

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
APRIL 19, 2011**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 19<sup>th</sup> day of April, 2011, 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**

Andrea Claman, a 5<sup>th</sup> grader from Pennekamp Elementary School, led the pledge of allegiance.

**ROLL CALL**

Present: Powell, Lesser, Howorth, Tell and Mayor Montgomery.  
Absent: None.  
Clerk: Tamura.

**CEREMONIAL CALENDAR**

04/19/11-1. Presentation of a Commendation to Mira Costa High School Student Logan Griffith in Recognition of His "Prudential Spirit of Community" Award from the National Association of Secondary School Principals

Mayor Montgomery introduced Councilmember Howorth who in turn introduced Mira Costa High School Principal Ben Dale to say a few words about **Logan Griffith** and why she received the "Prudential Spirit of Community" Award.

Councilmember Howorth, on behalf of the Council, presented a commendation and city pin to **Logan Griffith** for her community service.

04/19/11-2. Presentation of the Manhattan Beach Youth Recognition Awards

Mayor Montgomery introduced former Mayor and founder of the Manhattan Beach Youth Recognition Awards, Mitch Ward. Together they thanked and presented certificates to sponsors and presented scholarship checks in the amount of \$5,735 to **Ileana Acosta** (Mira Costa High School) and \$5,735 to **Kimberly Garcia** (Dorsey High School).

04/19/11-3. Presentation of a Proclamation Declaring May as "Older Americans Month"

Mayor Montgomery, on behalf of the Council, presented **Senior Advisory Committee Member Gwen Binegar** with a proclamation declaring the Month of May as "Older Americans" Month.

04/19/11-4. This Space Intentionally Left Blank

**CONSENT CALENDAR**

The Consent Calendar (Item Nos. 5 through 27), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Howorth, seconded by Councilmember Powell and passed by unanimous roll call vote with the exception of Item Nos. 5, 7, 8, 9, 10, 11, 14, 15, 17, 20, and 21 which were considered later in the meeting under “*Items Removed from the Consent Calendar.*”

Regarding Agenda Item No. 27 and prior to voting on the Consent Calendar, Councilmember Powell questioned how the City would enforce additional compliance at Walgreens with the sale of beer and wine, when they are currently in violation of the Sign Ordinance.

Planning Manager Laurie Jester explained that violations are enforced on a complaint basis; that staff will look into the matter; and thanked Councilmember Powell for bringing it to staff’s attention.

Ayes: Powell, Lesser, Howorth, Tell and Mayor Montgomery.  
Noes: None.  
Absent: None.  
Abstain: None.

**CLOSED SESSION ANNOUNCEMENT**

Following the Consent Calendar on the April 19, 2011 City Council Agenda, Interim City Attorney Dolley announced in Open Session that the City Council convened the adjourned regular meeting; provided a summary update regarding the Conference with Legal Counsel - Existing Litigation *Save The Plastic Bag Coalition v. City of Manhattan Beach*; and announced that there was no reportable action taken regarding the Conference With Labor Negotiator item.

**THE FOLLOWING ITEM WAS TAKEN OUT OF ORDER**

04/19/11-33. Update on Save the Plastic Bag Coalition v. City of Manhattan Beach

Interim City Attorney Leland Dolley updated the Council and community on the *Save the Plastic Bag Coalition v. City of Manhattan Beach* court case which will be heard before the Supreme Court of California on Wednesday, May 4, 2011.

**GENERAL CONSENT**

04/19/11-5. Approve Amended Minutes of the Regular City Council Meeting of March 1, 2011 (Continued From the April 5, 2011 City Council Meeting)

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

04/19/11-6. Approve Minutes of the Special City Council Closed Session Meeting of March 4, 2011 (Continued From The April 5, 2011 City Council Meeting)

The Council approved the subject minutes.

04/19/11-7. Approve Minutes of the Special City Council Closed Session Meeting of March 11, 2011 (Continued From The April 5, 2011 City Council Meeting).

Item No. 7 was pulled from the “CONSENT CALENDAR”. Please refer to “ITEMS REMOVED FROM THE CONSENT CALENDAR.”

