

**CITY OF MANHATTAN BEACH  
MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
MAY 17, 2011**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 17<sup>th</sup> day of May, 2011, at the hour of 6:33 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.cityymb.info](http://www.cityymb.info).

**PLEDGE TO FLAG**

Management Analyst Ariana Kennedy led the pledge of allegiance.

**ROLL CALL**

Present: Powell, Lesser, Tell and Mayor Montgomery.  
Absent: Howorth.  
Clerk: Tamura.

**CEREMONIAL CALENDAR**

05/17/11.1. Presentation of Proclamation Declaring May 15-21, 2011 as National Public Works Week

Mayor Montgomery presented a proclamation to Public Works Director Jim Arndt proclaiming the week of May 15 – 21, 2011 as National Public Works Week.

**CONSENT CALENDAR**

Prior to voting on the Consent Calendar, Councilmember Lesser questioned whether the Marine Park Commemorative Wall item should be discussed by the Cultural Arts Commission before moving forward.

Council briefly discussed and concurred to bring Item No. 19 (*Accept a Donation of \$9,488.22 from Private Donors for the Marine Park Commemorative Wall Project and Approve an Allocation from the Public Arts Trust Fund of \$10,925.28*) back to a future City Council meeting.

The Consent Calendar (Item Nos. 2 through 29), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Councilmember Powell, seconded by Mayor Pro Tem Tell and passed the following roll call vote with the exception of Item Nos. 3, 5, 6, 7 and 14 which were considered later in the meeting under “*Items Removed from the Consent Calendar*” and with Councilmember Lesser abstaining in Item No. 2 because he was not present at the December 10, 2010 City Council meeting.

Ayes: Powell, Lesser, Tell and Mayor Montgomery.  
Noes: None.  
Absent: Howorth.  
Abstain: Lesser (Item No. 2).

**GENERAL CONSENT**

05/17/11-2. Approve Minutes of the Regular City Council Meeting of December 21, 2010 (RV Parking)

The Council approved the subject minutes.

05/17/11-3. Approve Minutes of the Adjourned Regular Study Session Meeting of May 9, 2011

Item No. 3 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

05/17/11-4. Approve Minutes of the Adjourned Regular and Regular City Council Meeting of May 3, 2011

The Council continued the subject minutes.

05/17/11-5. Approve Minutes of the Special Closed Session Meeting of May 11, 2011

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

05/17/11-6. Consideration of Contract with Jenkins and Hogin, LLP for Legal Advice and Assistance (\$195 Per Hour) and Ratification of Expenditures Totaling \$9,738

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

05/17/11-7. Consideration of a Request for Continued Funding From Gateway to Los Angeles for the Operation of the Ocean Express

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

05/17/11-8. Consideration of Financial Reports

a) Ratification of Demands: May 12, 2011

b) Portfolio for the Month Ending April, 30 2011

c) Financial Reports for the Month Ending April 30, 2011

The Council approved with no exception Warrant Register No. 24B in the amount of \$2,201,224.08 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 April 30, 2011; and received and filed the Financial Reports for the month ending April 30, 2011.

05/17/11-9. This Space Intentionally Left Blank

05/17/11-10. Consideration of Intention to Provide for Annual Levy and Collection of Assessments for the Downtown Business Improvement District and Setting June 21, 2011 for a Public Hearing

The Council adopted Resolution No. 6306 announcing the City's intention to set assessments for the Downtown Business Improvement District (BID) for Fiscal Year 2011-2012, and setting the Public Hearing for June 21, 2011.

05/17/11-11. Consideration of a Contract with Financial Credit Network for Collection Services and Modification of Existing Write-Off Policies

The Council approved a contract with Financial Credit Network for services related to uncollected debt and approved a modification of existing write-off policies.

05/17/11-12. Consideration of Award of Two-Year Contract for Office Supplies to Office Depot (Estimated Annual Value of \$75,000)

The Council waived formal bidding per Municipal Code Section 2.36.150 (cooperative purchasing); approved a two-year office supplies contract to Office Depot with an estimated annual value of \$75,000; and approved authorizing the City Manager to extend the contract at the end of the initial term for up to three one-year periods if Office Depot is performing well.

