

City Council Meeting

Tuesday, September 18, 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

- 1 Recognition of Chloe Quevedo as a Distinguished Youth Recipient of the Mayor's I Heart MB Award. [12-0202](#)
PRESENT

Attachments: [Attachment 1 - I Heart MB Chloe Quevedo](#)

B. NATIONAL ANTHEM

- 2 Recognition of Lauren Bendig as a Distinguished Youth Recipient of the Mayor's I Heart MB Award. [12-0176](#)
PRESENT

Attachments: [Attachment 1 - I Heart MB Lauren Bendig](#)

C. ROLL CALL

D. 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 14, 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: 09/14/2012 Signature: /s/ Terri Aliabadi

E. CLOSED SESSION ANNOUNCEMENT**F. CEREMONIAL CALENDAR**

3 Recognition of a Distinguished Olympian as Recipient of the Mayor's I Heart MB Award. [12-0198](#)
PRESENT

4 Recognition of the Manhattan Beach Little League Junior All-Stars as Distinguished Youth Recipients of the Mayor's I Heart MB Award. [12-0192](#)
PRESENT

Attachments: [Attachment 1 - I Heart MB Manhattan Beach Little League Junior All Stars](#)

5 Recognition of Roberta Schreiner as a Distinguished Educator and Recipient of the Mayor's I Heart MB Award. [12-0193](#)
PRESENT

Attachments: [Attachment 1- I Heart MB Roberta Schreiner](#)

G. CONSENT CALENDAR

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

- 6** Minutes: [12-0194](#)
 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 Meeting (Closed Session) of August 21, 2012.
APPROVE
- b) City Council Special Meeting (Granicus Electronic Voting Training) of September 4, 2012.
APPROVE
- c) Action Minutes, Parking and Public Improvements Commission Meeting of August 23, 2012.
RECEIVE AND FILE
- d) Library Commission Meeting of August 13, 2012.
RECEIVE AND FILE
- e) Centennial Committee Meeting of May 21, 2012.
RECEIVE AND FILE
- f) Draft Ad Hoc Open Government Meeting of August 30, 2012.
RECEIVE AND FILE
- Attachments:** [Attachment 1 - 082112 Closed Session Minutes](#)
[Attachment 2 - 090412 Special Session Minutes \(Granicus Voting Training\)](#)
[Attachment 3 - Action Minutes, Parking and Public Improvements Commission Meeting of August 23, 2012](#)
[Attachment 4 - Library Commission Meeting of August 13, 2012](#)
[Attachment 5 - Centennial Meeting of May 21, 2012](#)
[Attachment 6 - Draft Ad Hoc Open Government Meeting of 083012](#)
- 7** Resolution No. 12-6386 Approval of the 2012 Conflict of Interest Code for the City of Manhattan Beach. [RES 12-6386](#)
 ADOPT RESOLUTION NO. 12-6386
- Attachments:** [Attachment 1 - Conflict of Interest Code](#)
- Legislative History**
- | | | |
|--------|----------------------|---------|
| 9/4/12 | City Council Meeting | adopted |
|--------|----------------------|---------|
- 8** Financial Reports: Ratification of Demands: September 13, 2012 [12-0128](#)
 APPROVE
- Attachments:** [Attachment 1 - Warrant Registers for 9/13/12](#)
- 9** Ratification of Motor Fuel Purchase from Southern Counties Oil Co. in the Amount of \$28,490.20 [12-0183](#)
 APPROVE
- Attachments:** [Attachment 1 - Gasoline and Biodiesel Fuel Comparison](#)

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- 10** Donation of Two Surplus All-Terrain Vehicles to the Los Angeles County Fire Department Lifeguard Division
APPROVE [12-0083](#)
- Attachments:** [Attachment 1 - LACOFD Lifeguard Division Donation request letter](#)
- 11** Grant Funded Purchase of One Replacement Sewer Jetter Truck for the Public Works Department from Plumbers Depot Inc. in the Amount of \$287,430.96.
APPROVE [12-0191](#)
- 12** Award of Three-Year Internet Services Provider Contract to Internap Network Services
(Estimated Annual Value of \$44,000)
APPROVE [12-0100](#)
- Attachments:** [Attachment 1 - Summary of New Internet Services Requested](#)
- 13** Award a Construction Contract to Blois Construction, Inc. (\$538,738) for the Greenbelt Low Flow Infiltration Project, Award a Professional Engineering Services Contract to Anderson Penna Partners, Inc. (\$72,220) for Construction Inspection Services, and Additional Appropriation (\$105,000)
APPROVE [12-0141](#)
- Attachments:** [Attachment 1 - Budget, Anticipated Expenditure and Bid Results](#)
[Attachment 2 - Project Site Map](#)
[Attachment 3 - Construction Contract with Blois Construction](#)
[Attachment 4 - Professional Services Agreement with Anderson Penna Partners](#)
- 14** A Proposed Scope of Work to Evaluate and Determine the Feasibility to Install Roundabouts on Valley Drive/Ardmore Avenue at the Intersections of 15th Street and Manhattan Beach Boulevard.
APPROVE [12-0166](#)
- Attachments:** [Attachment 1 - Request for Proposal: Roundabout Analysis and Feasibility Stud](#)
- 15** Status Update on the Pending Adoption of a New Municipal Stormwater Permit
RECEIVE AND FILE [12-0110](#)
- Attachments:** [Attachment 1 - LA Permit Group Fact Sheet](#)
[Attachment 2 - Article: "Draft Stormwater Permit Draws Cities Together..."](#)
- 16** Request for Proposal for Landscape Master Planning Services for the Veterans Parkway.
APPROVE [12-0195](#)
- Attachments:** [Attachment 1 - Draft Request for Proposal](#)

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- 17 Resolution No. 12-6403 Denying the Appeal of a Use Permit Amendment for an Existing Restaurant at 1605 North Sepulveda Boulevard (Hotdoggers). [RES 12-6403](#)
ADOPT RESOLUTION 12-6403

Attachments: [Attachment 1 - Resolution No. 12-6403](#)

[Attachment 2 - Resolution No. 6322 - Approved by City Council 07/05/2011](#)

H. COMMUNITY ANNOUNCEMENTS

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!