04/19/11-8. Approve Minutes of the Adjourned Regular and Regular City Council Meeting of March 15, 2011 (Continued From The April 5, 2011 City Council Meeting)

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

04/19/11-9. Approve Minutes of the Special City Council Closed Session Meeting of March 25, 2011 (Continued From The April 5, 2011 City Council Meeting)

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

04/19/11-10. Approve Minutes of the Special City Council Closed Session Meeting of April 5, 2011

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

04/19/11-11. Approve Minutes of the Adjourned Regular City Council Meeting of April 5, 2011

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

04/19/11-12. Approve Minutes of the Regular City Council Meeting of April 5, 2011 (Continued To the May 3, 2011 City Council Meeting)

The Council continued the subject minutes to the May 3, 2011 City Council Meeting.

04/19/11-13. This Space Intentionally Left Blank

04/19/11-14. Consideration of Contract with Liebert Cassidy Whitmore for Legal Services (\$160-\$320 Per Hour)

Item No. 14 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

04/19/11-15. Consideration of Response to Demand for a Cure

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

04/19/11-16. Consideration to Cancel the August 16, 2011 City Council Meeting

The Council approved canceling the August 16, 2011 City Council meeting.

04/19/11-17. Consideration of Financial Reports:

a) Ratification of Demands: April 14, 2011

b) Portfolio for the Month Ending March 31, 2011

Item No. 17 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

04/19/11-18. Consideration of Cancellation of Existing Purchase of One Budgeted Replacement Core Network Switch and Re-Award to Sigmanet, Inc. in the Amount of \$60,155.07

The Council canceled the purchase with Vox Network Solutions and approved awarding a new purchase to Sigmanet, Inc. for a budgeted replacement Cisco Core Switch in the amount of \$60,155.07.

04/19/11-19. Consideration of a Resolution Ordering Plans, Specifications, Cost Estimates and Engineer's Report for Annual Street Lighting Assessment

The Council adopted Resolution No. 6303 ordering the preparation of plans, specifications, cost estimates and the engineer's report pursuant to the Landscaping and Lighting Act of 1972 for the annual renewal of the Landscaping and Lighting District for Fiscal Year 2011-2012.

04/19/11-20. Consideration of an Encroachment Permit for Outdoor Dining Over the Sidewalk at 117 Manhattan Beach Boulevard

Item No. 20 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

04/19/11-21. Consideration of Amendment to the HF&H Consultants, LLC Contract Not-to-Exceed \$14,270.01 and Allocation of These Funds from the Refuse Fund Reserve

Item No. 21 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

04/19/11-22. Consideration of Fee Waiver Requests Associated with Non-Profit Special Events

The Council approved a 100% fee waiver for the Manhattan Beach 10K Run, the Holiday Fireworks Festival, Little League Opening Day Parade, and the Manhattan Beach Education Foundation listed in the subject report, as was approved in 2010, and recommends charging 25% of all other "legacy" organization fees, including the Growing Great Healthy Living Festival.

**BOARDS AND COMMISSIONS**

**Parks and Recreation Commission**

04/19/11-23. Consideration of Draft Minutes, Parks and Recreation Commission Meeting of February 28, 2011

The Council received and filed the subject draft minutes.

**Parking & Public Improvements Commission**

04/19/11-24. Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of March 24, 2011

The Council received and filed the subject action minutes.

04/19/11-25. Consideration of the Parking and Public Improvements Commission Recommendation to Approve the American Martyrs School Area Follow-Up Study

The City Council approved the Parking and Public Improvements Commission recommendation to conclude that the traffic safety measures installed are effective, are supported by American Martyrs School Administration and area residents, and should be made permanent.

**Planning Commission**

04/19/11-26. Consideration of Action Minutes, Planning Commission Meeting of April 13, 2011

The Council received and filed the subject action minutes.

04/19/11-27. Consideration of the Planning Commission Approval of a Use Permit Amendment to Allow the Sale of Beer and Wine at Walgreens Located at 2400 North Sepulveda Boulevard

The City Council received and filed the decision of the Planning Commission to approve a Use Permit Amendment to allow the sale of beer and wine for off-site consumption (Type 20-Off-sale beer and wine license) at Walgreens located at 2400 North Sepulveda Boulevard and determine that the public convenience and necessity convenience would be served by the issuance of a beer and wine license.

