environmental Task Force Recruitment

Management Analyst Ariana Kennedy announced that the City has opened recruitment for the next phase of the Environmental Task Force; that applications can be found on the City's website; that they are due on or before November 30, 2010; and that more information is available on the city's web site at www.citymb.info.

11/03/10-18. Viet Ngo Re Victim and Witness of Public Corruption

Viet Ngo, No Address Provided, stated that he is a member of the Justice for Us Task Force (310-318-2769); urged citizens to recover alleged stolen money; and asked the City Council to resign and repay all the money he accused them of stealing.

11/03/10-19. Councilmember Ward Re Southern California Edison Government Advisory Board

Councilmember Ward reported that smart appliances were discussed at the most recent meeting of the Southern California Edison Government Advisory Board and suggested that parties interested in saving energy and money visit www.sce.com and register their home address.

11/03/10-20. Mayor Montgomery Re Manhattan Beach Education Foundation

Mayor Montgomery reminded the public that the Manhattan Beach Education Foundation's Pledge Day Rally is scheduled for Thursday, November 4, 2010, from 3:30 p.m. to 5:00 p.m. at the Metlox Plaza.

11/03/10-21. Councilmember Powell Re Veteran's Day Ceremony

Councilmember Powell invited everyone to the Veteran's Day observance ceremony on November 11, 2010 at 11:00 a.m. on the green belt.

Mayor Montgomery added that a special Veteran's Day speaker would add something unique to the observance of Veteran's Day at the November 11, 2010 City ceremony.

11/03/10-22. Councilmember Powell Re Time Change

Councilmember Powell reminded the public that at 2:00 a.m. November 7, 2010 the clocks need to fall back an hour.

11/03/10-23. Mayor Montgomery Re Election

Mayor Montgomery thanked residents who voted in the November 2010 election and announced that Proposition 22 passed which stops Sacramento from borrowing money from cities to fix the budget.

AUDIENCE PARTICIPATION

11/03/10-24. Interim Fire Chief Shuck and Battalion Chief Chiella Re Great Shake Out Drill and Gas Pipelines

Interim Fire Chief Ken Shuck shared that the City's participation in the Great Shake Out Drill was very successful.

Fire Battalion Chief Frank Chiella discussed underground pipeline safety in Manhattan Beach and provided a PowerPoint presentation outlining where the pipelines are located in the beach cities. He emphasized that there is a check list to follow before shutting off your gas meter and pointed out that it can be found on the City website: www.citymb.info

11/03/10-25. 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). He asked Police Chief Rod Uyeda to investigate his allegation that former Councilmember Jim Aldinger punched him on the bike path. He also stated that his request for public records regarding salaries has not been fulfilled.

Mayor Montgomery responded by stating that the salaries of the City Manager, City Council and staff are on the city's website at www.citymb.info. He added that **Mr. Ngo** should have filed a police report and should follow up with the Police Department.

For the record, Councilmembers Ward and Cohen clarified that they did not witness **Mr. Ngo** being punched by former Councilmember Aldinger.

PUBLIC HEARINGS

None.

GENERAL BUSINESS

11/03/10-13. Consideration of an Ordinance Establishing a Non Exclusive-Pickup Provision for Taxicabs Operating Within Manhattan Beach

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

The following individual spoke on this item:

- **Sergio Carrillo, Director of Governmental Affairs for South Bay Yellow Cab**

City Attorney Robert Wadden read aloud the title of Ordinance No. 2135.

MOTION: Councilmember Cohen moved to waive further reading and introduce Ordinance No. 2135 which amends the "Vehicle for Hire Ordinance" (Chapter 4.108) to establish vehicle for hire pick-up rights. The motion was seconded by Councilmember Powell and passed by the following roll call vote:

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

11/03/10-14. Consideration of the Proposed Refuse Administrative Fee Calculation Methodology to be Used in Developing the New Refuse Rates Which Will be Implemented in Conjunction with the New Refuse Hauling Contract in 2011

Mayor Montgomery introduced the subject item and Finance Director Bruce Moe and Public Works Director Jim Arndt provided the PowerPoint presentation.

The following individuals spoke on this item:

- **Dave Wachtfogel, No Address Provided**
- **Viet Ngo, No Address Provided**
- **Phil Reimbert, No Address Provided**

Management Analyst Anna Luke responded to Council questions.

Mayor Montgomery moved to receive and file the subject report on the methodology to be used in developing the new Refuse Administrative Fee and approved the renaming of the “Administrative Fee” to be “City Recovery Costs.”

Hearing no objection it was so ordered.

11/03/10-15. Consideration of Ordinances to Amend Titles 3, 5 & 9 to Adopt the Most Recent California Building Standards Code and City Amendments to the Following Codes: 2010 California Building Code, 2010 California Residential Code, 2010 California Electrical Code, 2010 California Plumbing Code, 2010 California Green Building Standards Code, 2010 California Energy Code, 2010 California Mechanical Code, and to Adopt the 2010 California Fire Code and City Amendments

Mayor Richard Montgomery introduced the subject item and Acting Community Development Director Laurie Jester and Building Official Carol Jacobson provided the staff presentation.

Environmental Task Force Member, Ben Burkhalter responded to Council’s questions.

There were no public comments on this item.

City Attorney Robert Wadden read aloud the title of Ordinance Nos. 2136 and 2137.

MOTION: Councilmember Cohen moved to waive further reading; introduce Ordinance Nos. 2136 and 2137; and set the Public Hearing for November 16, 2010. The motion was seconded by Councilmember Powell and passed by the following roll call vote:

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

ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

11/03/10-26. Councilmember Ward Re City Manager Recruitment Status Update

Councilmember Ward stated that the City Council search for a City Manager is focused and when a candidate is selected City Council will announce enthusiastically.

11/03/10-27. Mayor Montgomery Re Contract Cities Conference

Mayor Montgomery shared his experience at the Contract Cities Conference regarding Assembly Bill 32 stating that many cities have asked their waste haulers to cut back services 25% in an effort to save money. He added that many cities are watching to see what other cities are doing to save money.

ADJOURNMENT

At 9:40 p.m. the Regular City Council meeting of November 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, November 16, 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