

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
FEBRUARY 1, 2011**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 1st day of February, 2011, 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

Ryan Patel, an 8th Grader from Manhattan Beach Middle School, led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

02/01/11-1. Presentation of Certificates to the Winners of the 2010 Fire Department Annual "Home Escape Plan" Contest

Interim Fire Chief Ken Shuck introduced Fire Engineer/Paramedic Brian Yount who summarized the program the Fire Department has developed in conjunction with Manhattan Beach Elementary Schools in recognition of "Fire Safety Week" and introduced the Winners of the 2010 "Home Escape Plan" Contest.

The Council presented certificates and City pins to the following winners: **Emma May** (Pacific); **Natalie Tell** (Robinson); **Rebecca Macias** (Meadows); **Emily Farberman** (Pennekamp); **Abby Taylor** (Grandview); and **Jack Brearton** (American Martyrs).

02/01/11-2. Presentation of a Proclamation to the American Heart Association Declaring February 4, 2011 as "National Wear Red Day"

With no representatives present at the City Council meeting, Mayor Montgomery announced that the American Heart Association presentation will be continued to a future meeting.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 3 through 15), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Powell, seconded by Councilmember Cohen and passed by a unanimous roll call vote with the exception of Item No. 10 which was 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

02/01/11-3. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of January 18, 2011

The Council approved the subject minutes.

02/01/11-4. This Space Intentionally Left Blank

02/01/11-5. Consideration of Fiscal Year 2009-2010 Financial Audit Results

The Council received and filed the subject report.

02/01/11-6. Consideration of Financial Reports:

a) Ratification of Demands for January 20, 2011

b) Financial Reports for the Month Ending December 31, 2010

c) Investment Portfolio for the Month Ending December 31, 2010

The Council approved with no exception Warrant Register No. 16B in the amount of \$2,645,690.81 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; received and filed the Investment Portfolio for the month ending December 31, 2010; and received and filed the Financial Reports for the month ending December 31, 2010.

02/01/11-7. Consideration of the Award of a Three-Year Network Server Hardware and Engineering Services Contract to Nth Generation Computing, Inc. (Estimated Annual Value of \$60,000)

The Council approved an award of RFP #815-11 to Nth Generation Computing, Inc. for a three-year contract to provide network servers and engineering services, with an estimated annual value of \$60,000.

02/01/11-8. Consideration of Ratification of Motor Fuel Purchase from Merrimac Energy Group in the Amount of \$24,488.51

The Council approved ratifying the purchase of fuel from Merrimac Energy Group in the amount of \$24,488.51.

02/01/11-9. Consideration of the Purchase of One Budgeted Replacement Core Network Switch From Vox Network Solutions in the Amount of \$50,480.31

The Council approved an award of Bid #823-11 to Vox Network Solutions for a budgeted replacement Cisco Core Switch in the amount of \$50,480.31

02/01/11-10. Solid Waste Staff Report of the January 24, 2011 Finance Subcommittee Meeting

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

02/01/11-11. Consideration to Approve Progress Payment No. 3 in the Net Amount of \$69,921.00 to T.E. Roberts Inc. for the 2010-2011 Water Main Replacement/Installation Project

The Council approved the issuance of the subject progress payment.

02/01/11-12. Consideration of Final Payment in the Net Amount of \$64,762.65 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 \$7,195.85

The Council approved the issuance of the subject final payment; formally accepted the 2010 Slurry Seal Project as Complete; and authorized the filing of the appropriate Notice of Completion and Release of Retention in the amount of \$7,195.85.

BOARDS AND COMMISSIONS

Parks and Recreation Commission

02/01/11-13. Consideration of Draft Minutes, Parks and Recreation Commission Meeting of January 5, 2011

The Council received and filed the subject draft minutes.

Planning Commission

02/01/11-14. Consideration of Action Minutes, Planning Commission Meeting of January 26, 2011

The Council received and filed the subject action minutes.