**COMMUNITY ANNOUNCEMENTS**

04/19/11-34. Elizabeth Stuart Re Richstone Walk

**Elizabeth Stuart, Manhattan Beach**, invited the public to join the Richstone Pier-to-Pier walk on April 20, 2011 and asked them to visit [www.richstonefamily.org](http://www.richstonefamily.org) for more information.

04/19/11-35. Don Gould Re Upcoming Library Events

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

04/19/11-36. Ed Caprielian Re Pubic Service Week

**Ed Caprielian, No Address Provided**, announced that the Independent City Manager's Association (ICMA) sent out a flyer announcing May 1 -7, 2011 as Public Service Week. He distributed to Council and the public a purple colored handout suggesting ways to celebrate.

04/19/11-37. Viet Ngo Re Article About Geoff Dolan in the Los Angeles Times

**Viet Ngo, No Address Provided**, commented on an article in the Los Angeles Times that said **Geoff Dolan** might sue the City and asked that the City Council release all documents related to the **Geoff Dolan/McKee** case.

04/19/11-38. *Sherry Kramer Re Baja Club Fundraiser*

**Sherry Kramer, No Address Provided**, announced that the Mira Costa Baja Club will host its annual fundraiser on May 15, 2011 and that proceeds will be used to host 12-15 students from Santa Rosalia, Mexico (Manhattan Beach's Sister City).

04/19/11-39. *Councilmember Powell Re Mira Costa High School Art Show*

Councilmember Powell announced that Mira Costa High School will host the 11<sup>th</sup> Annual Art Show with an Opening Reception scheduled for April 29<sup>th</sup> from 6 – 8 pm and the Exhibit from April 23<sup>rd</sup> – May 5<sup>th</sup>.

04/19/11-40. *Councilmember Powell Re New LA County Program SNAP*

Councilmember Powell informed the public that the County of Los Angeles has started a new program called SNAP (Specific Needs Awareness Plan) to plan for disasters for people with disabilities. He encouraged those interested to visit [www.snap.lacounty.gov](http://www.snap.lacounty.gov).

04/19/11-41. *Councilmember Lesser Re Neighborhood Walk and Watch Program*

Councilmember Lesser announced Neighborhood Watch is implementing a "Walk and Watch" program and encouraged everyone to get involved and to call (310) 802-5183 for more information.

04/19/11-42. *Councilmember Howorth Re Mira Costa Play "All Shook Up"*

Councilmember Howorth announced that Mira Costa's production of "All Shook Up" is opening and encouraged everyone to see the play.

04/19/11-43. *Mayor Montgomery Re "Bag It" Screening*

Mayor Montgomery announced that the City will be screening "Bag It" (a documentary focusing on plastic bags) on Earth Day, Friday, April 22, 2011.

04/19/11-44. *Mayor Montgomery Re Boards and Commission Appointments*

Mayor Montgomery encouraged interested residents to apply for one of the City's Board or Commission vacancies.

04/19/11-45. *Mayor Montgomery Re Los Angeles Kings*

Mayor Montgomery explained he was wearing the jersey of Los Angeles Kings hockey player and Manhattan Beach resident Jack Johnson to support the Kings playoff attempt.

04/19/11-46. *Mayor Montgomery Re Clarification on Item # 22*

Mayor Montgomery clarified for those individuals in the audience that Consent Calendar Item No. 22 was not pulled from the Consent Calendar and was approved.

## **AUDIENCE PARTICIPATION**

*04/19/11-47. Phil Reimbert Re Fix It Ticket/Resolution of Fees*

**Phil Reimbert, No Address Provided**, explained that he received a fix-it ticket for \$50.00; commented that the cost recovery seemed extravagant; and asked to see where this dollar amount came from.

*04/19/11-48. Jacque May Re Parking Sign*

**Jacque May, No Address Provided**, showed a picture of the new parking sign on Manhattan Beach Boulevard and asked that it be dimmed or removed because it is very bright at night.

*04/19/11-49. Ed Caprielian Re "When Will They Learn?" Statement and Flyer*

**Ed Caprielian, No Address Provided**, distributed to the City Council and the public, a copy of his statement entitled "When Will They Learn?" This statement, which was copied on green paper, was read into the record by **Mr. Caprielian**.

