

City Council

Tuesday, October 2, 2012

6:30 PM

Council Chambers



Mayor Wayne Powell
Mayor Pro Tem David J. Lesser
Councilmember Amy Howorth
Councilmember Richard P. Montgomery
Councilmember Nicholas W. Tell, Jr.

Executive team

David N. Carmany, City Manager

Jim Arndt, Public Works Director
Robert Espinoza, Fire Chief
Cathy Hanson, Human Resources Director
Bruce Moe, Finance Director
Richard Thompson, Community Development Director

Quinn Barrow, City Attorney
Richard Gill, Parks & Recreation Director
Eve R. Irvine, Police Chief
Liza Tamura, City Clerk

MISSION STATEMENT:

The City of Manhattan Beach is dedicated to providing exemplary municipal services preserving our small beach town character and enhancing the quality of life for our residents, businesses and visitors.

MANHATTAN BEACH'S CITY COUNCIL WELCOMES YOU!

Your presence and participation contribute to good city government.

By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for citizen comments at two places on the agenda - once following the "Consent Calendar" under "Community Announcements," at which time citizens may address the City Council concerning any brief item of community interest not on the agenda and not-to-exceed one minute in duration for any speaker; and again directly following "Community Announcements," under "Audience Participation," at which time citizens may address the City Council on any matter of City business not on the agenda with each speaker limited to three minutes.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City's website at www.citymb.info, at the County Library located at 1320 Highland Avenue, the Police Department located at 420 15th Street, and are also on file in the Office of the City Clerk for public inspection. Any person who has any question concerning any agenda item may call the City Clerk's office at (310) 802-5056 to make an inquiry concerning the nature of the item described on the agenda.

All Public Hearing and General Business agenda items which have not been introduced by 10:30 p.m. will be continued to the next Regular City Council meeting, or to such other time set by the City Council prior to adjournment, unless the City Council votes to suspend this rule.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Office of the City Clerk at (310) 802-5056 (voice) or (310) 546-3501 (TDD). Notification 36 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

The City Council minutes are prepared and ordered to correspond to the City Council Agenda. Agenda items can be taken out of order during the meeting.

Agenda items were considered in the order presented here.

A. PLEDGE TO THE FLAG

Dain Johnson, 5th Grade, Meadows Elementary School

B. ROLL CALL**C. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING**

I, Terri Aliabadi, Senior Deputy City Clerk, of the City of Manhattan Beach, California, state under penalty of perjury that this notice/agenda was posted on Friday, September 28, 2012 at or before 6:00 p.m., on the City's Website and on the bulletin boards of the City Hall and the Library.

Date: 09/28/2012 Signature: /s/ Terri Aliabadi

D. CLOSED SESSION ANNOUNCEMENT

E. CEREMONIAL CALENDAR

- 1 Recognition of Two Distinguished Olympians as Recipients of the Mayor's I Heart MB Award. [12-0235](#)
PRESENT
- 2 Recognition of Millie Newton and Charlotte Lesser of Neighborhood Watch as Distinguished Recipients of the Mayor's I Heart MB Award. [12-0211](#)
PRESENT
- 3 Recognition of Kate Nelson as a Distinguished Older Adult Recipient of the Mayor's I Heart MB Award. [12-0220](#)
PRESENT

F. CONSENT CALENDAR (ITEM NOS. 4 - 15)

NOTICE TO THE PUBLIC - The "Consent Calendar" adopting the printed Recommended City Council Action will be enacted with one vote. The Mayor will ask the City Councilmembers, the public, and the staff if there is anyone who wishes to remove any item from the "Consent Calendar" for discussion and consideration. The matters removed from the "Consent Calendar" will be considered individually at the end of this Agenda under "Items Removed from the Consent Calendar." At that time, any member of the audience may comment on any item pulled from the "Consent Calendar." The entire "Consent Calendar," with the exception of items removed to be discussed under "Items Removed from the Consent Calendar," is then voted upon by roll call under one motion.

