

# City of Manhattan Beach

*1400 Highland Avenue  
Manhattan Beach, CA 90266*



## Meeting Minutes - Final

**Tuesday, November 20, 2012**

**6:00 PM**

**Regular Meeting**

**Council Chambers**

### **City Council**

*Mayor Wayne Powell*

*Mayor Pro Tem David J. Lesser*

*Councilmember Amy Howorth*

*Councilmember Richard P. Montgomery*

*Councilmember Nicholas W. Tell, Jr.*

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**

Mayor Powell, on behalf of the City Council, presented a certificate to Mary Dawson for leading the Pledge of Allegiance.

#### **B. ROLL CALL**

**Present:** 3 - Mayor Powell, Mayor Pro Tem Lesser and Councilmember Montgomery

**Absent:** 2 - Councilmember Howorth and Councilmember Tell

#### **C. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING**

*City Clerk Tamura confirmed the meeting was properly posted.*

#### **D. CLOSED SESSION ANNOUNCEMENT**

*City Attorney Barrow stated that of the three items considered in Closed Session, there was no action taken on Item No. 1 (Conference with Labor Negotiator); the City Council gave direction to the City Attorney regarding Item No. 2 (Conference with Legal Counsel - anticipated litigation); and there was no action taken on Item No. 3 (Conference with Legal Counsel - existing litigation).*

#### **E. APPROVAL OF AGENDA**

*No changes were made to the agenda at this time.*

#### **F. CEREMONIAL CALENDAR**

- 1 Recognition of the Mira Costa High School Robotics Team as a Distinguished Organization Recipient of the Mayor's I Heart MB Award. [12-0330](#)

##### **PRESENT**

*The Mira Costa High School Robotics Team was unable to attend this evening's meeting.*

- 2 Recognition of Richard M. Hoft for Attaining the Rank of Eagle Scout. [12-0351](#)

##### **PRESENT**

Mayor Powell, on behalf of the City Council, presented a commendation to Richard M. Hoft in recognition for achieving the rank of Eagle Scout.

**3 Recognition of Employee Service Awards, New Hires and Promotions**  
**PRESENT**

[12-0311](#)

*Public Works Director Jim Arndt introduced new Maintenance Worker Brett Barkley.*

*City Attorney Quinn Barrow introduced new Legal Secretary Kerry Dienelt.*

*City Manager Dave Carmany introduced newly promoted Senior Management Analyst Clay Curtin.*

*Human Resources Director Cathy Hanson recognized Human Resources Technician Susie Myers for 30 years of service to the City. She also recognized newly promoted Senior Management Bill Friedel.*

*Planning Manager Laurie Jester recognized Building Official Salim Kaddorah for 15 years of service to the City; Senior Building Inspector Arthur Quezada for 15 years of service (however, he was unable to attend);and introduced newly promoted Associate Planner Esteban Danna.*

*Fire Chief Bob Espinosa recognized Fire Captain/Paramedic James Muth for 15 years of service to the City.*

*Police Chief Eve Irvine recognized Police Officer Timothy Zins for 20 years of service to the City; Police Sergeant Brian Brown for 15 years of service (however, he was unable to attend);and Secretary Gabriele Pierluissi for 15 years of service (however, she was unable to attend). Chief Irvine also introduced new Police Officer Justin Hidalgo and newly promoted Police Lieutenants Ryan Small and Christian Eichenlaub.*

**G. COMMUNITY ANNOUNCEMENTS (One Minute Per Person)**

*George Butts announced a utility safety program entitled "Utility Safety in the Event of an Emergency" to be held at the Joslyn Community Center on Wednesday, November 28, 2012, from 7:00-9:00 p.m.*

*Viet Ngo spoke about stopping alleged corruption and discrimination. Mr. Ngo also announced his intention to run for City Council.*

*Mary Ann Varni, Downtown Manhattan Beach Business & Professional Association Executive Director, stated that December 7, is the actual birthday of the City and encouraged all to make it a local day to shop local and celebrate 100 years.*

