

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

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 7<sup>th</sup> day of December, 2010, at the hour of 6:30 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](http://www.citymb.info).

**PLEDGE TO FLAG**

Manhattan Beach Police Officer Tim Magdaleno led the pledge of allegiance.

**ROLL CALL**

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

**CEREMONIAL CALENDAR**

12/07/10-1. Presentation of Certificates to the Winners of the 2010 Manhattan Beach Library Children's Bookmark Contest

The Council presented certificates and City pins to the winners of the 2010 Manhattan Beach Library Children's Bookmark Contest.

12/07/10-2. Presentation of a Commendation to Jane Grace in Recognition of Her 29 Years of Service to the City of Manhattan Beach

The Council and Parks and Recreation Director Richard Gill presented a commendation to outgoing Executive Secretary Jane Grace acknowledging her 29 years of service with City of Manhattan Beach.

**CITY MANAGER APPOINTMENT AND INTRODUCTION**

12/07/10-3. Consideration to Appoint David Carmany as City Manager and Approval of a Three Year Employment Contract with an Annual Salary of \$213,220

Councilmember Ward and Mayor Pro Tem Tell summarized the recruitment process and thanked Interim City Manager Richard Thompson and **Recruiter Heather Renschler of Ralph Anderson and Associates** for their help during the recruitment.

**The following individual spoke on this item:**

- **Viet Ngo, No Address Provided**

In response to Mr. Ngo's comments, City Attorney Robert Wadden stated that the Brown Act specifically provides for the Council to interview (in Closed Session) for positions that the Council directly employs, such as the City Attorney and City Manager, and that it is acceptable to interview them outside of City Hall as long as the Closed Session is within the City boundaries.

**Mayor David Sloan of Seal Beach, CA** congratulated the City of Manhattan Beach for acquiring David Carmany as the new City Manager. He added that he will be sorely missed by the City of Seal Beach.

**MOTION:** Councilmember Ward moved to approve the appointment of David Carmany as City Manager and approve the three year employment contract. The motion was seconded by Mayor Pro Tem Tell and passed by the following unanimous roll call vote:

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

Newly appointed City Manager David Carmany expressed how happy he is to be a part of the Manhattan Beach team; thanked a colleague who encouraged him to apply for the position; and introduced his wife, Lori Carmany.

### **RECESS AND RECONVENE**

At 7:07 p.m. the Council recessed and reconvened at 7:24 p.m. with all Councilmembers present.

Prior to voting on the Consent Calendar, Interim City Manager Richard Thompson pulled Item No. 16 (*Consideration of Final Payment in the Net Amount of \$64,200.15 to American Asphalt South, Inc; Formally Accept the 2010 Slurry Seal Project as Complete; and Authorize Filing of the Appropriate Notice of Completion and Release Retention in the Amount of \$7,133.35*) noting that it will be brought back to a future City Council meeting.

Councilmember Powell requested clarification on Item No. 8 (*Consideration of Status Update for Beach Cities Transit (BCT) Line 109 Services*) and Item No. 11 (*Consideration of Award of Contract to IPS Group for the Budgeted Purchase of One Hundred Eighteen (118) New Technology Parking Meters for the Pier Parking Lots for an Amount Not-to-Exceed \$67,400*).

Interim City Manager Thompson, Acting Community Development Director Laurie Jester, Finance Director Bruce Moe and **Joyce Rooney, Beach Cities Transit Operations and Transportation Facilities Manager** responded to questions.

Councilmember Powell also pointed out the misspelled name of Jon Wilhite (it is "Jon", not "John") regarding Item No. 18 (*Consideration of Draft Minutes, Parks and Recreation Commission Meeting of November 15, 2010*).

### **CONSENT CALENDAR**

The Consent Calendar (Item Nos. 4 through 22), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Powell, seconded by Councilmember Ward and passed by unanimous roll call vote, with the exception of Item Nos. 5, 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**

12/07/10-4a. Approve Minutes of the Special City Council Closed Session Meeting of November 12, 2010

The Council approved the subject minutes.

12/07/10-4b. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of November 16, 2010

The Council approved the subject minutes.