Centennial Committee

01/18/11-15. Consideration of Minutes, Centennial Committee Meeting of December 20, 2010

The Council received and filed the subject minutes.

COMMUNITY ANNOUNCEMENTS

02/01/11-20. Phil Reihmert Re Candidates Forum

Phil Reihmert, No Address Provided, invited the public to the Manhattan Beach Residents Association Candidates Forum to be held in City Council Chambers on Thursday, February 10, 2011 from 7:00 p.m. until 8:30 p.m.

02/01/11-21. Monica Marshall Re Catholic Schools Week

Monica Marshall, No Address Provided, announced that it is Catholic Schools Week and that the 5th graders at American Martyrs School wanted to present the City Council with a gift basket to show their appreciation.

02/01/11-22. Don Gould Re Upcoming Library Events

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

02/01/11-23. Kaye Gagan Sherbak Re Earth Day

Kaye Gagan Sherbak, a VOICE Representative, announced that VOICE is co-sponsoring Earth Day on Saturday, April 16, 2011.

02/01/11-24. Viet Ngo Re Candidates Forums

Viet Ngo, No Address Provided, wished everyone a Happy New Year; urged residents to attend candidate forums and vote by mail; and gave the following website to contact for more information: www.vietngoformb.com

02/01/11-25. Tony Salvachio Re Leadership Manhattan Beach Recruitment

Tony Salvachio, No Address Provided, invited residents interested in joining the Leadership Manhattan Beach Class of 2012 to informational sessions on February 16th and February 22nd, 2011 to be held in City Council Chambers. He encouraged those wanting more information to visit www.leadershipmb.org.

02/01/11-26. Robert Bush Re Tribute to Martin Luther King Jr. and Ronald Reagan

Robert Bush, No Address Provided, shared that two of the greatest men were Martin Luther King Jr. and Ronald Reagan and suggested everyone pay tribute to them both. **Mr. Bush** also shared that he was stationed in Germany during World War II.

02/01/11-27. Councilmember Powell Re Creative Arts Center 10th Anniversary Reception

Councilmember Powell announced that the Creative Arts Center will have a special reception on February 12, 2011 from 5:00 p.m. until 8:00 p.m. in recognition of their 10th anniversary.

02/01/11-28. Councilmember Cohen Re TedEx/Vitality Event

Councilmember Cohen suggested that interested parties attend the next TedEx event at El Camino College on February 10, 2011. She said that the focus of the next event will be Vitality Cities and for more information, please e-mail Councilmember Cohen: pcohen@citymb.info.

02/01/11-29. Councilmember Cohen Re The Mira Costa High School Mayor's Youth Council

Councilmember Cohen invited everyone to the kick-off event of the Mira Costa High School Mayor's Youth Council program which will be presented at the February 15, 2011 City Council meeting.

02/01/11-30. Councilmember Ward Re Special Election

Councilmember Ward reminded everyone to vote during the February 15, 2011 Special Election.

02/01/11-31. Mayor Montgomery Re March 8 General Municipal Election

Mayor Montgomery encouraged voters to participate in the March 8, 2011 General Municipal Election and get to know each candidate.

AUDIENCE PARTICIPATION

02/01/11-32. Michelle Murphy Re Taping of Manhattan Beach Resident's Association Candidates Forum and Use of Police/Fire Conference Room

Michelle Murphy, 4400 Block of the Strand, asked that City Council televise the Manhattan Beach Resident's Association (MBRA) Candidates Forum in City Council Chambers and allow the MBRA to use the Police/Fire facility for future meetings.

City Council discussed this matter with City Manager David Carmany and Finance Director Bruce Moe. City Council summarized that while the City has a policy of televising only City related events, an exception can be made for this event.

02/01/11-33. Ed Caprielian Re Geoff Dolan Separation and Anonymous Letter

Ed Caprielian, No Address Provided, asked questions regarding Geoff Dolan's separation from the City; asked to see the anonymous letter; and expressed concern regarding his belief of a lack of transparency.