*Mayor Powell thanked Mary Ann Varni and the Downtown businesses for the Holiday Open House.*

*Don Gould pointed out upcoming Library events.*

*Bill Victor stated his concerns regarding the pending library closure and asked about further plans regarding usage and events during the approximate two year construction period for the new library.*

*Mayor Powell responded that the City's website, [www.citymb.info](http://www.citymb.info), has an entire page devoted to the library project.*

*Leilani Emnace, Information Systems Manager, explained that there are eleven days remaining for residents to participate in the City's Website Survey and encouraged public feedback.*

*Mary Ann Varni, conveyed thanks for bagging the parking meters and encouraging residents to stay local.*

*Mayor Pro Tem Lesser announced a free community event entitled "Reflect on the Past, Give Meaning to the Future" to be held on Saturday, December 1, 2012, at the Joslyn Community Center.*

*Mayor Powell commended Mayor Pro Tem Lesser for the symposium and also Russ Lesser of Body Glove for sponsoring lunch at the event.*

*Councilmember Montgomery announced the Annual Beach Cities Toy Drive will have drop-offs at City Hall, the Police/Fire Facility, and the Chamber of Commerce. He noted that Manhattan Beach is chairing the "Wrapping Party" at 10:00 a.m. on Saturday, December 15, 2012, at the Joslyn Community Center and volunteers are needed to wrap packages.*

*Councilmember Montgomery also announced that he and Councilmember Tell will host a meeting tentatively scheduled for December 13, 2012, about the role of the City Council and serving as a Councilmember.*

*Mayor Powell announced that free flu shots are available on Wednesday, November 28, 2012, for older adults from 10:00 a.m. to 12:00 p.m. and Dial-a-Ride transportation is available.*

*Mayor Powell reported that through the efforts of Manhattan Beach residents and city officials, Broad Beach is no longer considering Manhattan Beach as a source for sand to replenish their beach.*

## H. AUDIENCE PARTICIPATION (Three Minutes Per Person)

*Craig Cadwallader thanked the City Council and city officials for looking out for the future of the city regarding the sand dredging issue. He also recognized and thanked City Manager Carmany for meeting in Calabasas to see how how officials there implement that city's no smoking ordinance.*

*Viet Ngo reiterated his allegations that he has been a victim of hate crimes and alleged crimes of the City Council and former City Manager.*

*Mayor Powell explained that the 1st amendment exists to protect free speech, but not to slander others.*

*Fyllis Kramer thanked the City Council for approving funds for the new Dial-a-Ride vehicles; discussed changes to the operating schedules now that we have the new vans; and asked the City Council to restore the hours for the drivers. She also presented an apple and honey stick courtesy of the Manhattan Beach Farmers Market.*

*Bill Victor praised librarian Don Gould; spoke about his desire for more open government meetings; and mentioned how hard it was to get information from some departments. He also noted that Parks and Recreation Director Gill has agreed to have staff organize a course for the public on using technology to gain information, save paper and promote open government.*

*Rachel Judson recognized Jack Zsu on his retirement from participating in the MB 10K run at the age of 91. Russ Lesser and others also recognized Jack and presented a poster with photos from the last 35 years.*

## I. CONSENT CALENDAR

*Mayor Pro Tem Lesser acknowledged Finance Director Moe for answering questions he had regarding the five-year Information Systems Master Plan.*

*Mayor Powell asked why the contract for Kronos Workforce Management was not approved as to form by the City Attorney. City Attorney Barrow stated that he signed off on it earlier this afternoon.*

*The Public pulled Item Nos. 4, 10, 15, and 16(j).*

**A motion was made by Councilmember Montgomery, seconded by Mayor Pro Tem Lesser, to approve the Consent Calendar with the exception of Item Nos. 4, 10, 15, and 16(j), which were considered later in the meeting under "Items Removed from the Consent Calendar."**

**The motion carried by the following vote:**

**Aye:** 3 - Powell, Lesser and Montgomery

- 5** Purchase of Fire Department Workforce Management Software in the Amount of \$35,776.25 and Supplemental Appropriation of \$12,025 from Unreserved General Funds.

