

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
FEBRUARY 15, 2011**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 15th day of February, 2011, at the hour of 6:34 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

Peter Parker, Director of the Mira Costa Strings Orchestra, led the pledge of allegiance.

ROLL CALL

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

CEREMONIAL CALENDAR

02/15/11-1. Presentation of the Mira Costa Strings Orchestra in Recognition of Their Extraordinary Community Service

Mayor Pro Tem Tell introduced the Mira Costa Strings Orchestra and Council presented certificates and City pins to **Eleen Yeh** (*Violin*), **Erik Kreager** (*Cello*), **Gregory Fong** (*Viola*), **James Breen** (*Base*), **Joseph Nichols** (*Viola*), **Nathaniel Chong** (*Violin*), **Richard Wedeen** (*Violin*), **Ryan Morrow** (*Violin*), **Vincent Liu** (*Cello*) and **Peter Park** (*Director*).

After their performance, the Mira Costa Strings Orchestra presented plaques of appreciation and CDs to the Council.

02/15/11-2. Presentation of the Mayor's Youth Council Program

Councilmember Cohen introduced the Mayor's Youth Council Program and the following individuals spoke about their support for the new program: **Manhattan Beach Unified School District Superintendent Dr. Michael D. Matthews**; **Mira Costa High School Principal Ben Dale**; **Manhattan Beach Unified School District Trustee Bill Fornell**; **Costa-Council Students Zach Taylor, Suzanne Cafilisch and Adam Gerard**; and **Baja Club Member Kevin Kramer**.

CONSENT CALENDAR

The Consent Calendar (Item Nos. 3 through 13), consisting of items under "*General Consent*" and "*Boards and Commissions*," was approved by motion of Councilmember Ward, seconded by Councilmember Cohen and passed by the following roll call vote with the exception of Item Nos. 4, 6, 8, 9, and 11 which were considered later in the meeting under "*Items Removed from the Consent Calendar*."

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

GENERAL CONSENT

02/15/11-3. Approve Minutes of the City Council Adjourned Regular and Regular Meeting of February 1, 2011

This item was continued to the City Council meeting of March 1, 2011.

02/15/11-4. Approve Minutes of the Special City Council Work Plan Meeting of January 28, 2011

Item No. 4 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

02/15/11-5. Consideration of Fiscal Year 2010-2011 Mid Year Budget Review

The Council received and filed the subject report.

02/15/11-6. Consideration to Authorize the City Manager to Award a Contract to the Part-Time Assistant to the City Manager for an Amount Not-to-Exceed \$20,000

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

02/15/11-7. Consideration of Financial Reports: Ratification of Demands - February 3, 2011

The Council approved with no exception Warrant Register No. 17B in the amount of \$2,743,452.15 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.

02/15/11-8. Consideration of USA Volleyball (USAV) and the International Management Group (IMG) to Co-Sponsor the 2011 Manhattan Beach Open (MBO) to be Held in August of 2011

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

02/15/11-9. Consideration of a Resolution to Authorize Execution of a Program Supplement Adding the Sepulveda Boulevard Bridge Widening Project to the Existing Master Funding Agreement with State of California Department of Transportation (\$500,000 Federal Funds)

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

02/15/11-10. Consideration to Authorize the City Manager to Award a Contract to Willdan Engineering for Design Services for the Fiscal Year 2011-2012 Water Main Replacement Project – Phase 1 for an Amount Not-to-Exceed \$83,360

The Council approved authorizing the City Manager to award a contract with Willdan Engineering for Design Services for the Fiscal Year 2011-2012 Water Main Replacement Project – Phase 1 for an amount not-to-exceed \$83,360; and approved authorizing the City Manager to approve a contract amendment extending the term of the existing as-needed professional services agreement with Willdan Engineering to June 30, 2012.

02/15/11-11. Consideration to Approve Progress Payment No. 1 in the Net Amount of \$42,447.34 to Western Fencing Supply for the Manhattan Heights and Live Oak Park Fence Reconstruction Project and Increase Change Order Authority of Director of Public Works to 25% of Contract Amount

Item No. 11 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

02/15/11-12. Consideration to Approve Progress Payment No. 4 in the Net Amount of \$233,047.80 to T.E. Roberts Inc. for the 2010-2011 Water Main Replacement/Installation Project

The Council approved the issuance of the subject progress payment.

BOARDS AND COMMISSIONS

Planning Commission

02/15/11-13. Consideration of Action Minutes, Planning Commission Meeting of February 9, 2011

The Council received and filed the subject action minutes.