05/17/11-13. Consideration of Extensions of Existing Letters of Credit with Bank of America for the Marine Avenue Sports Fields and South Bay Regional Public Communications Authority Variable Rate Debt Instruments

The Council approved the extension of the Marine Avenue Sports Fields and South Bay Regional Public Communications Authority (RCC) letters of credit with Bank of America. The extension ranges from seven months to one year, and will result in coterminous dates for both letters of credit in July 2012, at which time new letters of credit will be secured, or alternate arrangements will be made.

05/17/11-14. Consideration of Adoption of Annual Investment Policy

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

05/17/11-15. Consideration of the Award of a One-Year Extension for Towing and Storage Services to Van Lingen Towing, Inc.

The Council waived formal bidding per Municipal Code Section 2.36.140 (waivers) and approved a one-year extension for Towing and Storage Services to Van Lingen Towing, Inc.

05/17/11-16. Consideration of the Award of a One-Year Extension for Trucking and Miscellaneous Hauling Services to L. Riley Trucking

The Council approved a one-year extension for Trucking and Miscellaneous Hauling Services to L. Riley Trucking.

05/17/11-17. Consideration of the Award of a One-Year Extension for Water Quality Testing to Clinical Lab of San Bernardino

The Council approved a one-year extension for Water Quality Testing Services to Clinical Lab of San Bernardino.

05/17/11-18. Consideration of the Award of a One-Year Extension for Graphic Design Services to Pixel Graphic Design

The Council approved a one-year extension to Pixel Graphic Design to provide graphic design services for the quarterly City Activity guide.

05/17/11-19. Accept a Donation of \$9,488.22 from Private Donors for the Marine Park Commemorative Wall Project and Approve an Allocation from the Public Arts Trust Fund of \$10,925.28

Item No. 19 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

05/17/11-20. Consideration of 2007 State Homeland Security Grant Program Sub-recipient Agreement, Amendment No. 1

The Council approved amendment No. 1 to Subrecipient Agreement Grant Year 2007 State Homeland Security Grant Program between the County of Los Angeles and the City of Manhattan Beach.

05/17/11-21. Consideration to Authorize the City Manager to Award a Contract to J & S Striping, Inc. for the 2011 Center Line Striping & Miscellaneous Traffic Markings Project for an Amount Not-to-Exceed \$47,784.71

The Council approved authorizing the City Manager to award a contract in the amount of \$43,440.65 to J & S Striping, Inc. for the 2011 Centerline Striping and Miscellaneous Traffic markings Project and approved authorizing the City Manager to approve additional work in an amount nor-to-exceed \$4,344.06 (10%) if required.

05/17/11-22. Consideration to Adopt a Resolution Authorizing the City Manager to Enter into an Agreement with the State of California for the Receipt of Proposition 84 Funds for the Greenbelt Low Flow Diversion Project and Appropriation of Grant Funds (\$500,000) From the State and Federal Grants Fund

The Council adopted Resolution No. 6307 authorizing the City Manager to negotiate and execute an Agreement with the State of California for the receipt of Proposition 84 grant funds in the amount of \$500,000 fro the Greenbelt Low Flow Diversion Project and appropriated Proposition 84 grant funds in the amount of \$500,000 from the Federal and State Grant Fund for the Greenbelt Low Flow Diversion Project.

05/17/11-23. Consideration of Approval of Plans and Specifications for the 2010- 2011 Sewer Main Rehabilitation Project and Authorization to Solicit Construction Bids

The Council approved the plans and specifications for the 2010- 2011 Sewer Main Rehabilitation Project and authorized staff to solicit construction bids.

05/17/11-24. Consideration to Approve Progress Payment No. 1 in the Net Amount of \$51,973.10 to Geronimo Concrete, Inc. for the Section 6 Concrete Repair Project

The Council approved the issuance of Progress Payment No. 1 in the net amount of \$51,973.10 to Geronimo Concrete, Inc. for the Section 6 Concrete Repair Project.

05/17/11-25. Consideration of First and Final Payment in the Net Amount of \$49,325.60 to T.E. Roberts, Inc.; Formally Accept the Replacement of Water Flow Control Equipment at the Intersection of Manhattan Beach Boulevard and Redondo Avenue as Complete; and Authorize Filing of the Appropriate Notice of Completion and Release Retention in the Amount of \$5,480.62

The Council approved the issuance of first and final payment in the net amount of \$49,325.60 to T.E. Roberts, Inc. for the replacement of water flow control equipment at the intersection of Manhattan Beach Boulevard and Redondo Avenue; formally accepted the replacement of water flow control equipment at the intersection of Manhattan Beach Boulevard and Redondo Avenue as complete; and approved authorizing filing of the appropriate Notice of Completion and Release of Retention in the amount of \$5,480.62.