I. 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!

J. PUBLIC HEARINGS

- 18 Appeal of Planning Commission Denial of a Variance from Building Height Standards to Enclose a Balcony at an Existing Three-Family Residence at 2505 Crest Drive. [12-0173](#)

Attachments: [Attachment 1 - Resolution No. PC 12-05](#)

[Attachment 2 - Planning Commission Minutes excerpt, dated 6/13/12](#)

[Attachment 3 - Planning Commission Staff Report, dated 6/13/12](#)

[Attachment 4 - Applicant Appeal Request](#)

[Attachment 5 - Letters of Opposition Received](#)

K. GENERAL BUSINESS

- 19 Petition Requesting Construction of Sidewalk on Parkview Avenue from Park Way to Market Place [12-0197](#)
RECEIVE AND FILE, PROVIDE DIRECTION

Attachments: [Attachment 1 - Sidewalk Petition Signatures](#)

[Attachment 2 - Map of Parkview Ave between Village Dr and Market Pl](#)

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- 20** Aviation Boulevard Preliminary Engineering Study Final Report [12-0136](#)
RECEIVE AND FILE
- Attachments:** [Attachment 1 - Aviation Boulevard Preliminary Engineering Study-Final Report](#)
[Attachment 2 - Frequently Asked Questions Addendum](#)
[Attachment 3 - PPIC SR and Minutes 7/26/12 Aviation Blvd Bike Lanes](#)
[Attachment 4 - Public Comments Received](#)
- 21** Status Update from Creative Management Solutions - Barry Newton, [12-0157](#)
Consultant for Classification Portion of the Classification and
Compensation Study.
RECEIVE AND FILE
- Attachments:** [Attachment 1 - Classification Status Report dated 9/18/12](#)
- Legislative History**
- | | | |
|--------|----------------------|--------|
| 9/4/12 | City Council Meeting | tabled |
|--------|----------------------|--------|
- 22** Agreement with the Manhattan Beach Chamber of Commerce to provide [12-0196](#)
certain economic services in exchange for \$75,000, and a Lease
Agreement with the Chamber for property located at 425 15th Street.
APPROVE
- Attachments:** [Attachment 1 - Chamber of Commerce Agreement dated 7/1/1989](#)
[Attachment 2 - Fiscal Year 2012-2013 Funding Agreement](#)
[Attachment 3 - 10-Year Lease Agreement eff. 7/1/2012](#)

L. 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.

M. CITY MANAGER REPORT(S)

N. OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

- 23** Request from Councilmember Montgomery for City Council to Adopt [RES 12-6402](#)
Resolution 12-6402 supporting the passage of Measure E, El Camino
Community College District 2012 Facilities Bond.
ADOPT RESOLUTION 12-6402.
- Attachments:** [Attachment 1 - Resolution No. 12-6402.pdf](#)
[Attachment 2 - "Learn About Measure E" Handout](#)

- 24** Request from Councilmember Montgomery for the City Council to Adopt Resolution 12-6404 urging members of the Congress to pass and the White House to sign legislation to avert across-the-board Fiscal Year 2013 sequestration cuts.
ADOPT RESOLUTION NO. 12-6404.

[RES 12-6404](#)

Attachments: [Attachment 1 - Resolution 12-6404](#)

[Attachment 2 - Congressional Research Service Report: "The Federal Budget: I](#)

[Attachment 3 - US Conference of Mayors Letter](#)

O. ADJOURNMENT

P. FUTURE MEETINGS

CITY COUNCIL MEETINGS

Oct. 2, 2012 – Tuesday – 6:30 PM – City Council Meeting
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

Sept. 24, 2012 – Monday – 6:30 PM – Parks & Recreation Commission
Sept. 26, 2012 – Wednesday – 6:30 PM – Planning Commission
Sept. 27, 2012 – Thursday – 6:30 PM – Parking & Public Improvements Commission
Oct. 3, 2012 - Wednesday - 6:30 PM - Planning Commission
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

**CITY OF MANHATTAN BEACH
CLOSED SESSION AGENDA
TUESDAY, SEPTEMBER 18, 2012 - 5:30 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. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957)
Title: City Manager**

- 2. CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION)
(Government Code Section 54956.9(a))
Richard Van Skike vs. City of Manhattan Beach, WCAB# ADJ7867763**

- 3. CONFERENCE WITH LEGAL COUNSEL (ANTICIPATED LITIGATION)
(Government Code Section 54956.9(b))
A point has been reached where, in the opinion of the City Council on the
advice of the City Attorney, based upon existing facts and circumstances,
there is a significant exposure to litigation against the City.
Number of Cases: 1**

- 4. 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
City of Manhattan Beach
Under negotiation: Price and terms of payment**

E. RECESS INTO CLOSED SESSION

F. RECONVENE INTO OPEN SESSION