COMMUNITY ANNOUNCEMENTS

02/15/11-19. Don Gould Re Library as a Polling Location

Los Angeles County Librarian Don Gould urged everyone to get out and vote. He shared that the library is a polling location and will be open until 8:00 p.m.

02/15/11-20. Fred Manna Re Leadership Manhattan Beach Class of 2012

Fred Manna, Representing Leadership Manhattan Beach, commented that Leadership Manhattan Beach is currently recruiting for the next class and invited interested individuals to attend either the Wednesday, February 16, 2011 or Tuesday, March 22, 2011 recruitment meeting in City Council Chambers at 6:30 p.m.

02/15/11-21. Kate Anderson Re Congresswoman Jane Harman's Resignation

Kate Anderson, Jane Harman's Chief of Staff, announced that **Congresswoman Jane Harman** is delaying her resignation by request of the Governor in order to consolidate her election with the special election. **Ms. Anderson** explained that the staff of the 33rd Congressional District will continue to serve residents; that they can be reached at (310) 643-3636; and also congratulated her intern, **Adam Gerard** for his participation in the Mayor's Youth Council.

02/15/11-22. Viet Ngo Re His Candidacy and Candidate's Forums

Viet Ngo, No Address Provided, announced that he accepts the residents' assignment to run for City Council and urged all voters to view the replay of the upcoming Candidate's Forum.

02/15/11-23. George Butts Re Community Emergency Response Team Class

Community Emergency Response Team (CERT) President George Butts announced that the Manhattan Beach CERT just entered their third year and passed out flyers about the upcoming class. **Mr. Butts** asked the Council and residents who are interested to visit www.mbcerta.org for more information.

02/15/11-24. John Maston Re TedEx and Mayor's Youth Council

John Maston, No Address Provided, stated that TedEx Manhattan Beach would like to work with the Mayor's Youth Council; that the next TedEx event is scheduled for Thursday, March 17, 2011; that the theme is "love"; and to please attend.

02/15/11-25. Ester Besbris Re Manhattan Beach Resident's Association Candidate's Forum

Ester Besbris, No Address Provided, reminded the audience that the Manhattan Beach Resident's Association Candidate's Forum will be replayed at 10:00 a.m. and 6:00 p.m. on Channel 8 (Time Warner Cable) and Channel 35 (Verizon). She also thanked City Council for making it possible.

02/15/11-26. Councilmember Powell Re Coordinating Council

Councilmember Powell announced that the February Coordinating Council meeting will take place on Thursday, February 17, 2011 at Verandas and that the distinguished guest speakers will be **Val Hill** and **Eric Martin**.

02/15/11-27. Councilmember Powell Re Household Hazardous Waste Clean Up Event

Councilmember Powell announced that the next Household Hazardous Waste Clean Up drive will take place at Northrup Gruman on March 19, 2011 from 9:00 a.m. until 3:00 p.m.

02/15/11-28. Councilmember Powell Re Dine and Discover Event

Councilmember Powell announced that the next "Dine and Discover" event will be a Candidate's Forum at the Joslyn Center on February 24, 2011 and that there will be a free lunch for residents that are 55+.

02/15/11-29. Councilmember Ward Re Special Election

Councilmember Ward announced that there were still 42 minutes left to vote in the Special Election for the 28th Senate District.

02/15/11-30. Councilmember Ward Re Candidate's Forum

Councilmember Ward announced the next Candidate's Forum will be held on March 3, 2011 at American Martyrs Church in the O'Donnell Hall.

AUDIENCE PARTICIPATION

02/15/11-31. Patrick McBride Re Capital Improvement

Patrick McBride, 5th Street and Peck Avenue, congratulated Public Works Director Jim Arndt for his excellent presentation regarding the Capital Improvement Project priorities at the City Council meeting of February 1, 2011.

02/15/11-32. Sherry Kramer Re Solid Waste Contract

Sherry Kramer, No Address Provided, began to speak about the Solid Waste Contract issue and was interrupted by Mayor Pro Tem Tell.

Mayor Pro Tem Tell explained that this was not the appropriate time to speak on this matter since it is an agenda item on the agenda this evening.

02/15/11-33. Viet Ngo Re His Candidacy and Brown Act Violations

Viet Ngo, No Address Provided, announced that he is a candidate for City Council and accused the City Council of violating the Brown Act by holding Closed Session Meetings from December 2009 until the present. **Mr. Ngo** also asked the City Attorney to refer this matter to the District Attorney.