## **BOARDS AND COMMISSIONS**

### **Cultural Arts Commission**

05/17/11-26. Consideration of Draft Minutes, Cultural Arts Commission Meeting of April 12, 2011

The Council received and filed the subject draft minutes.

### **Parking & Public Improvements Commission**

05/17/11-27. Consideration of Action Minutes, Parking and Public Improvements Commission Meeting of April 28, 2011

The Council received and filed the subject action minutes.

### **Planning Commission**

05/17/11-28. Consideration of Action Minutes, Planning Commission Meeting of May 11, 2011

The Council received and filed the subject action minutes.

05/17/11-29. Consideration of a Planning Commission Decision to Approve a Request for a One-Year Time Extension of a Use Permit, Coastal Development Permit, and Vesting Tentative Parcel Map 69052 for Proposed Construction of a Mixed Use Building with One Commercial Condominium Unit and Two Residential Condominium Units on the Property Located at 3920 Highland Avenue

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

## **CLOSED SESSION ANNOUNCEMENT**

Mayor Montgomery asked Interim City Attorney Leland Dolley to make announcements about prior Closed Session meetings.

Interim City Attorney Dolley announced that the City Council met tonight in Closed Session to discuss the two items posted on the Closed Session agenda: Conference with Legal Counsel/Claim and Conference with Labor Negotiator. There are no announcements that need to be reported.

Interim City Attorney Dolley then stated there were questions concerning the May 3, 2011 Closed Session meeting. He stated that the meeting was properly posted on April 29, 2011 before 5:00 p.m.; that there were two items on the Closed Session Agenda: Public Employee Performance Evaluation and Conference with Labor Negotiator; and that no action was taken; therefore, there is no action to be reported. He further reported that on May 11, 2011 a notice for a Special Closed Session meeting was posted by 9:00 a.m. on May 10, 2011 and the meeting took place within the 24 hour periods, as required by law. There were no announcements that need to be made and the item on the agenda was concerning the public employment of the City Attorney.

## **COMMUNITY ANNOUNCEMENTS**

### 05/17/11-38. Don Gould Re Upcoming Library Events

**Los Angeles County Librarian Don Gould** shared information about upcoming events at the Manhattan Beach Library and encouraged the community to download the Library's new application for smart phones.

### 05/17/11-39. Diana Pleva Re Manhattan Beach Community Emergency Response Team (CERT)

CERT graduate **Diana Pleva, Pine Avenue**, shared her personal benefit from the CERT classes and encouraged others to attend.

### 05/17/11-40. Richard Zief Re Older Adult Activities

**Senior Advisory Committee Vice-Chair Richard Zief** shared that the Senior Advisory Committee is pleased with City's "older adult activities and programs" and announced that the Older Adults Health Fair will be held on Friday, May 20, 2011.

### 05/17/11-41. Vickie Wippel Re Waste Management

**Waste Management Representative Vickie Wippel** announced that Waste Management has delivered over 10,000 carts to businesses and residents and will hold an information session for residents and businesses on Thursday, May 19, 2011 at 7:00 pm in the Police/Fire Community room. She encourages all to visit [www.manhattanwm.com](http://www.manhattanwm.com) or call (310) 830-7100.

### 05/17/11-42. Elizabeth Wos Re Mayor's Youth Council

**Elizabeth Wos, El Segundo**, spoke of the requirements and purpose/mission statement of the Mayor's Youth Council and encouraged eligible high school students to apply.

### 05/17/11-43. Viet Ngo Re Geoff Dolan Claim

**Viet Ngo, No Address Provided**, announced that he is an anti-public corruption advocate and that former City Manager Geoff Dolan filed a \$2 million claim against five members of the present and former City Council (Montgomery, Tell, Powell, Ward, and Cohen) alleging that they violated his separation agreement. **Mr. Ngo** stated that the City Council should not use the City Attorney to defend themselves.

### 05/17/11-44. Ed Caprielian Re Richard McKee Memorial

**Ed Caprielian, No Address Provided**, announced that the memorial for **Richard McKee** was May 7, 2011 and read a quote from a *Daily Breeze* editorial about **Mr. McKee**.