[12-0347](#)

### **WAIVE FORMAL BIDDING, APPROVE, APPROPRIATE FUNDS**

**The recommendation for this item was approved on the Consent Calendar.**

- 6 Use Permit Amendment and Sign Exception for a Remodel and Modification to an Existing Religious Facility at 1829 Sepulveda Boulevard [12-0340](#)

**RECEIVE AND FILE**

The recommendation for this item was approved on the Consent Calendar.

- 7 Award of Bid for a Replacement Police Parking Control vehicle, a right hand drive Jeep Wrangler, from H.W. Hunter Inc. in the Amount of \$29,889.05 [12-0309](#)

**APPROVE**

The recommendation for this item was approved on the Consent Calendar.

- 8 Award of Bid for One Replacement Mobile Message Board and One Speed Display Trailer to lowest responsible bidder, MPH Products, in the Amount of \$32,523.85. [12-0350](#)

**APPROVE**

The recommendation for this item was approved on the Consent Calendar.

- 9 Purchase of Two Replacement Dial-A-Ride Buses from A-Z Bus Sales in the Amount of \$253,169.31; Appropriation of \$23,169.31 from Unreserved Measure R Fund Balance. [12-0352](#)

**APPROVE**

The recommendation for this item was approved on the Consent Calendar.

- 11 Final Payment in the Net Amount of \$81,700.00 to Harbor Construction Co. Inc.; Formal Acceptance of the Joslyn Center, Begg Pool Locker Room and Manhattan Heights Community Center Renovation Project as Complete; and, Authorization to File a Notice of Completion and Release Retention in the Amount of \$170,729.60. [12-0326](#)

**APPROVE**

The recommendation for this item was approved on the Consent Calendar.

- 12 Progress Payment No. 8 in the Net Amount of \$43,180.32 to John T. Malloy, Inc. for the 2011-2012 Water Main Replacement Project, Phase 1 [12-0329](#)

**APPROVE**

The recommendation for this item was approved on the Consent Calendar.

- 13 Monthly Status Update of Strategic Plan Goals and Objectives. [12-0337](#)
- RECEIVE AND FILE**

The recommendation for this item was approved on the Consent Calendar.

- 14 Ratification of Motor Fuel Purchase from Southern Counties Oil Co. in the Amount of \$27,541.06 [12-0327](#)  
**APPROVE**

The recommendation for this item was approved on the Consent Calendar.

## **J. PUBLIC HEARINGS**

## **K. GENERAL BUSINESS**

- 17 Status Report regarding Oversized Vehicle and Detached Trailer Regulations. [12-0319](#)  
**RECEIVE AND FILE**

*The following individuals spoke on this item:*

*Viet Ngo*

*Bill Victor*

**Mayor Powell directed that this item be received and filed. Hearing no objections it was so ordered.**

- 18 Presentation of the "Car2Go" Program by the South Bay Cities Council of Governments. [12-0333](#)  
**DISCUSS AND PROVIDE DIRECTION**

*The following individuals spoke on this item:*

*Jackie Bacharach, South Bay Cities Council of Governments Executive Director*

*Walter Rosenkranz, Car2Go's Development Manager*

*Bill Victor*

*Jacque May*

*Mary Ann Varni, Downtown Manhattan Beach Business & Professional Association Executive Director*

*Cheryl Yee*

**The City Council requested further outreach to local businesses regarding this item; a public workshop was suggested. It was directed that this item receive further study before being presented again for City Council consideration.**

*At 7:27 p.m. the City Council recessed when Councilmember Montgomery stepped out of the room and then reconvened at 7:28 p.m. with Councilmember Montgomery, Mayor Pro Tem Lesser and Mayor Powell present.*