02/01/11-34. Robert Bush Re Mayor Montgomery, Gadflies, U.S. Conference of Mayors, Health Care and Voting

Robert Bush, No Address Provided, spoke about Mayor Montgomery's comments regarding gadflies, the U.S. Conference of Mayors Conference, President Obama's Health Care Plan, and urged residents to vote.

02/01/11-35. Kathy Clark Re Yoga on the Pier

Kathy Clark, No Address Provided, asked that the City Council consider holding a yoga class on the Pier as part of the Centennial celebration activities in 2012.

02/01/11-36. Nancy Donahoe Re Support of Waste Management

Nancy Donahoe, No Address Provided, declared her support of Waste Management and urged City Council to award the solid waste contract to Waste Management.

02/01/11-37. Nicole Sieber Re Support of Waste Management

Nicole Sieber, No Address Provided, declared her support of Waste Management and urged City Council to award the solid waste contract to Waste Management.

02/01/11-38. Lisa Coppage Re Support of Waste Management

Lisa Coppage, No Address Provided, declared her support of Waste Management and urged City Council to award the solid waste contract to Waste Management.

02/01/11-39. Viet Ngo Re Resignation of Mayor Montgomery and City Attorney Wadden

Viet Ngo, No Address Provided, requested Mayor Montgomery resign from City Council and City Attorney Robert Wadden resign his post as City Attorney.

PUBLIC HEARINGS

02/01/11-16. Consideration of a Resolution Adjusting the 2011-2012 Business License Tax by the Consumer Price Index

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

Mayor Montgomery opened the Public Hearing at 7:30 p.m.

There were no requests to speak on this item.

Mayor Montgomery closed the Public Hearing at 7:31 p.m.

MOTION: Councilmember Ward moved to adopt Resolution No. 6296 increasing the Business License Tax rate by 0.4% to adjust for the Consumer Price Index (CPI). 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.

GENERAL BUSINESS

02/01/11-17. Consideration of the Installation of a Commemorative/Memorial Wall Within Marine Park that Recognizes our Youth and Adults Who Have Contributed to Youth Sports in Manhattan Beach

Recreation Services Manager Mark Leyman introduced the subject item and provided the PowerPoint presentation.

Tom Tyrer, past Manhattan Beach Little League President explained why he initially wrote the letter requesting this commemorative/memorial wall.

The following individuals spoke on this item:

- **Willy Leventhal, Hermosa Beach**
- **Michael Wilhite, No Address Provided**
- **John Renardo, No Address Provided**
- **Lisa Kano, No Address Provided**
- **Bruce Ziskin, Manhattan Beach**
- **Peggy Gray, No Address Provided**
- **Lynn Harris, Manhattan Beach**
- **Jade Stewart, Hermosa Beach**
- **Viet Ngo, No Address Provided**
- **Barney Bevdier, No Address Provided**

- **Nigel and Irena Pearson, No Address Provided**
- **Jim Beumont, No Address Provided**
- **Dale Keldrauk, No Address Provided**
- **Jeannie Golby, No Address Provided**
- **Daniel Herrerea, No Address Provided**

MOTION: Mayor Pro Tem Tell moved to approve the installation of a commemorative/memorial wall within Marine Park that recognizes the youth and adults who have contributed to youth sports in Manhattan Beach; approve modifications to the art piece requesting that all future individuals be recognized on river rock and placed within the art piece instead of separate plaques being installed around the park (as was proposed in the staff report); concurred with staff's recommendation to have the project sub-committee spend the next three months soliciting donations for the commemorative art piece; directed Public Works to perform the site preparation and infrastructure to support the art piece; and stated that if the project sub-committee is unable to raise the \$20,000 for the art piece that the City would consider utilizing the Public Art Trust Fund to pay for the balance.

Hearing no objection, it was so ordered.

02/01/11-18. Review of Capital Improvement Program Projects, 2011/2012, and 2012 through 2015

Public Works Director Jim Arndt introduced the subject item and provided the PowerPoint presentation along with Maintenance Superintendent Juan Price, Parks and Recreation Director Richard Gill, and City Engineer Steve Finton.