12/07/10-5. Consideration of Performance Compensation of \$70,000 for Richard Thompson Interim City Manager

Item No. 5 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

12/07/10-6. Consideration of a Resolution to Approve the City's Annual Endorsement of the "Day Without a Bag" Campaign

The Council adopted Resolution No. 6288 endorsing the City's participation in the annual "Day Without a Bag" Campaign organized by Heal the Bay.

12/07/10-7. Consideration to Appropriate \$155,800 to Implement the Federal Stimulus Funds Lighting Retrofit Project from the Unreserved General Fund Balance, Which Will Be Reimbursed by the Energy Efficiency Conservation Block Grant Program

The Council approved and appropriated \$155,800 to the Environmental Programs Accounts from the Unreserved General Fund, which will be reimbursed by the federal grant.

12/07/10-8. Consideration of Status Update for Beach Cities Transit (BCT) Line 109 Services

The Council received and filed the status update report on the Beach Cities Transit (BCT) Line 109 services.

12/07/10-9. Consideration of Financial Reports:  
a) Ratification of Demands: November 24, 2010  
b) Financial Reports for the Month Ending October 2010

The Council approved with no exception Warrant Register No. 12B in the amount of \$2,187,140.69 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 October, 2010.

12/07/10-10. Consideration of Award of Contract to Liebert, Cassidy and Whitmore to Provide Labor Negotiation Services to the City for Contract Negotiations with the Teamsters, Police Officers Association and Fire Association for an Amount Not-to-Exceed \$25,000

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

12/07/10-11. Consideration of Award of Contract to IPS Group for the Budgeted Purchase of One Hundred Eighteen (118) New Technology Parking Meters for the Pier Parking Lots for an Amount Not-to-Exceed \$67,400

The Council approved a contract with IPS Group for the purchase of one hundred eighteen (118) new technology parking meters to be installed at the Pier Parking Lots for an amount not-to-exceed \$67,400.

12/07/10-12. Consideration of Ratification of Motor Fuel Purchase From Merrimac Energy Group in the Amount of \$22,441.96

The Council approved ratifying the subject purchase.

12/07/10-13. Approval of a Donation from Manhattan Beach Youth Athletics (Manhattan Beach Little League) for New Lights at Big Marine Baseball Field

The Council approved the donation from Manhattan Beach Youth Athletics (Manhattan Beach Little League) for new lights at Big Marine Baseball Field.

12/07/10-14. Consideration to Increase Sweeping on the Strand (\$9,000) Through the End of the Fiscal Year Utilizing Funds From the City Council Contingency Funds

The Council approved funding \$9,000 from the City Council Contingency Fund for three additional days per week beginning immediately through the end of Fiscal Year June 30, 2011.

12/07/10-15. Consideration to Approve Los Angeles County Library Memorandum of Understanding (MOU) and Agreement Covering Use of Set-Aside Funds Through Pre-Design for Library Modifications

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

12/07/10-16. Consideration of Final Payment in the Net Amount of \$64,200.15 to American Asphalt South, Inc; Formally Accept the 2010 Slurry Seal Project as Complete; and Authorize Filing of the Appropriate Notice of Completion and Release Retention in the Amount of \$7,133.35

The Council approved the issuance of the subject final payment; formally accepted the 2010 Slurry Seal Project as Complete; and approved authorizing the filing of the appropriate Notice of Completion and release of retention in the amount of \$7,133.35.

## **BOARDS AND COMMISSIONS**

### **Cultural Arts Commission**

12/07/10-17. Consideration of Draft Minutes, Cultural Arts Commission Meeting of November 9, 2010

The Council received and filed the subject draft minutes.

### **Parks and Recreation Commission**

12/07/10-18. Consideration of Draft Minutes, Parks and Recreation Commission Meeting of November 15, 2010

The Council received and filed the subject draft minutes, as amended.

### **Planning Commission**

12/07/10-19. Consideration of Action Minutes, Special Planning Commission Meeting of November 23, 2010

The Council received and filed the subject action minutes.