GENERAL CONSENT

4 Minutes: [12-0223](#)

This item contains minutes of City Council meetings which are presented for approval and minutes from City Council subcommittees and from other City commissions and committees which are presented to be received and filed by the City Council. Staff recommends that the City Council, by motion, take action to approve the minutes of the:

a) Regular City Council Meeting of September 4, 2012.

APPROVE

b) City Council Meeting (Closed Session) September 4, 2012.

APPROVE

c) Regular City Council Meeting of September 18, 2012.

APPROVE

d) City Council Meeting (Closed Session) of September 18, 2012.

APPROVE

e) Action Minutes, Planning Commission Meeting of September 12, 2012.

RECEIVE AND FILE

f) Draft Cultural Arts Commission Minutes of July, 10 2012.

RECEIVE AND FILE

g) Draft Cultural Arts Commission Minutes August 7, 2012.

RECEIVE AND FILE

h) Draft Parks and Recreation Minutes of August 27, 2012.

RECEIVE AND FILE

Attachments: [Attachment 1 - Regular City Council Meeting of September 4, 2012](#)
[Attachment 2 - City Council Meeting \(Closed Session\) of September 4, 2012](#)
[Attachment 3 - Regular City Council Meeting of September 18, 2012](#)
[Attachment 4 - City Council Meeting \(Closed Session\) of September 18, 2012](#)
[Attachment 5 - Action Minutes, Planning Commission Meeting of September 12, 2012](#)
[Attachment 6 - Draft Cultural Arts Commission Minutes of July, 10 2012](#)
[Attachment 7 - Draft Cultural Arts Commission Minutes August 7, 2012](#)
[Attachment 8 - Draft Parks and Recreation Minutes of August 27, 2012](#)

5 Monthly Financial Reports: [12-0221](#)

1) Ratification of Demands: September 27, 2012

APPROVE

2) Investment Portfolio for the Month Ending August 31, 2012

RECEIVE AND FILE

3) Financial Reports for the Month Ending August 31, 2012

RECEIVE AND FILE

Attachments: [Attachment 1 - Warrant Registers for September 27, 2012](#)
[Attachment 2 - Investment Portfolio for the Month Ending August 31, 2012](#)
[Attachment 3 - Financial Reports for the Month Ending August 31, 2012](#)

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- 6 Resolution No. 12-6397 Clarifying the City Council's Policy Delegating Tort Liability Claims Handling Responsibilities and the City Manager's Settlement Authority For Claims Under \$25,000 and Repealing Resolutions 4881 and 5342. [RES 12-6397](#)
ADOPT RESOLUTION NO. 12-6397
Attachments: [Attachment 1 - Resolution No. 12-6397](#)
[Attachment 2 - Resolution No. 4881](#)
[Attachment 3 - Resolution No. 5342](#)
- 7 Reaffirmation of the City's Commitment to Open Government and to Compliance with the Brown Act [12-0241](#)
APPROVE
- 8 Monthly Status Update of Strategic Plan Goals and Objectives [12-0242](#)
RECEIVE AND FILE
Attachments: [Attachment 1 - City of Manhattan Beach Strategic Plan Matrix](#)
- 9 Request to Reinstate Partial Funding of \$10,000 to Arts Manhattan for Two Art Exhibitions at the Creative Arts Center, and Appropriate \$10,000 from the Public Art Trust Fund. [12-0237](#)
APPROVE
Attachments: [Attachment 1 - Public Arts Trust Fund Report as of August 31, 2012](#)
[Attachment 2 - Request Letter from Arts Manhattan](#)
- 10 Request for a One-Year Time Extension of a Master Use Permit and Associated Applications for 1000-1008 Sepulveda Boulevard (1008 Investment Group, LLC) RECEIVE AND FILE [12-0230](#)
Attachments: [Attachment 1 - Planning Commission Minutes excerpt, dated 9/12/12](#)
[Attachment 2 - Planning Commission Staff Report and attachments, dated 9/12/](#)
- 11 Final Progress Payment in the Net Amount of \$272,723.16 to Martinez Concrete, Inc. for the Section 7 (Longfellow Avenue to 45th Street, Valley Drive/Blanche Road to The Strand) Concrete Repair Project; Acceptance of the Section 7 Concrete Repair Project as Complete; and Filing of the Appropriate Notice of Completion and Release of Retention in the Amount of \$31,875.06 [12-0164](#)
APPROVE
Attachments: [Attachment 1 - Fiscal Implications](#)
[Attachment 2 - Map of Section 7 Concrete Repair Locations](#)