Mayor Pro Tem Tell asked that **Mr. Ngo** cease his electioneering during the Council meeting and responded to his comments stating that the City Council has not violated the Brown Act.

THE FOLLOWING ITEM WAS TAKEN OUT OF ORDER

02/15/11-16. Consideration to Select a Solid Waste Hauler and Optional Services and Approve Award of the Solid Waste Contract

Mayor Pro Tem Tell requested that this item be postponed due to Mayor Montgomery being absent and because some of the haulers were not present.

Council held a brief discussion regarding whether or not this item should be heard this evening.

The following individuals spoke on this item:

- **Vickie Wippel, Waste Management**
- **Gary Clifford, Athens Services**
- **Tim Fry, Crown Disposal**

Council continued discussion regarding whether to hear the item and ultimately decided to continue the item to the March 1, 2011 City Council meeting.

MOTION: Councilmember Powell moved to continue this item to the March 1, 2011 City Council meeting. The motion was seconded by Councilmember Ward and passed by the following roll call vote:

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

RECESS AND RECONVENE

At 7:45 p.m. the Council recessed and reconvened at 7:59 p.m. with Councilmembers Powell, Cohen, Ward and Mayor Pro Tem Tell present.

PUBLIC HEARINGS

02/15/11-14. Renewal of the North Manhattan Beach Business Improvement District (BID) for Fiscal Year 2010-2011

Finance Director Bruce Moe introduced the subject item and provided the staff presentation.

Mayor Pro Tem Tell opened the Public Hearing at 8:00 p.m.

The following individual spoke on this item:

- **John Wenglikowski, Cake Bake Shop**

Mayor Pro Tem Tell closed the Public Hearing at 8:01 p.m.

MOTION: Councilmember Ward moved to adopt Resolution No. 6297 authorizing the collection of assessments and ratifying the BID Advisory Board Members for 2011. The motion was seconded by Councilmember Cohen and passed by the following roll call vote:

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

GENERAL BUSINESS

02/15/11-15. Manhattan Beach Leadership Class of 2011 Project Presentation to City Council: Consideration to Approve the Installation of Additional Bicycle Parking in Public Works – Approved Locations Within Manhattan Beach

Lauren Wallender introduced the subject item and **Shannon Ryan and John Wenglikowski** provided a PowerPoint presentation.

The following individuals spoke on this item:

- **Alex Levine, 600 Block of 11th Street**
- **Jill Brunkhardt, Public Affairs Representative at Chevron**
- **Viet Ngo, No Address Provided**
- **Don Trucker, No Address Provided**
- **Kathleen Paralusz, No Address Provided**
- **David Lesser, 200 Block of Anderson Street**
- **Gerry O'Connor, No Address Provided**

MOTION: Councilmember Powell moved to approve the Leadership Manhattan Beach Class Project and deferred the location of the bike racks, as well as the installment of the bike racks to the expertise of the Leadership Manhattan Beach Class and the Public Works Department, with one request that the bike racks not be installed inside parking structures. The motion was seconded by Councilmember Ward and passed by the following roll call vote:

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

02/15/11-17. This Space Intentionally Left Blank

ITEMS REMOVED FROM THE CONSENT CALENDAR

02/15/11-4. Approve Minutes of the Special City Council Work Plan Meeting of January 28, 2011

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

The following individuals spoke on this item:

- **Gerry O’Conner , No Address Provided**
- **Esther Besbris, No Address Provided**
- **Bill Victor, No Address Provided**
- **Viet Ngo, No Address Provided**

Mayor Pro Tem Tell moved to continue the subject minutes to the March 1, 2011 City Council meeting and directed staff to attach the proposed Work Plan, along with the list of accomplishments, and the list of items that were considered and ultimately not approved for the Work Plan.

Council also directed staff to notice the next Work Plan meeting as an Adjourned Regular Meeting with 72 Hours Notice, including the posting of the agenda to the City’s website and e-notification.

Hearing no objection it was so ordered.