12/07/10-20. Consideration of Planning Commission Approval of a Coastal Development Permit and Minor Exception to Allow an Addition to an Existing Single Family Residence at 120 29<sup>th</sup> Place

The Council received and filed the decision of the Planning Commission approving the project subject to certain conditions.

12/07/10-21. Consideration of Planning Commission Approval of a Coastal Development Permit to Allow Routine Maintenance for Reconstruction of Segments of the Los Angeles County Beach Bike Path

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

### **Centennial Committee**

12/07/10-22. Consideration of Minutes, Centennial Committee Meeting of October 25, 2010

The Council received and filed the subject minutes.

## **COMMUNITY ANNOUNCEMENTS**

12/07/10-26. Rod Spackman Re Chevron Property

**Chevron's Public Government Affairs Manager, Rod Spackman**, discussed Chevron plans to reacquire the property at Marine Avenue and Aviation Boulevard and build a new facility.

Councilmember Ward commented on the number of inflammatory signs on the property and untrue allegations and asked **Mr. Spackman** to reach out to the neighbors once Chevron has taken possession.

12/07/10-27. Don Gould Re Upcoming Library Events

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

12/07/10-28. Police Chief Uyeda Re Holiday Season Reminders

Police Chief Rod Uyeda provided some tips on holiday safety: do not open the door for strangers; call the Police Department with any problems; and keep holiday gifts in the car out of sight.

12/07/10-29. Sona Kalapura Re Environmental Task Force Applications

Environmental Programs Manager Sona Kalapura announced that applications for the Environmental Task Force are due Friday, December 10, 2010 and that interested applicants can find the application on the City's website: [www.citymb.info](http://www.citymb.info).

12/07/10/30. Fire Battalion Chief Chiella Re Fire Department Spaghetti Dinner

Fire Battalion Chief Frank Chiella invited the public to the Fire Department's Annual Spaghetti Dinner fundraiser from 3:00 p.m. to 6:30 p.m. He explained that the \$5 donation go towards the support of local charities and youth sporting events.

12/07/10/31. Viet Ngo Re Public Corruption

**Viet Ngo, No Address Provided**, stated that he has been a resident of Manhattan Beach for more than three decades; he accused the City Council of taking advantage of residents by stealing public monies for private use; stated that \$1.5 million is missing; that it is his mission to recover the missing money; and announced that he is a candidate for City Council and can be reached at (310)318-2769.

12/07/10/32. Robert Bush Re "Thank You" to Council, Employees and Volunteers

**Robert Bush, No Address Provided**, stated that God has blessed America and California and thanked the veterans that have died protecting our country. **Mr. Bush** also thanked the City Council, employees and volunteers and urged everyone to vote.

12/07/10/33. Mayor Montgomery Re General Municipal Election

Mayor Montgomery reminded residents that the next General Municipal Election will take place on March 8, 2011 and encouraged everyone to check out all candidates, meet everyone and ask questions.

12/07/10/34. Councilmember Cohen Re General Municipal Election

Councilmember Cohen announced that she decided not to run for a second term; thanked everyone for their support; and encouraged those interested to look into running for City Council.

## **AUDIENCE PARTICIPATION**

### 12/07/10/35. Jim Myrtle Re Undergrounding District 6

**Jim Myrtle, Ocean Drive**, stated that he has lived in the City since 1966 and resides in Undergrounding Utility Assessment District 6. He also stated that there are wires that are not coming down because the City does not know who the last wires belong to.

Public Works Director Jim Arndt stated the wires belong to “Next G”; that the wires were put up illegally; and will be coming down. He further stated that the City is pursuing legal action.

Public Works Director Arndt and Management Analyst Clay Curtin then fielded questions from the City Council.

### 12/07/10/36. Robert Bush Re Proposition 23

**Robert Bush, No Address Provided**, explained his position on California Proposition 23.

### 12/07/10/37. Viet Ngo Re Candidacy and Corruption

**Viet Ngo, No Address Provided**, announced his candidacy for City Council and stated that he is an ordinary citizen working with the FBI to fight corruption.

Mayor Montgomery stated that he welcomes free speech and diversity of opinions.