### 05/17/11-45. Councilmember Powell Re Older Adult Health Fair

Councilmember Powell shared that the Older Adult Health Fair at Joslyn will be held on Friday, May 20, 2011 from 8:00 a.m. until 12:30 p.m. and that there will be free health screenings, lunch, bingo and door prizes.

05/17/11-46. Councilmember Powell Re Congressional Election

Councilmember Powell announced there was one hour left to vote in the Congressional election and encouraged everyone to vote.

05/17/11-47. Mayor Montgomery Re Police Memorial Ceremony

Mayor Montgomery thanked Police Officer Stephanie Martin for organizing the Police Memorial Ceremony in remembrance of the City's three fallen police officers.

05/17/11-48. Mayor Montgomery Re Work Plan Meeting

Mayor Montgomery announced that the City Council Work Plan meeting will be held on June 3, 2011, at 8:30 a.m. in the Police/Fire Conference Room and encouraged all to attend.

**AUDIENCE PARTICIPATION**

05/17/11-49. George Butts Re Community Emergency Response Team (CERT) Presentation

**Manhattan Beach CERT President George Butts** gave a short update about what CERT has accomplished in the last year including: Neighborhood Watch, Concerts in the Park, monthly training sessions, more equipment placed throughout the City, training with the Fire Department, a 20% increase in membership; and 2,500 hours of volunteer time this year. He suggested that those interested should visit [www.info@mbcerta.org](http://www.info@mbcerta.org) for more information.

05/17/11-50. Gerry O'Connor Re Public Trust

**Gerry O'Connor, No Address Provided**, suggested the City Council and public have a friendly and open discussion about the public trust and suggested a few opportunities for increased openness and flow of information. **Mr. O'Connor** also read the closing sentence from the City Council's Open Letter to residents.

05/17/11-51. Willy Leventhal Re Walkway to the Beach

**Willy Leventhal, Hermosa Beach**, gave each City Councilmember a flyer and encouraged them to support the Mobi Mat suggestion which enables the disabled and older adults to get closer to the water. **Mr. Leventhal** asked that the walkway to the beach be installed by the summer of 2011.

05/17/11-52. Viet Ngo Re Geoff Dolan Claim

**Viet Ngo, No Address Provided**, asked City Council to reject the claim by former City Manager Geoff Dolan, and stated that former Councilmembers cannot use the City Attorney or public money to defend themselves. **Mr. Ngo** suggested Police Chief Uyeda forward this matter to the FBI and District Attorney.

05/17/11-53. Jon Wilhite Re Memorial Wall

**Jon Wilhite, No Address Provided**, asked for clarification regarding the Memorial Wall issue which Council previously concurred to bring back to a future City Council meeting.

Councilmember Lesser, City Manager Carmany, Parks and Recreation Director Gill briefly discussed the situation.

Mayor Montgomery pulled this item and asked that it be discussed under “*Items Removed from the Consent Calendar.*”

05/17/11-54. *Ed Caprielian Re Manhattan Beach Country Club Memberships*

**Ed Caprielian, No Address Provided**, brought up the issue of the Manhattan Beach Country Club Memberships that belong to the City. He asked for a policy and procedure clarification as well as the Mayor’s “use privilege.”

In response, Councilmember Powell stated, for the record, that the Manhattan Beach Country Club Membership arrangement was made before he was elected to City Council and he does not hold a membership or have interest in a membership.

**PUBLIC HEARINGS**

05/17/11-30. *Consideration of a Resolution Accepting the Citizen’s Option for Public Safety Program Supplemental Law Enforcement Services Funds (SLESF) Grant; Authorize and Appropriate SLESF Grant Funds to Purchase Mobile Communication Equipment from South Bay Regional Public Communications Authority in an Amount Not to Exceed \$104,000*

Councilmember Powell recused himself from this discussion because he is the City Council Delegate to the South Bay Regional Communications Center (RCC) and believes it may be a conflict of interest for him to vote on this purchase.

Mayor Montgomery introduced the subject item and Police Chief Rod Uyeda and Management Analyst Julie Dahlgren provided the staff presentation.

Mayor Montgomery opened the Public Hearing at 7:21 p.m.

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

- **Viet Ngo, No Address Provided**

Mayor Montgomery closed the Public Hearing at 7:24 p.m.