02/15/11-6. Consideration to Authorize the City Manager to Award a Contract to the Part-Time Assistant to the City Manager for an Amount Not-to-Exceed \$20,000

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

The following individuals spoke on this item:

- **Gerry O’Conner , No Address Provided**
- **Viet Ngo, No Address Provided**

MOTION: Councilmember Powell moved to approve authorizing the City Manager to approve the subject contract. The motion was seconded by Councilmember Cohen and passed by the following roll call vote:

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

02/15/11-8. Consideration of USA Volleyball (USAV) and the International Management Group (IMG) to Co-Sponsor the 2011 Manhattan Beach Open (MBO) to be Held in August of 2011

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

The following individual spoke on this item:

- **Bill Victor, No Address Provided**

MOTION: Councilmember Ward moved to approve co-sponsoring the 2011 Manhattan Beach Open (MBO) with USA Volleyball (USAV) and the International Management Group (IMG) to be held in August of 2011. The motion was seconded by Councilmember Powell and passed by the following roll call vote:

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

02/15/11-9. Consideration of a Resolution to Authorize Execution of a Program Supplement Adding the Sepulveda Boulevard Bridge Widening Project to the Existing Master Funding Agreement with State of California Department of Transportation (\$500,000 Federal Funds)

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 Program Supplement with the State of California Department of Transportation for the Sepulveda Bridge Widening Project; adopted Resolution No. 6298 authorizing the City Manager to sign the agreement and program supplement on behalf of the City; and appropriated Federal Transportation Funds in the amount of \$579,000 to the Sepulveda Boulevard Bridge Widening Project (Account #11830E). The motion was seconded by Councilmember Powell and passed by the following roll call vote:

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

02/15/11-11. Consideration to Approve Progress Payment No. 1 in the Net Amount of \$42,447.34 to Western Fencing Supply for the Manhattan Heights and Live Oak Park Fence Reconstruction Project and Increase Change Order Authority of Director of Public Works to 25% of Contract Amount

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

The following individual spoke on this item:

- **Bill Victor, No Address Provided**

City Engineer Steve Finton responded to Council questions.

MOTION: Councilmember Ward moved to approve the issuance of the subject progress payment in the net amount of \$42,447.34 to Western Fencing Supply for the Manhattan Heights and Live Oak Park Fence Reconstruction Project; and approved increasing the authority of the Director of Public Works to approve additional work from 10% to 25% of contract amount bringing the total change order authority to \$22,586.75 allowing the City to take advantage of favorable contract prices. The motion was seconded by Councilmember Powell and passed by the following roll call vote:

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

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

02/15/11-18. Consideration of a Request from the Manhattan Beach Botanical Gardens to Consider Changing the Official City Flower to the Beach Primrose

Management Services Management Analyst Ariana Kennedy introduced the subject item and provided the staff presentation.

City Clerk Liza Tamura and Management Analyst Kennedy responded to Council questions.

The following individuals spoke on this item:

- **Julie Gonella, President of the Manhattan Beach Botanical Garden**
- **Gary McCauly, Manhattan Beach Historical Society**
- **Viet Ngo, No Address Provided**

MOTION: Councilmember Ward moved to adopt the Beach Primrose as the City's new Official Flower. The motion was seconded by Mayor Pro Tem Tell and passed by the following roll call vote:

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

02/15/11-34. Councilmember Ward Re ICA Conference

Councilmember Ward reported that he attended the Independent Cities Association (ICA) Winter Conference in Santa Barbara last week.

02/11/11-35. Councilmember Powell Re ICA Conference

Councilmember Powell also commented that he too attended the Independent Cities Association (ICA) Winter Conference in Santa Barbara adding it was well worth attending.

02/11/11-36. Councilmember Powell Re Quote

Councilmember Powell commented on the relevance of the quotation on the cover of the agenda which read “the only real mistake is the one from which we learn nothing.”

02/11/11-37. Councilmember Ward Re Special Election

Councilmember Ward announced an update on the election results pertaining to the February 15, 2011 Special Election.

ADJOURNMENT

At 10:05 p.m. the Regular City Council meeting of February 15, 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, March 1, 2011, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Liza Tamura
Recording Secretary

Nicholas W. Tell, Jr.
Mayor Pro Tem

ATTEST:

Liza Tamura
City Clerk

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
ADJOURNED REGULAR MEETING
FEBRUARY 15, 2011**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 15th day of February, 2011, at the hour of 4:50 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 and Mayor Pro Tem Tell.
Absent: Mayor Montgomery.
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 4:50 p.m.

RECESS INTO OPEN SESSION

The Council reconvened into Open Session at 6:05 p.m.

ADJOURNMENT

The meeting was duly adjourned at 6:05 p.m.

Robert Wadden, Jr.
Recording Secretary

Richard Montgomery
Mayor

ATTEST:

Liza Tamura
City Clerk