Legislative History

9/30/12

City Council

continued

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- 12** Purchase of One Replacement Loader/Backhoe for the Public Works Department from Case Power and Equipment in the Amount of \$104,283.64. [12-0240](#)
APPROVE
- 13** Award a Construction Contract to Vido Samarzich, Inc. in the Amount of \$1,059,500 for the Fiscal Year 2012-13 Water Main Replacement and Fire Hydrant Installation Project (Area1, Hill Section; 8th, 9th, 10th, 11th and John Streets; and Highview, Pacific and Poinsettia Avenues); and Award a Professional Engineering Services Contract to Willdan Engineering in the Amount of \$90,000 for Construction Inspection Services. [12-0233](#)
APPROVE
- Attachments:** [Attachment 1 - Budget, Expenditures, Locations and Bid Results](#)
[Attachment 2 - Map of Area 1, Hill Section; 8th, 9th, 10th, 11th and John Streets](#)
[Attachment 3 - Construction Contract with Vido Samarzich, Inc.](#)
[Attachment 4 - Professional Engineering Services Agreement with Willdan Engi](#)
- 14** Contract Extension to AKM Consulting Engineers, Inc. for Sewer System Engineering Services in the Amount of \$97,946 for the First Year; with a Second Year Price Adjustment Dependent on the Consumer Price Index. [12-0207](#)
APPROVE

Attachments: [Attachment 1 - Proposal for Sewer System Engineering Services from AKM Cor](#)

BOARDS AND COMMISSIONS

Planning Commission

- 15** Resolution No. 12-6405 Approving a Variance from Building Height Standards to Enclose a Balcony at an Existing Three-Family Residence at 2505 Crest Drive. [RES 12-6405](#)
ADOPT RESOLUTION NO. 12-6405

Attachments: [Attachment 1 - Resolution No. 12-6405](#)

G. COMMUNITY ANNOUNCEMENTS (One Minute Per Person)

This portion of the meeting is to provide an opportunity for citizens to address the City Council regarding community announcements. The duration for an individual speaking under "Community Announcements" is limited to one minute. A second, extended opportunity to speak is provided under "Audience Participation." While all comments are welcome, the Brown Act does not allow City Council to take action on any item not on the agenda. Please complete the "Request to Address the City Council" card by filling out your name, city of residence, and returning it to the City Clerk. Thank you!

H. AUDIENCE PARTICIPATION (Three Minutes Per Person)

Citizens may address the City Council regarding any item of City business not on the agenda. The duration for an individual speaking under "Audience Participation" is limited to three minutes. While all comments are welcome, the Brown Act does not allow City Council to take action on any item not on the agenda. Please complete the "Request to Address the City Council" card by filling out your name, city of residence, and returning it to the City Clerk. Thank you!

I. PUBLIC HEARINGS**J. GENERAL BUSINESS**

- 16** Report on the 2012 International Surf Festival's Charlie Saikley Six-Man Beach Volleyball Tournament; Discussion of Moving Next Year's Event to Wednesday July 31 and Thursday August 1, 2013; Authorize the City Manager to Negotiate and Execute a New Sponsorship Agreement with Beachsport for the 2013 Event [12-0201](#)
RECEIVE AND FILE, DISCUSS AND PROVIDE DIRECTION

Attachments: [Attachment 1 - Six Man 2012 Operational Costs & 2013 Estimates](#)

- 17** Review and Discussion of City Council Meeting Management Procedures [12-0232](#)
DISCUSS AND PROVIDE DIRECTION

Attachments: [Attachment 1 - Resolution No. 6203](#)

[Attachment 2 - Resolution No. 6364](#)

[Attachment 3 - Meeting Management Tips for Public Officials by Richards, Wats](#)

K. ITEMS REMOVED FROM THE CONSENT CALENDAR

Items removed from the Consent Calendar will be discussed individually at this time. There is a three minute time limit per person for speakers addressing these issues. The audience may comment on any of these matters, however for Public Hearing items, testimony will be limited to arguments about whether or not the item should be appealed -- the merits of the case will not be discussed.