**L. ITEMS REMOVED FROM THE CONSENT CALENDAR**

- 4** Contract for the Development of a Five-Year Information Systems Master Plan to NexLevel Information Technology, Inc. in an Amount not to Exceed \$63,260; Appropriation of \$63,260 from the Information Systems Fund Unreserved Balance. [12-0348](#)

**APPROVE & APPROPRIATE**

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

**A motion was made by Councilmember Montgomery, seconded by Mayor Pro Tem Lesser, that this item be approved.**

**The motion carried by the following vote:**

**Aye:** 3 - Powell, Lesser and Montgomery

- 10** Purchase of Four Replacement Police Parking Control Vehicles from The Electric Car Company of Long Beach in the Amount of \$152,611.61 and Supplemental Appropriation of \$19,200 from the AB 2766 (Motor Vehicle Registration Fee) Subvention Fund. [12-0349](#)

**WAIVE FORMAL BIDDING, APPROVE, APPROPRIATE**

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

**A motion was made by Councilmember Montgomery, seconded by Mayor Pro Tem Lesser, that this item be approved.**

**The motion carried by the following vote:**

**Aye:** 3 - Powell, Lesser and Montgomery

- 15** Financial Reports: [12-0305](#)  
a) Schedule of Demands: November 6, 2012  
b) Payroll Register: November 8, 2012

**RATIFY, RECEIVE AND FILE**

*The following individuals spoke on this item:*  
*Bill Victor*  
*Viet Ngo*

**A motion was made by Councilmember Montgomery, seconded by Mayor Pro Tem Lesser, that this item be approved.**

**The motion carried by the following vote:**

**Aye:** 3 - Powell, Lesser and Montgomery



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Minutes:

[12-0332](#)

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) City Council Closed Session Meeting of August 21, 2012.

**APPROVE**

b) City Council Closed Session Meeting of November 6, 2012.

**APPROVE**

c) City Council Regular Meeting of November 6, 2012.

**APPROVE**

d) Draft Cultural Arts Commission Meeting of August 14, 2012.

**RECEIVE AND FILE**

e) Draft Cultural Arts Commission Meeting of September 11, 2012.

**RECEIVE AND FILE**

f) Draft Cultural Arts Commission Meeting of September 14, 2012.

**RECEIVE AND FILE**

g) Draft Cultural Arts Commission Special Meeting of October 9, 2012.

**RECEIVE AND FILE**

h) Draft Cultural Arts Commission Meeting of October 9, 2012.

**RECEIVE AND FILE**

i) Draft Cultural Arts Commission Meeting of October 25, 2012.

**RECEIVE AND FILE**

j) Draft Centennial Foundation Meeting of October 29, 2012.

**RECEIVE AND FILE**

*The following individuals spoke on this item:*

*Bill Victor*

*Viet Ngo*

*City Manager Carmany responded to Mr. Victor that the word "resident" will be removed from the October 29, 2012, Centennial Foundation minutes following Mr. Victor's name, as he is a resident of the state of New York.*

*City Attorney Barrow pointed out that the only minutes that the City Council actually approves are the City Council minutes. All other Commissions and Committees minutes are provided for information purposes only. Therefore, the correction to Mr. Victor's comment will be forwarded to the Centennial Foundation for them to correct.*

**Mayor Powell directed that this item be received and filed. Hearing no objection it was so ordered.**

**M. CITY MANAGER REPORT(S)**

*City Manager Carmany reported that staff will host a meeting for Sepulveda Boulevard businesses on Thursday, November 29, 2012, to discuss the idea of forming a Business Improvement District for the corridor.*  
*He reported that Ron Laursen, formerly with Riverside County/Cal Fire, has been hired as the City's new Fire Battalion Chief.*  
*He added that the ribbon cutting ceremony for Manhattan Heights should take place late next week.*

**N. OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS****O. ADJOURNMENT**

*At 9:55 p.m. the Regular City Council Meeting of November 20, 2012, was duly adjourned, to the 4:00 p.m., December 4, 2012, City Council Meeting (Closed Session) in the City Council Chambers.*