

# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266



## Meeting Minutes - Final

Tuesday, December 18, 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.*

**A. PLEDGE TO THE FLAG**

1. Recognition of Peter Zinsli as a Distinguished Youth Recipient of the Mayor's I Heart MB Award.

[12-0392](#)

**PRESENT**

**Peter Zinsli was unable to attend the meeting therefore Lauren Davis from Manhattan Beach Middle School led the Pledge of Allegiance.**

**B. ROLL CALL**

**Present:** 5 - Mayor Powell, Mayor Pro Tem Lesser, Councilmember Howorth, Councilmember Montgomery and Councilmember Tell

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

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

**D. CLOSED SESSION ANNOUNCEMENT**

*City Attorney Barrow announced that there were two Closed Session items: on Item No. 1 (Conference with Labor Negotiator) the City Council gave direction to the negotiator. On Item No. 2 (Conference with Legal Counsel {Existing Litigation}) the City Council unanimously voted to authorize a settlement and the terms are: that Geoff Dolan will pay the city \$38,800 and dismiss his lawsuit and each party will pay its own costs. This settlement is a very well earned victory for the city which stood firm against the lawsuit without any further expenditure of public money. This agreement requires Mr. Dolan to dismiss the lawsuit and make a substantial payment to the city. There are three factors involved in this decision to bring this litigation to an end. First, without any further cost and expense, the city will recoup \$38,800 of the \$45,187 awarded to the city. Collection of this judgment would otherwise have been costly as the city was forced to pursue collection in two states: California and Colorado, where Mr. Dolan currently lives. Second, this agreement awards the cost and risk of defending the city's victory on appeal. The cost of appeal is estimated at \$50,000. Finally and most importantly, this agreement brings closure to the litigation and allows the city, its residence and city staff to move forward. There were no other reports or action taken and that concludes the report on the closed session.*

**E. APPROVAL OF AGENDA**

*City Manager Carmany noted that he had received a thoughtful email from a resident concerning Agenda Item No. 12 (Report on the Crossing Guard Study Conducted at Herrin Avenue at 18th Street), and asked that it be removed from the agenda and referred to the staff and the Parking and Public Improvements Commission for further consideration.*

**F. CEREMONIAL CALENDAR**

2. Presentation of Certificates to the Winners of the 2012 Manhattan [12-0288](#)  
Beach Library Children's Bookmark Contest.

**PRESENT**

Mayor Powell, on behalf of the City Council, presented certificates to Brodie Fix, Caroline McQuiggan Chloe Blakey, Joanne Qi, Kate Allen, Kate Morley, Katherine Pasterczyk, Kayla Samim, Kiana Yuhl, Maddy Pieronek, Malia Yuhl, Marco Burstein, Natalia Burnett, Nicolette Ayoub, Sofia Varieschi and Yuka Noda as winners of the 2012 Manhattan Beach Library Children's Bookmark Contest.

3. Recognition of American Youth Soccer Association (AYSO) as a [12-0399](#)  
Distinguished Organization Recipient of the Mayor's I Heart MB Award.

**PRESENT**

Mayor Powell, on behalf of the City Council, presented a commendation to Russ Allen on behalf of the American Youth Soccer Organization as a Distinguished Organization Recipient of the Mayor's I Heart MB Award.

4. Recognition of Manhattan Beach Youth Athletics as a Distinguished [12-0400](#)  
Organization Recipient of the Mayor's I Heart MB Award.

**PRESENT**

Mayor Powell, on behalf of the City Council, presented a commendation to Jeff Brunner, President of Manhattan Beach Youth Athletics, and Erin DeBaets, President of Manhattan Beach Girl's Softball, as a Distinguished Organization Recipient of the Mayor's I Heart MB Award.

5. Annual City Recognition of Longstanding Local Businesses [12-0401](#)

**PRESENT**

Mayor Powell, on behalf of the City Council, presented certificates and recognized Longstanding Local Businesses including those with 20 and 40 years of continuous business operations.