*04/19/11-50. Viet Ngo Re Various Issues*

**Viet Ngo, No Address Provided**, requested that Mayor Montgomery take off the Kings jersey; asked a number of the Councilmembers and Mayor to resign; accused the Councilmembers of election fraud; offered to accompany the Councilmembers to the FBI; and requested that this matter be referred to Police Chief Uyeda.

## **PUBLIC HEARINGS**

*04/19/11-28. Consideration of Resolution Reducing the Fee for Copies of Public Records from \$.40 to \$.10 Per Copy and Certified Copies from \$1.00 to \$.25*

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

Finance Director Moe and Revenue Services Manager Charelian answered Council's questions.

Mayor Montgomery opened the Public Hearing at 7:39 p.m.

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

- **Ed Caprielian, No Address Provided**
- **Viet Ngo, No Address Provided**

Mayor Ward closed the Public Hearing at 7:45 p.m.

**MOTION:** Councilmember Powell moved to adopt Resolution No. 6302 approving the reduction in fees for copies of public records from \$.40 to \$.10 (per copy) and certified copy charges from \$1.00 to \$.25. The motion was seconded by Councilmember Howorth and passed by the following unanimous roll call vote:

Ayes: Lesser, Howorth, Tell and Mayor Montgomery.  
Noes: None.  
Absent: None.  
Abstain: None.

## **RECESS AND RECONVENE**

At 7:46 p.m. the Council recessed and reconvened at 7:58 p.m. with all Councilmembers present.

04/19/11-29. Consideration of Environmental Task Force and Planning Commission Recommendations to Amend Titles 7 and 10 of the Manhattan Beach Municipal Code and Chapters 2 and 3 of the City's Local Coastal Program for Comprehensive Sustainable Building Measures, as Part of the City Council 2009-2010 Work Plan

Mayor Montgomery introduced the subject item and Planning Manager Laurie Jester provided a PowerPoint presentation.

Mayor Montgomery opened the Public Hearing at 8:35 p.m.

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

- **Toni Rheia, Continental Development**

Community Development Director Richard Thompson responded to Council questions.

Mayor Montgomery closed the Public Hearing at 8:42 p.m.

Interim City Attorney Dolley advised Council that if the proposed ordinances are going to change, he recommended that new ordinances, with the proposed changes, be agendized for a future City Council meeting.

Council concurred to direct staff to make the necessary changes and then bring the item back to a future Council meeting.

Hearing no objection, it was so ordered.

## **GENERAL BUSINESS**

04/19/11-30. Consideration of a Citizen Request to Purchase and Install an Accessible Walkway on the Beach from the Bike Path to the Shoreline for People with Limited Mobility

Mayor Montgomery introduced the subject item and Recreation Services Manager Eve Kelso provided a PowerPoint presentation.

Councilmember Powell stated, for the record, that while he is a member of the Los Angeles County Beach Commission, it has nothing to do with the Coastal Commission; therefore, there is no conflict of interest.

Community Development Director Richard Thompson, Recreation Services Manager Eve Kelso, City Engineer Steve Finton, **Los Angeles County Beaches and Harbors Director Santos Kreimann** and **Los Angeles County Beaches and Harbors Chief Wayne Schumaker** answered Council questions.



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

- **Esther Besbris, No Address Provided**
- **Evelyn Frye, No Address Provided**
- **Carol Wahlberg, No Address Provided**
- **Jacque May, No Address Provided**
- **Viet Ngo, No Address Provided**
- **Richard Hatten, No Address Provided**

Following a brief discussion, Council unanimously agreed against installing an accessible walkway to the shoreline at this time; directed the County to study the possibility; requested the County to provide a cost estimate for a concrete and a composite walkway to the beach; and concurred to consider the walkway during the annual Budget and Capital Improvement Plan process.

Hearing no objection it was so ordered.

04/19/11-31. Update on Centennial Celebration Plans Including Proposed Fund Raising Activities, Street Pole Banners and Outreach and Awareness Efforts

Mayor Montgomery introduced the subject item and Part-Time Assistant to the City Manager Lindy Coe-Juell provided a PowerPoint presentation.

In response to Councilmember Lesser's question about possibly reducing the budget of the Centennial, Mayor Pro Tem Tell stated that the goal was not to sell everything the City has to make money, it was to do something special that residents will cherish.

