

# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266



## Meeting Minutes - Final

Tuesday, September 18, 2012

6:30 PM

Council Chambers

## City Council Meeting

*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**

- 1     [12-0202](#)         Recognition of Chloe Quevedo as a Distinguished Youth Recipient of the Mayor’s I Heart MB Award.  
**PRESENT**  
  
          Mayor Powell, on behalf of the Council, presented a certificate to Chloe Quevdo as a Distinguished Youth Recipient of the Mayor’s I Heart MB Award for leading the Pledge of Allegiance.

**B. NATIONAL ANTHEM**

- 2     [12-0176](#)         Recognition of Lauren Bendig as a Distinguished Youth Recipient of the Mayor’s I Heart MB Award.  
**PRESENT**  
  
          Lauren Bending was not able to attend the City Council Meeting.

**C. ROLL CALL**

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

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

*Senior Deputy City Clerk Aliabadi confirmed the meeting was properly posted.*

**E. CLOSED SESSION ANNOUNCEMENT**

*The City Attorney announced that the City Council met in Closed Session pursuant to specified sections of the Brown Act at 5:30 pm to discuss four separate items: (1) the public employment evaluation of the City Manager; (2) a conference with legal counsel regarding existing litigation in the name of Skike v. Manhattan Beach; (3) a conference with legal counsel regarding anticipated litigation, and (4) conference with real property negotiators regarding the property identified on the agenda. By two separate 5-0 votes, the City Council gave direction to the City Attorney on items (2) and (3). There was no other reportable action taken.*

**F. CEREMONIAL CALENDAR**

- 3      [12-0198](#)      Recognition of a Distinguished Olympian as Recipient of the Mayor's I Heart MB Award.  
**PRESENT**  
Mayor Powell, on behalf of the City Council, presented a certificate to Maria Sharapova as a Distinguished Olympian Recipient of the Mayor's I Heart MB Award.
- 4      [12-0192](#)      Recognition of the Manhattan Beach Little League Junior All-Stars as Distinguished Youth Recipients of the Mayor's I Heart MB Award.  
**PRESENT**  
Mayor Powell, on behalf of the City Council, presented a certificate to the Manhattan Beach Little League Junior All-Stars as Distinguished Youth Recipients of the Mayor's I Heart MB Award.
- 5      [12-0193](#)      Recognition of Roberta Schreiner as a Distinguished Educator and Recipient of the Mayor's I Heart MB Award.  
**PRESENT**  
Mayor Powell, on behalf of the City Council, presented a certificate to Roberta Schreiner as a Distinguished Educator Recipient of the Mayor's I Heart MB Award.

## G. CONSENT CALENDAR

*Councilmember Montgomery pulled Item No. 17.*  
*Councilmember Howorth pulled Item Nos. 14 and 16.*  
*Mayor Pro Tem Lesser pulled Item Nos. 13 and 15.*  
*The Public pulled Item Nos. 6 and 11.*

**A motion was made by Mayor Pro Tem Lesser, seconded by Councilmember Montgomery, that the Consent Calendar be approved with the exception of Item Nos. 6, 11, 13, 14, 15, 16 and 17, which were considered later in the meeting under Items Removed From the Consent Calendar.**  
**The motion carried by the following vote:**

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

## GENERAL CONSENT

- 7      [RES 12-6386](#)      Resolution No. 12-6386 Approval of the 2012 Conflict of Interest Code for the City of Manhattan Beach.  
**ADOPT RESOLUTION NO. 12-6386**  
A motion was made to approve the recommendation on the Consent Calendar.
- 8      [12-0128](#)      Financial Reports: Ratification of Demands: September 13, 2012  
**APPROVE**  
A motion was made to approve the recommendation on the Consent Calendar.