### 12/07/10/38. Councilmember Powell Re Flu Shots

Councilmember Powell announced that on December 8, 2010 free flu shots will be available at the Joslyn Center from 10:00 a.m. until 12:00 p.m.

### 12/07/10/39. Councilmember Powell Re North Manhattan Beach Open House

Councilmember Powell announced that many of the businesses will be open during the North Manhattan Beach Walk About and Open House and that there will be sidewalk sales and an informational table by the Manhattan Beach Community Emergency Response Team.

### 12/07/10/40. Councilmember Powell Re Fireworks and Santa

Councilmember Powell reminded the community that the 21<sup>st</sup> annual fireworks show will take place on December 12, 2010 as well as the Santa float, snow park, and bounce park and that both the Hyperion Outfall Serenaders and John Brown Band will be performing.

### 12/07/10/41. Councilmember Powell Re Happy Birthday

Councilmember Powell wished Andrea Ruse, from the Easy Reader, a Happy Birthday.

### 12/07/10/42. Mayor Montgomery Re Interim City Manager Thompson

Mayor Montgomery thanked Interim City Manager Richard Thompson for everything he has done in the past year and listed many of his accomplishments such as: Sand Dune Park, Downtown Parking Study, the 6-Man, the City’s Centennial, Vitality Cities, parking meters, etc.

12/07/10/43. Mayor Montgomery Re New Leaders in Sacramento

Mayor Montgomery spoke of the new leaders in Sacramento adding that the next two years will be an exciting and challenging.

### **PUBLIC HEARINGS**

12/07/10-23. Consideration of a Resolution Adopting the Updated Fiscal Year 2010-2011 Cost Recovery Fees

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

**Eric Johnson, Consultant for Revenue & Cost Specialists, LLC** responded to Council's questions.

Acting Community Development Director Jester answered questions.

Mayor Montgomery opened the Public Hearing at 8:50 p.m.

**The following individuals spoke on this item:**

- **Jan Dennis, 900 Block of Highview**
- **Evelyn Frye, No Address Provided**
- **Suzanne Bailey, 100 Block of 13<sup>th</sup> Street**
- **Martha Andreani, No Address Provided**
- **Jacque May, No Address Provided**
- **Robin Kirk, No Address Provided**
- **David Lesser, No Address Provided**
- **Phil Reimbert, No Address Provided**

Mayor Montgomery closed the Public Hearing at 9:07 p.m.

After lengthy discussion, Council approved the following changes to Fiscal Year 2010-2011 Cost Recovery Fees:

- Process of an Appeal to the Planning Commission of an administrative decision proposed at \$765 per appeal - changed to \$500 per appeal
- Appeal of an administrative decision to the City Council proposed at \$765 per appeal - changed to \$500 per appeal
- Appeal of a Parking and Public Improvements Commission decision to the City Council proposed at \$765 per appeal - changed to \$500 per appeal
- Process an appeal to the City Council of a Planning Commission ruling proposed at \$765 per appeal - changed to \$500 per appeal
- Administrative review of a parking related issue proposed at \$860 per request – waived by the City
- Administrative review of a limited scale traffic related issue proposed at \$1,430 - waived by the City
- Processing a request for a stop sign proposed at \$3,355 - waived by the City

- Block party permit  
proposed at \$215 per application - changed to \$28
- Review of plans and inspect solar power systems for conformity with fire codes  
proposed at \$235 - waived by the City

**MOTION:** Councilmember Powell moved to adopt Resolution No. 6287, as amended above, approving the fees. The motion was seconded by Mayor Pro Tem Tell and passed by the following unanimous roll call vote:

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

**GENERAL BUSINESS**

12/07/10-24. Consideration of an Automated Bike Rental Pilot Program to be Located on Public Property

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

**The following individuals spoke on this item:**

- **Steve Collins, Hermosa Cyclery**
- **Kevin Perazzolo Voltage Net**
- **Viet Ngo, No Address Provided**
- **Kathleen Paralusz, 1400 Block of Manhattan Beach Boulevard**

**MOTION:** Councilmember Cohen moved to approve a pilot bike rental program for a period of nine months as amended with the conditions set forth: adjusted price structure; non-advertising clause; equipment removal clause; and verifiable audit. The motion was seconded by Mayor Pro Tem Tell and passed by the following unanimous roll call vote:

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

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Because the time was after 10:30 p.m. (the cut off for introduction of new agenda items) and due to Resolution No. 6132 stating that “the City Council shall adjourn each regular meeting thereof by 10:30 p.m., unless four-fifths (4/5) of the Council Members present vote to waive or extend the required adjournment time” the following motion was made.