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

- **Louie Pastor, No Address Provided**
- **Michael Strom, 800 Block of Duncan**
- **Viet Ngo, No Address Provided**
- **Jacque May, 10<sup>th</sup> Street & Highland Avenue**
- **Martha Andreani, No Address Provided**
- **Phil Reimbert, No Address Provided**
- **Ed Caprielian, No Address Provided**
- **Richard Hatten, No Address Provided**
- **Joe Franklin, No Address Provided**
- **Annie Walker, No Address Provided**
- **Esther Besbris, No Address Provided**

After lengthy discussion, Council approved the sale of reserved seating and parking at the events named in the subject report in order to raise funds for the Centennial; approved that the fundraising events would be for one year only, calendar year 2011; approved 24 paid seats for the 3<sup>rd</sup> ring that was shown on the map during the presentation (which is logistically the 4<sup>th</sup> row of the terraced seats); approved the Centennial Street Pole Banner program for a period of one year only, with the exception of holidays when they will be taken down; and receive and file this update on the Centennial Committee's outreach and awareness efforts.

Council further directed staff to clarify the policy regarding street pole banners to determine if the policy is in compliance regarding sponsor advertisement on the banners.

Hearing no objections it was so ordered.

**THIS FOLLOWING ITEM WAS TAKEN OUT OF ORDER**

04/19/11-32. Discussion of City Attorney Services: Contract Versus In-House

Council held discussion regarding which was the best avenue to discuss this issue and concurred to continue the item to a future Study Session. Council directed staff to include cost difference with the staff report.

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

04/19/11-5. Approve Amended Minutes of the Regular City Council Meeting of March 1, 2011 (Continued From The April 5, 2011 City Council Meeting)

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

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

- **Ed Caprielian, No Address Provided**
- **Viet Ngo, No Address Provided**

City Clerk Tamura clarified that the City Council minutes are “action minutes” and that **Mr. Caprielian’s** handout will be included as part of the archival agenda packet for the subject meeting.

**MOTION:** Councilmember Powell moved to approve the amended minutes of the March 1, 2011 City Council meeting. The motion was seconded by Mayor Pro Tem Tell and passed by the following roll call vote:

Ayes: Powell, Tell and Mayor Montgomery.  
Noes: None.  
Absent: None.  
Abstain: Lesser and Howorth.

04/19/11-7. Approve Minutes of the Special City Council Closed Session Meeting of March 11, 2011 (Continued From The April 5, 2011 City Council Meeting)

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

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

- **Ed Caprielian, No Address Provided**
- **Viet Ngo, No Address Provided**

City Clerk Tamura confirmed that **Mr. Caprielian’s** handout, for the subject meeting, has been included as part of the archival agenda packet.

**MOTION:** Mayor Pro Tem Tell moved to approve the minutes of the Special City Council Closed Session Meeting of March 11, 2011. The motion was seconded by Councilmember Powell and passed by the following roll call vote:

Ayes: Powell, Tell and Mayor Montgomery.  
Noes: None.  
Absent: None.  
Abstain: Lesser and Howorth.

04/19/11-8. Approve Minutes of the Adjourned Regular and Regular City Council Meeting of March 15, 2011 (Continued From The April 5, 2011 City Council Meeting)

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

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

- **Viet Ngo, No Address Provided**
- **Ed Caprielian, No Address Provided**

Mayor Montgomery stated that **Mr. Caprielian** can provide his comments to the City Clerk and the subject minutes will be amended to reflect his submitted statement.

Councilmember Powell requested that the announcement made in Open Session at the Regular City Council Meeting be March 15, 2011, also be reflective in the minutes of the Adjourned Regular Meeting of March 15, 2011.

**MOTION:** Councilmember Powell moved to approve the minutes of the Adjourned Regular and Regular City Council Meeting of March 15, 2011 as amended. The motion was seconded by Mayor Pro Tem Tell and passed by the following roll call vote:

Ayes: Powell, Tell and Mayor Montgomery.  
Noes: None.  
Absent: None.  
Abstain: Lesser and Howorth.

04/19/11-9. Approve Minutes of the Special City Council Closed Session Meeting of March 25, 2011 (Continued From The April 5, 2011 City Council Meeting)

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

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

- **Ed Caprielian, No Address Provided**
- **Viet Ngo, No Address Provided**

**MOTION:** Councilmember Howorth moved to approve the minutes of the Special City Council Closed Session Meeting of March 25, 2011. The motion was seconded by Mayor Pro Tem Tell and passed by the following unanimous roll call vote:

Ayes: Powell, Lesser, Howorth, Tell and Mayor Montgomery.  
Noes: None.  
Absent: None.  
Abstain: None.