**MOTION:** Councilmember Lesser moved to adopt Resolution No. 6308 accepting grant monies from SLESF; appropriate SLESF grant funds and accrued interest for proposal expenditures; waive formal bidding per Municipal Code Section 2.36.140 (waives) and approve awarding a purchase order to South Bay Regional Public Communications Authority for mobile communications equipment in an amount not-to-exceed \$104,000. The motion was seconded by Mayor Pro Tem Tell and passed by the following roll call vote:

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



05/17/11-31. Consideration of City Council 2011-2012 Work Plan Item to Amend the Zoning Code to Remove a Required Public Hearing for Properties to be Designated as Culturally Significant Landmarks as Recommended by the Planning Commission

Councilmember Powell recused himself from this discussion because he served on the Cultural Heritage Conservancy and this request comes from the Conservancy.

Mayor Montgomery introduced the subject item and Assistant Planner Angelica Ochoa provided the staff presentation.

Mayor Montgomery opened the Public Hearing at 7:28 p.m.

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

- **Jan Dennis, 900 Block of Highview**
- **Jacque May, Manhattan Beach Resident**

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

Interim City Attorney Leland Dolley read aloud the title of Ordinance No. 2143.

**MOTION:** Councilmember Lesser moved to waive further reading and introduce Ordinance No. 2143 to amend the Zoning Code to remove a required public hearing for properties to be designated as Culturally Significant Landmarks. The motion was seconded by Mayor Pro Tem Tell and passed by the following roll call vote:

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

**GENERAL BUSINESS**

05/17/11-32 Introduction of Fiscal Year 2011-2012 Proposed Operating Budget and 2011-2016 Capital Improvement Project (CIP) Plan; Consideration of Budget Adjustment in Fiscal Year 2010-2011 to Recoup Fleet Fund Rental Charge-outs Previously Suspended in Order to Balance the General Fund Budget in Fiscal Years 2010 and 2011

Mayor Montgomery introduced the subject item and Finance Director Bruce Moe provided the PowerPoint presentation.

Finance Director Bruce Moe and Public Works Director Jim Arndt responded to Council's questions.

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

- **Lillian Light, Manhattan Beach Resident & Environmental Task Force Member**
- **Paul Beswick, Manhattan Beach Resident & Environmental Task Force Member**
- **Stacia Costa, Manhattan Beach Resident & Environmental Task Force Member**
- **Wendy Phillips, Manhattan Beach Resident & volunteer**
- **Craig Cadwallader, Manhattan Beach Resident & former Chair of the Manhattan Beach Chapter of the Surfrider Foundation**
- **Brian Shaney, Hermosa Beach Resident & Green Task Force Member**

- **Ed Caprielian, Manhattan Beach Resident**
- **Daniel Salzman, Manhattan Beach Resident & Environmental Task Force Member**
- **David Wachtfogel, Manhattan Beach Resident**
- **Gerry O’Conner, Manhattan Beach Resident**

**MOTION:** Councilmember Powell moved to approve an adjustment to the Fiscal Year 2010-2011 Operating Budget; reinstate fleet rental charge-outs which had been suspended in Fiscal Years 2010 and 2011; and appropriate a total of \$1,448,250 from the following funds: General Fund: \$1,255,630; Water Fund: \$67,960; Waste Water Fund: \$62,260; Parking Fund: \$4,600; Building Maintenance Fund: \$33,660 and to receive and file the proposed budget and Capital Improvement Plan. The motion was seconded by Mayor Pro Tem Tell and passed by the following roll call vote:

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

**RECESS AND RECONVENE**

At 9:15 p.m. the Council recessed and reconvened at 9:28 p.m. with all Councilmembers Powell, Lesser, Tell and Mayor Montgomery present.

05/17/11-33 Consideration of City Council Work Plan Item to Implement Oversized Vehicle and Trailer Parking Ordinances

Police Chief Rod Uyeda introduced the subject item and Acting Police Captain Andy Harrod provided the presentation.

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

- **Steve DeBaets, Manhattan Beach Resident**
- **Gerry O’Conner, Manhattan Beach Resident**
- **Stephanie Monash, Manhattan Beach Resident**
- **Larry Conley, Manhattan Beach Resident**
- **Ron Symmes, 5<sup>th</sup> Street**
- **Steven Robbins, Manhattan Beach Resident**

Following discussion, Council directed staff to return with revisions to Ordinance 2144 that identifies the complaint-driven process of enforcement in the Municipal Code language, allow two warnings prior to a citation being issued, and provide accommodations for vehicles at construction sites.