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**MOTION:** At 11:08 p.m. Councilmember Powell moved to continue the meeting past the 10:30 p.m. cut off. The motion was seconded by Mayor Pro Tem Tell and passed by the following unanimous roll call vote.

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

12/07/10-25. Consideration of an Ordinance to Amend the Toilet Retrofit Requirements of Title 9 to Allow Exceptions

Interim City Manager Richard Thompson introduced the subject item.

There were no requests to speak on this item.

City Attorney Robert Wadden read aloud the title of Ordinance No. 2138.

**MOTION:** Councilmember Ward moved to waive further reading; introduce Ordinance No. 2138; and set the Public Hearing for Tuesday, December 21, 2010. 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.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

12/07/10-5. Consideration of Performance Compensation of \$70,000 for Richard Thompson Interim City Manager

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

**The following individual spoke on this item:**

- **Viet Ngo, No Address Provided**

**MOTION:** Councilmember Ward moved to approve a one time performance payment of \$70,000 to Director of Community Development Richard Thompson for his performance as the City's Interim City Manager. 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.

12/07/10-10. Consideration of Award of Contract to Liebert, Cassidy and Whitmore to Provide Labor Negotiation Services to the City for Contract Negotiations with the Teamsters, Police Officers Association and Fire Association for an Amount Not-to-Exceed \$25,000

Councilmember Ward pulled this item to request that it be postponed until the new City Manager starts in January.

After Council discussion, the following motion was made:

**MOTION:** Mayor Pro Tem Tell moved to approve the City Manager to negotiate and execute a contract with Liebert, Cassidy and Whitmore to provide labor negotiation services to the City for contract negotiations with the Teamsters, Police Officers Association and Fire Association, for an amount not-to-exceed \$25,000. 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.

12/07/10-15. Consideration to Approve Los Angeles County Library Memorandum of Understanding (MOU) and Agreement Covering Use of Set-Aside Funds Through Pre-Design for Library Modifications

Councilmember Powell pulled this item to ask why the MOU does not guarantee set aside funding and why there is a provision allowing funds to be diverted to Los Angeles County in the event of a financial emergency.

Public Works Director Arndt responded to Council's questions.

**MOTION:** Councilmember Powell moved to approve the Memorandum of Understanding (MOU) that covers Professional Services through the Pre-Design portion of the modifications to the Los Angeles County Library located in Manhattan Beach. 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)**

12/07/10-44. Interim City Manger Thompson Gives Thanks

Interim City Manger Thompson thanked the Council for the opportunity to serve as City Manager for the last year. He said that he is excited to return to the Community Development Department; that he has a better sense of what is expected by the City Manager; and that he is looking forward to working with the new City Manager.

**OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS**

12/07/10-45. Mayor Montgomery Re Closed Sessions

Mayor Montgomery shared an article from the *Western Cities Magazine* regarding proper procedures for Closed Session meetings.

12/07/10-46. Mayor Montgomery Re Dinner and Fireworks

Mayor Montgomery reminded the public that the Manhattan Beach Fire Department will host a spaghetti dinner at the 15<sup>th</sup> Street Fire Station before the fireworks and encouraged all to attend.

**ADJOURNMENT**

At 11:27 p.m. the Regular City Council meeting of December 7, 2010, was duly adjourned to the to the 5:30 p.m. Adjourned Regular Meeting to be followed by the 6:30 p.m. Regular City Council Meeting on Tuesday, January 18, 2011, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

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Liza Tamura  
Recording Secretary

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Richard Montgomery  
Mayor

ATTEST:

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Liza Tamura  
City Clerk

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

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 7<sup>th</sup> day of December, 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**

**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 6:00 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