L. CITY MANAGER REPORT(S)**M. OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS****N. ADJOURNMENT****O. FUTURE MEETINGS****CITY COUNCIL MEETINGS**

Oct. 8, 2012 – Monday – All Day – City Hall Closed - Columbus Day Holiday
Oct. 16, 2012 – Tuesday – 6:30 PM – City Council Meeting
Nov. 6, 2012 – Tuesday – 6:30 PM – City Council Meeting
Nov. 12, 2012 – Monday – All Day – City Hall Closed - Veterans Day Holiday
Nov. 20, 2012 – Tuesday – 6:30 PM – City Council Meeting
Nov. 22 & 23, 2012 – Thursday & Friday – All Day – City Hall Closed - Thanksgiving Holiday
Dec. 4, 2012 – Tuesday – 6:30 PM – City Council Meeting
Dec. 18, 2012 – Tuesday – 6:30 PM – City Council Meeting
Dec. 25, 2012 – Tuesday – All Day – City Hall Closed - Christmas Day Holiday

BOARDS, COMMISSIONS AND COMMITTEE MEETINGS

Oct. 9, 2012 – Tuesday – 6:00 PM – Cultural Arts Commission
Oct. 10, 2012 – Wednesday – 6:30 PM – Planning Commission
Oct. 22, 2012 – Monday – 6:30 PM – Parks & Recreation Commission
Oct. 24, 2012 – Wednesday – 6:30 PM – Planning Commission
Oct. 25, 2012 – Thursday – 6:30 PM – Parking & Public Improvements Commission
Nov. 12, 2012 – Monday - 6:30 PM - Library Commission
Nov. 13, 2012 – Tuesday - 6:00 PM - Cultural Arts Commission
Nov. 14, 2012 – Wednesday - 6:30 PM - Planning Commission
Nov. 22, 2012 – Thursday- 6:30 PM - Parking & Public Improvements Commission
Nov. 26, 2012 – Monday - 6:30 PM - Parks & Recreation Commission
Nov. 28, 2012 – Wednesday - 6:30 PM - Planning Commission
Dec. 10, 2012 – Monday- 6:30 PM - Library Commission
Dec. 11, 2012 – Tuesday - 6:00 PM - Cultural Arts Commission
Dec. 12, 2012 – Wednesday- 6:30 PM - Planning Commission
Dec. 24, 2012 – Monday - 6:30 PM - Parks & Recreation Commission
Dec. 26, 2012 – Wednesday - 6:30 PM - Planning Commission
Dec. 27, 2012 – Thursday - 6:30 PM - Parking & Public Improvements Commission

*Please Note That Meeting Dates Are Subject To Change;
Plus Additional Meetings May Arise After The Posting of This Agenda.*

*To Subscribe To Receive Agenda Notices By e-mail,
Please Visit the City Website at www.citymb.info*

**CITY OF MANHATTAN BEACH
CLOSED SESSION AGENDA
TUESDAY, OCTOBER 2, 2012 - 4:30 P.M.
CITY COUNCIL CHAMBERS
1400 HIGHLAND AVENUE
MANHATTAN BEACH, CA 90266**

A. CALL MEETING TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT ON CLOSED SESSION AGENDA

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

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Government Code Section 54956.8)

Property: Approximately 5.13 acres located South of Parkview Avenue at

Village Drive: County Assessor Parcel Number 4138-26-900

City negotiators: City Manager; Larry Kosmont

**Negotiating parties: RREEF America REIT II Corporation and the City of
Manhattan Beach**

Under negotiation: Price and terms of payment

E. RECESS INTO CLOSED SESSION

F. RECONVENE INTO OPEN SESSION