All presenters, along with **Doug Poffinbarger, PE Consulting**, and Recreation Services Manager Idris Al-Oboudi responded to Council questions.

The following individuals spoke on this item:

- **Freddie Segal Sedan, Senior Advisory Committee Chair**
- **Dave Wachtfogel, No Address Provided**
- **Barbara VanDusen, No Address Provided**
- **Richard Zeif, No Address Provided**
- **Sara Coils, No Address Provided**
- **Jill Wiseport, No Address Provided**
- **Kim Nigelia, Senior Advisory Committee Secretary**
- **Viet Ngo, No Address Provided**
- **Donna Barlow, No Address Provided**
- **Diana Goldberg, No Address Provided**
- **Patrick McBride, 5th Street & Peck Avenue**
- **Dick Williams, No Address Provided**
- **Faith Lyons, 500 Block of 33rd Street**
- **Kaye Sherback, No Address Provided**
- **Bill Hory, 1300 Block of Manhattan Beach Boulevard**

| Improvements Approved by the City Council on 2/1/11 | 2010-11 | 2011-12 | 2012-13 | Total |
|--|----------------|----------------|----------------|--------------|
| City Hall | | | | |
| High Efficiency HVAC and Lighting (\$1,540,000) | | \$300,000 | \$1,240,000 | \$1,540,000 |

| | | | | |
|--|-----------|--|--|-----------|
| Joslyn | | | | |
| <i>Deferred Maintenance Recommended by Staff Enhancements</i> | \$365,000 | | | \$365,000 |
| Lobby | \$30,000 | | | \$30,000 |
| Restrooms | \$15,000 | | | \$15,000 |
| Kitchen - Health Department Improvements for Food Preparation | \$69,000 | | | \$69,000 |
| HVAC Ductwork and Zone Control | \$98,000 | | | \$98,000 |
| Northeast Room - 2nd Entrance and Room Partition | \$10,000 | | | \$10,000 |
| Stage Refurbishment | \$50,000 | | | \$50,000 |
| Flooring - Linoleum only | \$50,000 | | | \$50,000 |
| Wifi | \$6,000 | | | \$6,000 |
| Facility-Wide Enhancements - Refinish wood surfaces, Door Hardware, Waste Receptacles, Window Blinds | \$25,000 | | | \$25,000 |
| Subtotal Enhancements | \$353,000 | | | \$353,000 |
| Total Joslyn Improvements | \$718,000 | | | \$718,000 |

| | | | | |
|---|-----------|--|--|-----------|
| Manhattan Heights Community Center | | | | |
| <i>Deferred Maintenance Recommended by Staff Enhancements</i> | \$359,000 | | | \$359,000 |
| Kitchen | \$29,000 | | | \$29,000 |
| Restrooms | \$48,000 | | | \$48,000 |
| Lobby | \$15,000 | | | \$15,000 |
| Teen Center Cabinets | \$15,000 | | | \$15,000 |
| Wifi | \$6,000 | | | \$6,000 |
| Room Partitions | \$36,000 | | | \$36,000 |
| Subtotal Enhancements | \$149,000 | | | \$149,000 |
| Total Manhattan Heights Improvements | \$508,000 | | | \$508,000 |

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|---|-----------|--|--|-----------|
| Begg Pool | | | | |
| <i>Deferred Maintenance Recommended by Staff Enhancements</i> | \$548,000 | | | \$548,000 |
| Locker Rooms | \$150,000 | | | \$150,000 |
| Lawn Area | \$8,000 | | | \$8,000 |
| Subtotal Enhancements | \$158,000 | | | \$158,000 |
| Total Begg Pool Improvements | \$706,000 | | | \$706,000 |

| | | | | |
|--------------------------------|--------------|--|--|--|
| Live Oak Ceramic Studio | Total | | | |
|--------------------------------|--------------|--|--|--|