04/19/11-10. Approve Minutes of the Special City Council Closed Session Meeting of April 5, 2011

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

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

- **Viet Ngo, No Address Provided**

Prior to the Motion Interim City Attorney Dolley stated that actions taken at the March 25<sup>th</sup> meeting was legal in accordance to the Brown Act and further stated that any individual participating in Closed Session may make the announcement in Open Session.

**MOTION:** Councilmember Howorth moved to approve the minutes of the Special City Council Closed Session Meeting of March 25, 2011. The motion was seconded by Councilmember Powell and passed by the following unanimous roll call vote:

Ayes: Powell, Lesser, Howorth and Mayor Montgomery.  
Noes: None.  
Absent: None.  
Abstain: Tell.

04/19/11-11. Approve Minutes of the Adjourned Regular City Council Meeting of April 5, 2011

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

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

- **Viet Ngo, No Address Provided**

**MOTION:** Councilmember Lesser moved to approve the minutes of the Adjourned Regular City Council Meeting of April 5, 2011 as amended. The motion was seconded by Councilmember Howorth and passed by the following unanimous roll call vote:

Ayes: Powell, Lesser, Howorth and Mayor Montgomery.  
Noes: None.  
Absent: None.  
Abstain: Tell.

04/19/11-14. Consideration of Contract with Liebert Cassidy Whitmore for Legal Services (\$160-\$320 Per Hour)

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

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

- **Viet Ngo, No Address Provided**
- **Ed Caprielian, No Address Provided**

**MOTION:** Councilmember Howorth moved to approve a contract with Liebert Cassidy Whitmore for on-going labor-related legal consultation services, with an hourly rate ranging from \$160 to \$320. The motion was seconded by Mayor Pro Tem Tell and passed by the following unanimous roll call vote:

Ayes: Powell, Lesser, Howorth and Mayor Montgomery.  
Noes: None.  
Absent: None.  
Abstain: Tell.

04/19/11-15. Consideration of Response to Demand for a Cure

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

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

- **Viet Ngo, No Address Provided**

**MOTION:** Mayor Pro Tem Tell moved to receive and file the subject report. The motion was seconded by Councilmember Howorth and passed by the following unanimous roll call vote:

Ayes: Powell, Lesser, Howorth, Tell and Mayor Montgomery.  
Noes: None.  
Absent: None.  
Abstain: None.

04/19/11-17. Consideration of Financial Reports:

- a) Ratification of Demands: April 14, 2011
- b) Portfolio for the Month Ending March 31, 2011

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

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

- **Viet Ngo, No Address Provided**

**MOTION:** Mayor Pro Tem Tell moved to approve with no exception Warrant Register No. 22B in the amount of \$2,311,139.02 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 March 31, 2011. The motion was seconded by Councilmember Powell and passed by the following unanimous roll call vote:

Ayes: Powell, Lesser, Howorth, Tell and Mayor Montgomery.  
Noes: None.  
Absent: None.  
Abstain: None.

04/19/11-20. Consideration of an Encroachment Permit for Outdoor Dining Over the Sidewalk at 117 Manhattan Beach Boulevard

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

Councilmember Lesser recused himself from this discussion.

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

- **Phil Reimbert, No Address Provided**
- **Jacque May, No Address Provided**
- **Richard Strom, No Address Provided**
- **Carol Wahlberg, No Address Provided**
- **Viet Ngo, No Address Provided**
- **Mike Zislis, No Address Provided**

Interim City Attorney Leland Dolley stated that the Code Section referenced in the subject letter is incorrect and that it should have addressed the section stating that the City Council has the ability to approve.

**MOTION:** Mayor Pro Tem Tell moved to adopt Resolution No. 6304 approving the request for an Encroachment Permit for outdoor dining above the public sidewalk and received and filed the subject report. The motion was seconded by Councilmember Howorth and passed by the following roll call vote:

Ayes: Powell, Howorth, Tell and Mayor Montgomery.  
Noes: None.  
Absent: None.  
Abstain: Lesser.