- 9      [12-0183](#)      Ratification of Motor Fuel Purchase from Merrimac Energy Group in the Amount of \$29,483.84  
**APPROVE**  
A motion was made to approve the recommendation on the Consent Calendar.
- 10      [12-0083](#)      Donation of Two Surplus All-Terrain Vehicles to the Los Angeles County Fire Department Lifeguard Division  
**APPROVE**  
A motion was made to approve the recommendation on the Consent Calendar.
- 12      [12-0100](#)      Award of Three-Year Internet Services Provider Contract to Internap Network Services  
(Estimated Annual Value of \$44,000)  
**APPROVE**  
A motion was made to approve the recommendation on the Consent Calendar.

## H. COMMUNITY ANNOUNCEMENTS

*Kate Nelson spoke about upcoming events for seniors.  
Don Gould spoke about library events.  
Carol Kwan, West Basin Municipal Water District Board Vice President, recognized local businesses with certificates.  
Information Services Manager Leilani Emnace spoke about the current city website survey available at [www.citymb.info](http://www.citymb.info).  
Viet Ngo spoke about the former City Manager.  
Bill Victor spoke about the city website survey.  
Councilmember Howorth spoke about the Mayor's Youth Council, recognition of Mira Costa High School Alumni, the upcoming Centennial Committee and Ad Hoc Open Government Subcommittee meetings and the city website survey.  
City Manager Carmany spoke about the agenda for the upcoming Open Government Ad Hoc Subcommittee meeting.  
Mayor Powell spoke about the upcoming Open Government Ad Hoc Subcommittee meeting.*

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

*Yury Gurvich spoke about political signs being stolen from his front yard.  
Waste Management Representative Stephone Paige spoke on Waste Management programs.  
Phil Reimert spoke about an amendment to the United States Constitution.  
Craig Cadwallader spoke about making the City Council Work Plan list available to the public, how to expedite meetings and better titles on Granicus documents.  
Mayor Powell requested additional Granicus actions.  
Bill Victor spoke about the financial warrant register.  
Gerry O'Connor spoke about the new Granicus agenda being cumbersome, meeting management, Waste Management and Community Announcements.  
Viet Ngo spoke about the misuse of public property and funds.*

A motion was made by Councilmember Montgomery, seconded by Councilmember Tell, to take Item No. 19 and Item No. 23 out of order. The motion carried by the following vote:

**Aye:** 3 - Tell, Montgomery and Howorth

**Nay:** 2 - Lesser and Powell

19 [12-0197](#)

Petition Requesting Construction of Sidewalk on Parkview Avenue from Park Way to Market Place

**RECEIVE AND FILE, PROVIDE DIRECTION**

*The following individual spoke on this item:*

*Bill Victor*

A motion was made by Councilmember Tell, seconded by Mayor Pro Tem Lesser to direct staff to develop guidelines, on an expedited basis, for prioritization of projects such as this, under the Non-Motorized Transportation project in the CIP Fund, and to work to provide a design for a sidewalk on Parkview Avenue from Park Way to Market Place.

The motion carried by the following vote:

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

23 [RES 12-6402](#)

Request from Councilmember Montgomery for City Council to Adopt Resolution 12-6402 supporting the passage of Measure E, El Camino Community College District 2012 Facilities Bond.

**ADOPT RESOLUTION 12-6402.**

*The following individuals spoke on this item:*

*Linda Beam  
Nathan Wofford  
Bill Victor  
Gerry O'Connor*

A motion was made by Councilmember Howorth, seconded by Councilmember Montgomery, to adopt Resolution 12-6402 supporting the passage of Measure E, El Camino Community College District 2012 Facilities Bond.

The motion carried by the following vote:

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

## J. PUBLIC HEARINGS

- 18      [12-0173](#)      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.