| Allocation | | | | |
|-----------------------|----------|--|--|----------|
| Shelves and Cabinets | \$25,000 | | | \$25,000 |
| Mud Sink and Plumbing | | | | |
| Kiln Venting | | | | |
| Fire Sprinkler | | | | |

| Live Oak Tennis Monitor Office | | | | |
|---------------------------------------|-----|--|--|-----|
| No Improvements Approved | \$0 | | | \$0 |

| Total Allocation | | | | |
|-----------------------------------|----------|--|--|----------|
| Live Oak Recreation Hall | | | | |
| Kitchen Counter and Cabinets | \$25,000 | | | \$25,000 |
| Kitchen Sink, Faucet and Plumbing | | | | |
| Flooring - Epoxy | | | | |
| Flooring Linoleum | | | | |
| Interior/Exterior Paint | | | | |
| Roofing | | | | |

| | | | | |
|--|--------------------|------------------|--------------------|--------------------|
| Total Enhancements Approved by Council | \$660,000 | \$0 | \$0 | \$660,000 |
| Total Maintenance Approved by City Council | \$1,322,000 | \$300,000 | \$1,240,000 | \$2,862,000 |
| Total Work Approved By City Council | \$1,982,000 | \$300,000 | \$1,240,000 | \$3,522,000 |
| CIP Funds Available/Revenue | \$2,750,000 | \$300,000 | \$300,000 | \$3,350,000 |
| Balance | | | | -\$172,000 |

Hearing no objection, it was so ordered.

02/01/11-19. Presentation of "Reach Manhattan Beach" Government Outreach (GOReach) Mobile Application Which Allows Constituents to Submit Service Requests and Report Issues from Smartphones

This item was continued to a date uncertain.

ITEMS REMOVED FROM THE CONSENT CALENDAR

02/01/11-10. Solid Waste Staff Report of the January 24, 2011 Finance Subcommittee Meeting

Mayor Pro Tem Tell explained that he pulled this item to clarify that there were two things lacking in the February 1, 2011 memo regarding the Finance Subcommittee meeting: that for the February 15, 2011 staff report, staff should not give a recommendation for a particular hauler and that the pros and cons should be listed for all three haulers.

MOTION: Councilmember Ward moved to receive and file the Finance Subcommittee staff report dated January 24, 2011; encourage broad public dissemination of the issue; and schedule the matter for full City Council consideration at the February 15, 2011 City Council Meeting. 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.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

02/01/11-40. Mayor Montgomery Re Attendance at Swearing In Ceremony

Mayor Montgomery acknowledged that he was honored to attend the swearing in ceremony of Congresswoman Jane Harmon.

02/01/11-41. Mayor Montgomery Re US Conference of Mayors

Mayor Montgomery also spoke of attending the US Conference of Mayors in Washington DC.

02/01/11-42. Mayor Montgomery Re Centennial

Mayor Montgomery encouraged everyone to visit the city's web site at www.citymb.info and look at the information regarding the Centennial including VIP options such as reserved seating for *Concerts in the Park* and the Holiday Fireworks.

ADJOURNMENT

At 12:10 a.m. the Regular City Council meeting of February 1, 2011, 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, February 15, 2011, 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
FEBRUARY 1, 2011**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 1st day of February, 2011, at the hour of 5:37 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: Wadden (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).

CONFERENCE WITH LABOR NEGOTIATOR

(Government Code Section 54957.6)

Agency Negotiator: David N. Carmany, City Manager
Employee Groups: Manhattan Beach Firefighters' Association;
Manhattan Beach Police Officers' Association;
Management Confidential; and
Teamsters

RECESS INTO CLOSED SESSION

The Council recessed into Closed Session at 5:37 p.m.

RECESS INTO OPEN SESSION

The Council reconvened into Open Session at 6:27 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:27 p.m.

Robert Wadden, Jr.
Recording Secretary

Richard Montgomery
Mayor

ATTEST:

Liza Tamura
City Clerk