**MOTION:** Mayor Pro Tem Tell moved to waive further reading and introduce Ordinance No. 2145 amending Chapter 14.46 to the Manhattan Beach Municipal Code regarding detached trailer parking; and approved authorizing the use of \$14,000 from the Council Contingency account to purchase the necessary signage. The motion was seconded by Councilmember Lesser and passed by the following roll call vote:

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

05/17/11-34 This Space Intentionally Left Blank

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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 10:48 p.m. Mayor Pro Tem Tell moved to continue the meeting past the 10:30 p.m. cut off and hear item Nos. 35 and 37 and continue Item No. 36 to the June 7, 2011 City Council meeting. The motion was seconded by Councilmember Powell and passed by the following roll call vote.

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

05/17/11-35. Select Members for the City’s Boards and Commissions – Parking and Public Improvements Commission Seat No. 3 and Ratification of Parks and Recreation Commission Seat No. 7

**Parking and Public Improvements Commission (Seat No. 3)**

	<u>Nomination</u>	<u>1<sup>st</sup> Round Vote</u>	<u>2<sup>nd</sup> Round Vote</u>
Montgomery	Apostol	Apostol & Sherwood	Sherwood
Tell	Babbe	Babbe & Fournier	Fournier
Powell	Fournier	Fournier & Sherwood	Fournier
Lesser	Sherwood	Fournier & Sherwood	Fournier
Howorth			

**MOTION:** Mayor Montgomery moved to appoint Stewart Fournier to Seat No. 3 of the Parking and Public Improvements Commission.

Hearing no objections it was so ordered.

**MOTION:** Councilmember Powell moved to ratify the one-year appointment of Mira Costa High School student Travis Taylor to the Parks and Recreation Commission Seat No. 7. The motion was seconded by Mayor Pro Tem Tell and passed by the following roll call vote:

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

05/17/11-36. Consideration of Award of Contract to Creative Management Solutions to Provide Consultation Services to the City for City Wide Classification and Compensation Study (Not-to-Exceed \$50,000)

The Council continued this item to the June 7, 2011 City Council Meeting.

05/17/11-37. Consider Appointment of a Council Sub Committee to Develop a Process for the Selection of a City Attorney, and to Report the Results of Their Efforts Back to the City Council for Further Consideration

Council concurred to bypass a City Council discussion on this item tonight; appointed Councilmembers Lesser and Howorth to the City Attorney Selection Subcommittee and directed staff to bring this item back to a future City Council meeting for a more detailed discussion.

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

- **Viet Ngo, No Address Provided**
- **Ed Caprielian, Manhattan Beach Resident**
- **Gerry O'Connor, No Address Provided**

**MOTION:** Mayor Pro Tem Tell moved to appoint Councilmembers Lesser and Howorth to the City Attorney Selection Subcommittee. The motion was seconded by Councilmember Powell and passed by the following roll call vote:

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

**ITEMS REMOVED FROM THE CONSENT CALENDAR**

05/17/11-3. Approve Minutes of the Adjourned Regular Study Session Meeting of May 9, 2011

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

**MOTION:** Mayor Pro Tem Tell moved to approve continuing the minutes of the May 9, 2011 Adjourned Regular Study Session to the June 7, 2011 City Council meeting. The motion was seconded by Councilmember Lesser and passed by the following roll call vote:

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

05/17/11-5. Approve Minutes of the Special Closed Session Meeting of May 11, 2011

**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:** Mayor Pro Tem Tell moved to approve continuing the minutes of the May 11, 2011 Special Closed Session Meeting to the June 7, 2011 City Council meeting. The motion was seconded by Councilmember Powell and passed by the following roll call vote:

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

05/17/11-6. Consideration of Contract with Jenkins and Hogin, LLP for Legal Advice and Assistance (\$195 Per Hour) and Ratification of Expenditures Totaling \$9,738

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

Council held a brief discussion regarding the City Manager’s \$20,000 contract approval limit and why Interim City Attorney Dolley did not “approve as to form” the proposed contract.

**MOTION:** Councilmember Powell moved to retroactively approve the \$9,738; cap further payments to Jenkins and Hogin, LLP at \$20,000 going forward; and to require that the contract with Jenkins and Hogin, LLP be “approve as to form” form the current City Attorney. The motion was seconded by Mayor Pro Tem Tell and passed by the following roll call vote:

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

05/17/11-7. Consideration of a Request for Continued Funding From Gateway to Los Angeles for the Operation of the Ocean Express

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

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

- **Ed Caprielian, No Address Provided**

Councilmember Lesser questioned whether this item had to be approved this evening or whether it could be discussed during the upcoming budget meetings.