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

*Viet Ngo wished everyone Happy Holidays and about alleged public corruption.*

*Manhattan Beach Library Manager Don Gould extended greetings for Happy Holidays and a Happy New Year. He noted the library's holiday hours and announced that Storytime signups will begin on January 7, 2013.*

*Councilmember Montgomery thanked the City Council and voters for supporting the El Camino Community College Bond Measure E which passed by a 2-1 margin and congratulated Al Muratsuchi as the new State Assembly member. Councilmember Montgomery thanked the sponsors of the Manhattan Beach Fireworks; the second fireworks show for the 100th anniversary celebration; and the Air Force, although their flyover was cancelled due to the weather.*

*Mayor Powell commended Mira Costa and its choirs for a great performance Monday night and noted that the bands will also be performing this Thursday, December 20, 2012 in the Mira Costa auditorium. The Mayor thanked City staff and employees for their hard work and dedication to duty, and thanked the other members of the City Council, and the public for contributing to the success of Manhattan Beach.*

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

*Lauren Davis, a 6th grader attending Manhattan Beach Middle School, spoke about the recent tragedy in Sandy Hook, Connecticut. She announced her petition to ban the sale of assault rifles and semi-automatic weapons and asked the City Councilmembers to sign it in support.*

*Viet Ngo spoke about alleged public corruption and alleged misuse of public funds, and noted his opposition to the Geoff Dolan settlement agreement.*

*Patrick McBride handed out calendars with select paintings by older adults.*

*Gerry O'Connor requested legal costs of the Geoff Dolan matter.*

## I. CONSENT CALENDAR

*Item No. 7, the Willdan traffic engineering contract, was pulled from the consent calendar by a member of the public.*

**A motion was made by Councilmember Montgomery, seconded by Councilmember Tell, that this item be approved, with the exception of Item No. 12 which was continued to a future City Council meeting. The motion carried by the following vote:**

**Aye:** 5 - Tell, Montgomery, Howorth, Lesser and Powell

6. Award of Contract to Mia Lehrer + Associates in an amount [12-0381](#)  
not-to-exceed \$37,230 for the Development of a Landscape Master  
Plan for Veterans Parkway.

### **APPROVE & APPROPRIATE**

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

8. Amendment No. 5 to the Joint Powers Agreement No. 83-100 for the [12-0377](#)  
Workforce Investment Board

### **APPROVE**

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

9. Ratification of Motor Fuel Purchase from Southern Counties Oil Co. in the Amount of \$27,051.32 [12-0376](#)  
**APPROVE**

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

10. Progress Payment No. 1 in the Net Amount of \$144,018.34 to Vido Samarzich, Inc. 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) [12-0386](#)  
**APPROVE**

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

11. Progress Payment No. 5 in the Net Amount of \$91,845 to Ramona, Inc. for the 2011-2012 Sewer Main Rehabilitation Project, Phase 1 [12-0385](#)  
**APPROVE**

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

12. Crossing Guard Study Concerning Herrin Avenue at 18th Street [12-0396](#)

**REFER THE PROPOSED TRAFFIC IMPROVEMENTS TO THE  
PARKING AND PUBLIC IMPROVEMENTS COMMISSION FOR  
REVIEW AND RECOMMENDATION**

This Consent - Staff Report was continued.

13. Resolution Amending the Joint Powers Agreement with the Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force Joint Powers Agreement [RES 12-6432](#)  
**ADOPT RESOLUTION NO. 12-6432**

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

15. Resolution Accepting 2010 State Homeland Security Grant Funds in the Amount of \$86,756; Purchase of Three Automated License Plate Readers from 3M in an Amount Not to Exceed \$54,756; Purchase of Communication Equipment from South Bay Regional Public Communications Authority in an Amount Not to Exceed \$32,000. [RES 12-6430](#)  
**ADOPT RESOLUTION NO. 12-6430; WAIVE FORMAL BIDDING;  
APPROPRIATE; APPROVE**

The recommendation for this item was approved and appropriated, formal bidding was waived, and Resolution was adopted on the Consent Calendar.

17. Financial Reports: [12-0384](#)  
a) Schedule of Demands: December 4, 2012  
b) Payroll Register: December 6, 2012  
**RATIFY, RECEIVE AND FILE**

The recommendation for this item was ratified, received and filed on the Consent Calendar.

