

**CITY OF MANHATTAN BEACH
MINUTES OF THE CITY COUNCIL
REGULAR MEETING
MAY 4, 2010**

The Regular Meeting of the City Council of the City of Manhattan Beach, California, was held on the 4th day of May, 2010, at the hour of 6:45 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City. A full video of this City Council meeting can be accessed online at www.cityymb.info.

PLEDGE TO FLAG

Jose Rebollar and Jesse Lara led the pledge of allegiance.

ROLL CALL

Present: Tell, Powell, Cohen, Montgomery and Mayor Ward.
Absent: None.
Clerk: Tamura.

CEREMONIAL CALENDAR

05/04/10-1. Presentation of the "Persons of the Month" Award to Leo Lopez for His Work with Inner City Schools

Mayor Ward, on behalf of the City Council, presented a commendation to **Leo Lopez** in recognition of his work with Banning High School (mentoring students and encouraging them to make positive career choices).

05/04/10-2. Presentation of the "Persons of the Month" Award to Pat Whitehead for Her Diverse Community Volunteer Efforts

Mayor Ward, on behalf of the City Council, presented a commendation to **Pat Whitehead** in recognition of her diverse community volunteer efforts and dedication to guide dogs for the blind.

05/04/10-3. Presentation of a Proclamation to the Manhattan Beach Police Department Declaring May 9 – 15, 2010 as National Peace Officers' Memorial Week

Mayor Ward, on behalf of the Council, presented a proclamation to Police Chief Rod Uyeda declaring May 9-15, 2010, as "National Peace Officers' Memorial Week".

05/04/10-4. Presentation of a Proclamation to the Manhattan Beach Fire Department Declaring May 8, 2010 as Fire Service Recognition Day

Mayor Ward, on behalf of the Council, presented a proclamation to Fire Battalion Chief John Weber declaring May 8, 2010, as "Fire Service Recognition Day".

CONSENT CALENDAR

Prior to voting on the Consent Calendar, Mayor Pro Tem Montgomery clarified, regarding Agenda Item No. 17, that he has received some complaints from residents who have attended both the Planning Commission meeting and the Parking and Public Improvements Commission meeting

stating that it appears Commissioners are wanting to expand their scope of duties and that they believe they should have new duties of becoming a policy making body. Mayor Pro Tem Montgomery then reminded Commissioners that Council appreciates their civic duties, however, Commissioners must also read the Boards & Commissions Handbook and follow the responsibilities outlined in the handbook. He further indicated that if the Commissioners have a “problem” they should inform Council and Staff so that appropriate changes can be made.

Regarding Agenda Item No. 17, Councilmember Powell requested that the Action Minutes from the Planning Commission Meeting of April 28, 2010, be amended to reflect what the vote count was on the split decision.

Regarding Agenda Item No. 5, Councilmember Powell requested a modification to the Special City Council minutes of April 13, 2010. On Page 10, Paragraph 3, the Special City Council Meeting minutes of April 13, 2010, the following modification was made:

“Councilmember Powell indicated that he feels the proposal by staff is a reasonable solution. He commented that he would not want to close the ~~park~~ sand dune without first exhausting every reasonable option. He said that adjacent neighbors should not be subjected to excess usage, noise, pollution and traffic resulting from people using the ~~park~~ sand dune, and he hopes that the proposal would accomplish that goal.”

The Consent Calendar (Item Nos. 5 through 17), consisting of items under *General Consent* and *Boards and Commissions*, was approved by motion of Mayor Pro Tem Montgomery, seconded by Councilmember Powell and passed by unanimous roll call vote.

Ayes: Tell, Powell, Cohen, Montgomery and Mayor Ward.
Noes: None.
Absent: None.
Abstain: None.

GENERAL CONSENT

05/04/10-5. Approve Minutes of the City Council Special Meeting of April 13, 2010

The Council approved the subject minutes, as amended above.

05/04/10-6. Approve Minutes of the City Council Regular Meeting of April 20, 2010

The Council approved the subject minutes.

05/04/10-7. Approve Minutes of the City Council Adjourned Regular Boards and Commissions Interviews of April 27, 2010

The Council approved the subject minutes.

05/04/10-8. Approve Minutes of the Special City Council Meeting of April 27, 2010

The Council approved the subject minutes.

05/04/10-9. Consideration of Approving a Letter of Support for the Beach Cities Health District's Vitality City Application

The Council approved signing a letter of support for the Beach Cities Health District's Vitality City Application.

05/04/10-10. Consideration of Financial Reports:

a) Ratification of Demands: April 29, 2010

b) Financial Reports for the Month Ending March 31, 2010

The Council approved with no exception Warrant Register No. 23B in the amount of \$1,967,292.14 in payment of ratification of demands and claims as prepared by the Director of Finance, together with the original demands and claims as prepared by said Warrant Register; and received and filed the Financial Reports for the month ending March 31, 2010.

05/04/10-11. Consideration of a Resolution Ordering Plans, Specifications, Cost Estimates and Engineer's Report for Annual Street Lighting Assessment

The Council adopted Resolution No. 6251.

05/04/10-12. Consideration of Award of a Five-Year Landscape Maintenance Services Contract to Merchants Landscape Services, Inc

The Council approved authorizing the Public Works Director to execute an agreement with Merchants' Landscape Services, Inc., for a five-year landscape maintenance services contract with an estimated annual value of \$524,160.

05/04/10-13. Approval of an Agreement with Psomas (\$85,965.00) for Construction Inspection Services for the 2007-10 Water Main Replacement Project

The Council approved an award of a Professional Engineering Services contract to Psomas in an amount not-to-exceed \$85,965 for construction inspection services.