*Leonard Armato spoke about the deck area of his sister's home; how it constitutes a hardship due to a design defect and other issues.*

*Appellant Antonina Armato spoke about why the space in question is unusable.*

*Nancy Armato spoke about the deck being an architectural defect that runs 1/3 the length of her home.*

*Leonard Armato summarized the issues regarding the deck in question.*

*Mayor Powell opened the Public Hearing and the following individual spoke:  
Bill Victor*

*Leonard Armato provided his rebuttal.*

**A motion was made by Councilmember Montgomery, seconded by Councilmember Tell, to direct staff to prepare a resolution approving a variance from building height standards to enclose a balcony at an existing three-family residence at 2505 Crest Drive.**

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

**Aye:** 4 - Tell, Montgomery, Howorth and Powell

**Nay:** 1 - Lesser

## K. GENERAL BUSINESS

**The City Council unanimously agreed to take Item No. 21 out of order.**

- 21      [12-0157](#)      Status Update from Creative Management Solutions - Barry Newton, Consultant for Classification Portion of the Classification and Compensation Study.

**RECEIVE AND FILE**

*The following individuals spoke on this item:*

*Barry Newton, Consultant*

*Gerry O'Connor*

**The City Council unanimously directed staff to receive and file the status update from Creative Management Solutions - Barry Newton, consultant for the classification portion of the Classification and Compensation Study.**

*After 10:30 p.m. (the cut off for introduction of new agenda items), Resolution No. 6132 requires 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."*

**A motion was made by Councilmember Tell, seconded by Councilmember Montgomery, to continue the meeting past the 10:30 p.m. cut off; and proceed with Item No. 20.**

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

**Aye:** 4 - Powell, Howorth, Montgomery and Tell

**Nay:** 1 - Lesser

**20**      [12-0136](#)

Aviation Boulevard Preliminary Engineering Study Final Report  
**RECEIVE AND FILE**

*The following individuals spoke on this item:*

*Amir Bhamani of Speedy Mart  
Jim Fasola  
Katie McClure  
Gerry O'Connor  
Bill Victor  
Mike Don  
Sean Guthrie*

**The City Council unanimously directed staff to receive and file the Aviation Boulevard Preliminary Engineering Study Final Report as amended, removing Options No. 3 and No. 4 from the report, and to solicit feedback from the Police and Public Works departments on this item.**

**22**      [12-0196](#)

Agreement with the Manhattan Beach Chamber of Commerce to provide certain economic services in exchange for \$75,000, and a Lease Agreement with the Chamber for property located at 425 15th Street.

**APPROVE**

*The following individuals spoke on this item:*

*Jim O'Callahan, President & CEO Manhattan Beach Chamber of Commerce  
Deanne Chase, Chair Manhattan Beach Chamber of Commerce  
Bill Victor  
Gerry O'Connor  
Ron Miller*

**A motion was made by Councilmember Montgomery, seconded by Councilmember Howorth, to approve an agreement with the Manhattan Beach Chamber of Commerce to provide certain economic services in exchange for \$75,000, and a lease agreement with the Chamber for the property located at 425 15th Street.**

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

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

**L. ITEMS REMOVED FROM THE CONSENT CALENDAR****6**      [12-0194](#)

Minutes:

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**

*The following individuals spoke on this item:*

*Bill Victor*

*Gerry O'Connor*

**A motion was made by Mayor Pro Tem Lesser, seconded by Councilmember Montgomery, to approve the City Council minutes, and receive and file the minutes from the City Council Subcommittees, City Commissions and Committees.**

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

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

- 11      [12-0191](#)      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**

*The following individual spoke on this item:*

*Bill Victor*

**A motion was made by Councilmember Montgomery, seconded by Councilmember Howorth to waive formal bidding per Municipal Code Section 2.36.150 (cooperative purchasing); and approve authorizing the City Manager to award an order for one CNG (compressed natural gas) sewer jetter truck to Plumbers Depot Inc. in the amount of \$287,430.96.**

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

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

- 13      [12-0141](#)      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**