## **J. PUBLIC HEARINGS**

## **K. GENERAL BUSINESS**

19. Results of the City Website Survey [12-0247](#)  
**RECEIVE AND FILE**

*Information Systems Manager Ennace provided a report to the City Council.*

*City Councilmember Howorth and Councilmember Tell asked that the 5-year IT Master Plan emphasize employee training.*

**This Gen. Bus. - Staff Report was received and filed**

20. Update regarding the Recently Adopted Los Angeles County Municipal Stormwater Permit [12-0367](#)  
**RECEIVE AND FILE**

*City Manager Carmany introduced the item and a report was provided to the City Council by Public Works Director Arndt and consultant Kathleen McGowan.*

**This Gen. Bus. - Staff Report was received and filed**

21. Refunding of Series 2004 Police & Fire Facility Project Certificates of Participation with an Estimated Present Value Savings of \$1.8 million, and Approval of Bank of America Merrill Lynch as Underwriter and Stradling Yocca Carlson & Rauth as Bond and Disclosure Counsel [12-0383](#)  
**APPROVE**

*Finance Director Moe provided a report to the City Council.*

*The City Council voted to approve the refunding of the certificates of participation and to approve Bank of America Merrill Lynch as underwriter and Stradling Yocca Carlson & Rauth as bond and disclosure counsel.*

**A motion was made by Councilmember Howorth, seconded by Councilmember Montgomery, that this item be approved. The motion carried by the following vote:**

**Aye:** 5 - Tell, Montgomery, Howorth, Lesser and Powell

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

7. Award of Five -Year Traffic Engineering Services Contract to Willdan Engineering (Estimated Annual Value of \$102,960); Appropriation of \$10,000 from the Unreserved General Fund Balance. [12-0363](#)

**APPROVE AND APPROPRIATE**

*Resident Gerry O'Conner expressed his support for the recommended action, and voiced his concern that this matter took such a long time to accomplish.*

**A motion was made by Councilmember Montgomery, seconded by Councilmember Tell, that this item be approved. The motion carried by the following vote:**

**Aye:** 5 - Powell, Lesser, Howorth, Montgomery and Tell

14. Agreement to Provide Law Enforcement Services to the City of Hermosa Beach as Requested [12-0397](#)

**APPROVE**

*Property owner Bill Victor expressed concern about the indemnity.*

**The City Council directed staff to conduct further research on the liability issues involved and to bring the item back on a future agenda if those issues can be resolved.**

16. Monthly Status Update of Strategic Plan Goals and Objectives. [12-0366](#)  
**RECEIVE AND FILE**

*Resident Gerry O'Connor criticized the report format. Both he and Property Owner Bill Victor offered suggestions and requested more public participation in the setting of Strategic Plan goals and objectives.*

**This Consent - Staff Report was received and filed.**

18. Minutes [12-0375](#)

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 December 4, 2012.

**APPROVE**

b) City Council Regular Meeting of December 4, 2012.

**APPROVE**

*Resident Gerry O'Connor liked that the City Manager employee performance evaluation occurred.*

**A motion was made by Councilmember Montgomery, seconded by Councilmember Tell, that this item be approved. The motion carried by the following vote:**

**Aye:** 5 - Tell, Montgomery, Howorth, Lesser and Powell

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

*City Manager Carmany announced that Jamie Banter in the Finance Department had completed her training as a Certified Revenue Officer. He also presented a video clip of a fire hydrant that had been sheared off in an automobile accident on December 17th near the 3100 Block of Sepulveda Boulevard. Finally, City Manager Carmany noted the upcoming City Council Strategic Plan meeting on Jan. 23rd and that the Manhattan Beach Residents Association will be hosting a City Council Candidates Forum on Feb. 7th in the City Council Chambers.*

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

*Mayor Pro Tem Lesser thanked Councilmember Montgomery for his leadership in the Annual Beach Cities Toy Drive.*

*Mayor Powell congratulated Sergeant Mark Mason for being named Police Officer of the Year and Barbara Rosenberger as Civilian Staff Member of the Year.*

**O. ADJOURNMENT**

*At 9:30 p.m. the Regular City Council Meeting of December 18, 2012, was duly adjourned, in memory of the victims of the Sandy Hook School shooting tragedy in Connecticut, to the 4:30 pm Closed Session on January 15, 2013 in the City Council Chambers.*