04/19/11-21. Consideration of Amendment to the HF&H Consultants, LLC Contract Not-to-Exceed \$14,270.01 and Allocation of These Funds from the Refuse Fund Reserve

Mayor Montgomery introduced the subject item and Management Analyst Anna Luke and provided a PowerPoint presentation.

**Laith Ezzet, of HF&H Consultants, LLC** answered Council questions.

There was no public comment on this item.

**MOTION:** Councilmember Howorth moved to approve an amendment to the HF&H Consultants contract authorizing additional funds not-to-exceed the cost of the best and final process directed by City Council; appropriated \$14,270.01 from the Refuse Fund Reserve for HF&H's services; and direct the City Attorney to review the language of the contract. The motion was seconded by Mayor Montgomery and passed by the following unanimous roll call vote:

Ayes: Powell, Lesser, Howorth, Tell and Mayor Montgomery.  
Noes: None.  
Absent: None.  
Abstain: None.

Mayor Montgomery indicated that a resident pointed out to him that the City Council minutes of July 7, 2009 and April 6, 2010 regarding refuse were incorrectly recorded. He stated that he voted "No" on both occasions and that while the minutes reflect his "No" vote, the comments indicate that the item passed by a unanimous 5-0 vote.

### **CITY MANAGER REPORT(S)**

#### **04/19/11-51. City Manager Re Recent Bids**

City Manager Carmany announced that two recent bid openings (striping and miscellaneous traffic markings & reflective signs and school crosswalks) yielded lower than expected bids.

#### **04/19/11-52. City Manager Re Compliment**

City Manager Carmany complimented Management Analyst Ariana Kennedy for her assistance in sending out letters to 73 of the City's vendors asking them to give the City a 5% discount. He reported that so far 10 vendors have agreed to this.

#### **04/19/11-53. City Manager Re South Bay Regional Communications Center Budget**

City Manager Carmany reported that the South Bay Regional Communications Center was able to reduce its budget by 3.52% and that the City of Manhattan Beach's share will go down slightly. He spoke of the need to take more of a partnership approach to managing costs and how Manhattan Beach is currently in discussion with them regarding finance duties as their Finance Director is retiring.

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

#### **04/19/11-54. Councilmember Lesser Re Environmental Task Force**

Councilmember Lesser requested that the full Council revisit and confirm the goals of the Environmental Task Force before it gets much farther along on its current course.

Council concurred to bring the issue back to a future Council meeting after the budget process.

**ADJOURNMENT**

At 1:20 a.m. the Regular City Council meeting of April 19, 2011, was duly adjourned to the 5:00 p.m. Boards and Commissions Interviews on Tuesday, April 26, 2011, in the Police Fire Conference Room, 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  
APRIL 19, 2011**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 19<sup>th</sup> day of March, 2011, at the hour of 5:30 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

**CALL TO ORDER**

Mayor Richard Montgomery called the meeting to order.

**ROLL CALL**

Present: Howorth, Lesser, Powell, Tell and Mayor Montgomery.  
Present: City Manager Carmany and Interim City Attorney Leland Dolley  
Absent: None.  
Clerk: Tamura.

**PUBLIC COMMENT ON CLOSED SESSION AGENDA**

None.

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

Interim City Attorney Dolley announced the following items to be discussed in closed session:

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**  
(Government Code Section 54956.9(a))

*Save The Plastic Bag Coalition v. City of Manhattan Beach*

**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 5:30 p.m.

**RECESS INTO OPEN SESSION**

The Council convened into Open Session for its regular meeting at 6:20 p.m.

Following the Consent Calendar on the April 19, 2011 City Council Agenda, Interim City Attorney Dolley announced in Open Session that the City Council convened the adjourned regular meeting; provided a summary update regarding the Conference with Legal Counsel - Existing Litigation *Save The Plastic Bag Coalition v. City of Manhattan Beach*; and announced that there was no reportable action taken regarding the Conference With Labor Negotiator item.

**ADJOURNMENT**

At 6:20 p.m. the meeting was duly adjourned to the 6:30 p.m. Regular City Council Meeting on Tuesday, April 19, 2011, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Liza Tamura  
Recording Secretary

ATTEST:

Richard Montgomery  
Mayor

Liza Tamura  
City Clerk