*There were no public comments received on this item.*

**A motion was made by Mayor Pro Tem Lesser, seconded by Councilmember Montgomery, to approve authorizing the City Manager to award a construction contract in the amount of \$538,738 to Blois Construction, Inc. for the Greenbelt Low Flow Infiltration Project; to approve authorizing the City Manager to approve additional work, if necessary, in an amount not-to-exceed \$54,000 (10%); to approve authorizing the City Manager to execute a professional engineering services contract with Anderson Penna Partners, Inc. in an amount not-to-exceed \$72,220 for construction inspection services; and to appropriate additional Stormwater Funds in the amount of \$105,000 for the project to approve recommendation on the Consent Calendar.**

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

**Aye:** 4 - Montgomery, Howorth, Lesser and Powell

**Nay:** 1 - Tell

- 14      [12-0166](#)      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**

*The following individuals spoke on this item:*

*Community Development Director Richard Thompson*

*Traffic Engineer Jack Rydell*

*Bill Victor*

*Lauren Nakano*

*Gerry O'Connor*

**A motion was made Councilmember Montgomery, seconded by Councilmember Tell, to approve the Request for Proposal and Scope of Work for the Roundabout Analysis and Feasibility Study. The motion carried by the following vote:**

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

- 15      [12-0110](#)      Status Update on the Pending Adoption of a New Municipal Stormwater Permit

**RECEIVE AND FILE**

*There were no public comments received on this item.*

**A motion was made by Mayor Powell, seconded by Councilmember Montgomery to receive and file this report. The motion carried by the following vote:**

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

- 16      [12-0195](#)      Request for Proposal for Landscape Master Planning Services for the Veterans Parkway.

**APPROVE**

*The following individuals spoke on this item:*

*Gerry O'Connor  
Bill Victor*

**A motion was made by Councilmember Montgomery, seconded by Mayor Pro Tem Lesser, to approve the Request for Proposal for Landscape Master Planning Services for the Veterans Parkway. The motion carried by the following vote:**

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

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

**ADOPT RESOLUTION 12-6403**

*The following individuals spoke on this item:*

*Sandy Saemann, Owner of Hotdoggers  
Bill Victor  
John Caliendo*

**A motion was made by Mayor Pro Tem Lesser, seconded by Councilmember Tell, to adopt Resolution 12-6403 denying a Use Permit Amendment for an Existing Restaurant at 1605 North Sepulveda Boulevard (Hotdoggers). The motion carried by the following vote:**

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

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

*City Manager Carmany spoke about a water main break in the 900 block of Ocean*

*Avenue; his upcoming knee surgery; and a small historical building that will moved to the City yard.*

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

*Mayor Powell reported that he attended the League of California Cities Annual Conference and submitted a written report and conference materials.*

*Mayor Pro Tem Lesser reported that also attended the League of California Cities Annual Conference and shared topics of interest.*

*Councilmember Montgomery echoed his attendance at the League of California Cities Annual Conference along with the City Manager, City Attorney, Fire Chief and Police Chief.*

**City Council held a discussion and unanimously directed staff to agendize “meeting management” at the next City Council meeting.**

- 24**      [RES 12-6404](#)      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.**

*The following individuals spoke on this item:*

*John Parsons, former Redondo Beach Councilmember  
Gerry O'Connor*

**A motion was made by Councilmember Montgomery, seconded by Councilmember Tell, to Resolution 12-6404 urging members of Congress to pass and the White House to sign, legislation to avert across-the-board Fiscal Year 2013 sequestration cuts and to develop a long-term budget compromise. The motion carried by the following vote:**

**Aye:** 4 - Tell, Montgomery, Howorth and Lesser

**Nay:** 1 - Powell

## **O. ADJOURNMENT**

*At 1:57 a.m. the Regular City Council meeting of September 18, 2012 was duly adjourned to the 4:30 p.m. City Council Meeting (Closed Session) to be followed by the 6:30 p.m. Regular City Council Meeting on Tuesday, October 18, 2012, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.*