Council concurred that it would be more appropriate to address this item as part of the budget during the Proposition A Fund review.

**MOTION:** Mayor Pro Tem Tell moved to continue this item to the Adjourned Regular Budget Study Session Meeting on May 24<sup>th</sup>, 2011. The motion was seconded by Councilmember Powell and passed by the following roll call vote:

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

05/17/11-14. Consideration of Adoption of Annual Investment Policy

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

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

- **Ed Caprielian, No Address Provided**

**MOTION:** Mayor Pro Tem Tell moved to approve the adoption of the Annual Investment Policy. The motion was seconded by Councilmember Powell and passed by the following roll call vote:

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

05/17/11-19. Accept a Donation of \$9,488.22 from Private Donors for the Marine Park Commemorative Wall Project and Approve an Allocation from the Public Arts Trust Fund of \$10,925.28

In response to Mayor Montgomery' question as to whether this project qualifies for Public Art Trust Fund dollars, Parks and Recreation Director Richard Gill confirmed that it does qualify and that the project should be completed by August of this year.

Council discussed the history of this project and the process for using the Public Art Trust Funds.

Councilmember Lesser stated that he is in favor of this project going forward, however, requested that in the future the Council review the Public Art Trust Fund budget, guidelines for distribution, the process that typically should be followed, and what other projects are waiting to be funded.

**MOTION:** Councilmember Powell moved to approve accepting a donation of 9,488.22 from private donors for the Marine Park Commemorative Wall Project and approved an allocation of \$10,925.28 from the Public Arts Trust Fund. The motion was seconded by Mayor Pro Tem Tell and passed by the following roll call vote:

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

**CITY MANAGER REPORT(S)**

*05/17/11-56. City Manager Carmany Re New Police Chief*

City Manager Carmany invited everyone to attend the swearing in of the City’s new Police Chief Eve Irvine next Wednesday, May 25, 2011 in the Civic plaza.

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

*05/17/11-56. Mayor Montgomery Re Contract Cities Association*

Mayor Montgomery attended the Contract Cities Association conference and stated we are very fortunate that we are not cutting back in public safety. Mayor Montgomery also announced that he completed his ethics training certification.

**ADJOURNMENT**

At 12:04 a.m. the meeting was duly adjourned, in memory of Betty Mallery, Alexander Haagen and Manhattan Beach Police Officer Mark Vasquez, to the 6:00 p.m. Adjourned Regular Budget Study Session Meeting on Tuesday, May 24, 2011, in the Police/Fire Conference Room, 400/420 15<sup>th</sup> Street, 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  
MAY 17, 2011**

The Adjourned Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 17<sup>th</sup> day of May, 2011, at the hour of 5:35 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: Lesser, Powell, Tell and Mayor Montgomery.  
Tell (arrived at 5:38 p.m.)  
Present: City Manager Carmany and Interim City Attorney Leland Dolley  
Absent: Howorth.  
Clerk: Aliabadi (Acting).

**PUBLIC COMMENT ON CLOSED SESSION AGENDA**

**Viet Ngo, No Address Provided**, pointed out that Councilmembers were named as defendants in the Geoff Dolan law suit, and that public funds should not be used to defend them as that would be a conflict of interest.

**Ed Caprielian, No Address Provided** stated that he is considering “legal remedies” in response to the Council holding the May 11, 2011 Special Closed Session regarding the City Attorney after receiving his letter warning them not to do so. He also spoke of what factors and the “defined circumstances” that constitute the need for different types of meetings (Special Meetings, Closed Session meetings, etc.)

**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/CLAIM**  
(Government Code Section 54956.9(a)(C))

Claimant: Geoff Dolan  
Agency Claimed Against: Manhattan Beach, CA

**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 5:45 p.m.

**RECESS INTO OPEN SESSION**

The Council reconvened into Open Session at 6:21 p.m.

An announcement in open session was made during the beginning of the Tuesday, May 17, 2011 Regular City Council meeting.

**ADJOURNMENT**

At 6:21 p.m. the meeting was duly adjourned to the 6:30 p.m. Regular City Council Meeting on Tuesday, May 17, 2011, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Terri Aliabadi  
Recording Secretary

ATTEST:

Richard Montgomery  
Mayor

Liza Tamura  
City Clerk