05/04/10-14. Award of Contract (\$99,359.00) for the Strand and Live Oak Park Erosion Control Project to Atom Engineering Construction

The Council approved awarding a contract in the amount of \$99,359 for the Strand and Live Oak Park Erosion Control Project to Atom Engineering Construction and approved authorizing the Public Works Director to approve additional work in an amount not-to-exceed \$10,000.00 if required.

05/04/10-15. Consideration of the Approval of the Completed Manhattan Beach Sewer System Management Plan (SSMP) as Required by the State Water Resources Control Board (SWRCB) Order No. 2006.003

The Council approved the completed Sewer System Management Plan (SSMP) as required by the State Water Resources Control Board (SWRCB) Order No. 2006.003.

BOARDS AND COMMISSIONS

Cultural Arts Commission

05/04/10-16. Consideration of Draft Minutes, Cultural Arts Commission Meeting of April 13, 2010

The Council received and filed the subject draft minutes.

Planning Commission

05/04/10-17. Consideration of Action Minutes, Planning Commission Meeting of April 28, 2010

The Council received and filed the subject action minutes, as amended on page 2 of this document.

COMMUNITY ANNOUNCEMENTS

05/04/10-25. Vickie Ruch Re Manhattan Beach Community Emergency Response Team

Vickie Ruch, No Address Provided, commended Mayor Pro Tem Montgomery as well as Councilmembers Powell and Cohen for participating in Manhattan Beach's Community Emergency Response Team (CERT) and handed out fliers for the upcoming Manhattan Beach Fire Department CERT class in June.

05/04/10-26. David Kouchnerkavich Re Leadership Manhattan Beach Class Project

David Kouchnerkavich, No Address Provided, announced that Leadership Manhattan Beach has completed their project and that new signs and an updated sound system will be unveiled at the Roundhouse Aquarium on Saturday, May 15, 2010.

05/04/10-27. Viet Ngo Re Public Corruption & Violation of Brown Act

Viet Ngo, No Address Provided, stated that he is the founder of the "Equal Justice for all Task Force" and a victim of public corruption. He announced that a lawsuit has been filed regarding the City violating the Brown Act and further stated that he believes there was a misappropriation of funds.

05/04/10-28. James Gill Re Leadership Manhattan Beach Recruitment

Leadership Manhattan Beach Recruitment Director James Gill, asked interested parties to apply for next year's Leadership Manhattan Beach class by visiting www.leadershipmb.org.

05/04/10-29. Environmental Programs Manager Kalapura Re Solar Homes Tour and Toilet Exchange Program

Environmental Programs Manager Sona Kalapura encouraged residents to participate in two events: the 2nd Annual Solar Homes Tour (Saturday, May 8, 2010, from 9:30 a.m. to 2:30 p.m.) and the Toilet Exchange Program. She handed out fliers and directed residents to the City's website for more information: www.citymb.info.

05/04/10-30. Acting Community Development Director Jester Re Downtown Parking Management Plan Award

Acting Community Development Director Laurie Jester announced that the City won an International Award for the City's Downtown Parking Management Plan from the Institute of Transportation Engineers.

05/04/10-31. Councilmember Powell Re Congressional Art Exhibit

Councilmember Powell announced that a Congressional Art Exhibit will open on May 15, 2010, at the Creative Arts Center and that South Bay student participants have a chance to win a trip to the capital with their Congressional representative.

05/04/10-32. Councilmember Powell Re Grandview and Pacific School Awards

Councilmember Powell announced that Grandview and Pacific Elementary Schools were recognized as 2010 Distinguished Schools by the State of California.

05/04/10-33. Councilmember Powell Re American Martyrs Academic Decathlon Win

Councilmember Powell congratulated the American Martyrs Jr. High School teams on winning the Academic Decathlon.

05/04/10-34. Mayor Pro Tem Montgomery Re Grandview Elementary School

Mayor Pro Tem Montgomery, as the Council representative to Grandview Elementary School, announced that for the 3rd time, Grandview was recognized as a California Distinguished School.

05/04/10-35. Mayor Ward Re Coffee With the Mayor

Mayor Ward thanked residents who attended his "Coffee with the Mayor" on Tuesdays from 7:00 a.m. until 8:00 a.m. at Manhattan Bread and Bagel (1812 North Sepulveda) and announced that he would "tweet" if he is running late and that the public can follow him on Twitter: @MayorMitchWard.

05/04/10-36. Mayor Ward Re Air Force

Mayor Ward announced that the Department of the Air Force named him "Commander of an Infrared Division."

AUDIENCE PARTICIPATION

05/04/10-37. Viet Ngo Re Public Corruption

Viet Ngo, No Address Provided, explained that he is a victim and witness of public corruption. **Mr. Ngo** accused Councilmember Powell of meeting with a Waste Management Representative and stated that public monies were used to throw a party for former City Manager Geoff Dolan.

05/04/10-38. Michelle Murphy Re Evelyn Frye Nomination

Michelle Murphy, 4400 Block of the Strand, on behalf of the **Manhattan Beach Resident's Association (MBRA)**, thanked Council for nominating Evelyn Frye for the Older Adults Recognition Day Award.

05/04/10-39. Michelle Murphy Re MBRA and Plastic Bag Ban Appeal

Michelle Murphy, 4400 Block of the Strand, announced that the Manhattan Beach Residents Association (MBRA) voted to file an Amicus Brief in support of Manhattan Beach's Plastic Bag Ban Appeal.

05/04/10-40. Mike Pennings Re Downtown Parking Meter Installation

Mike Pennings, 100 Block of 12th Street, stated he was not properly notified of the downtown parking meter installation and presented a signed petition to Council.

05/04/10-41. Bob Perkins Re Thanked Mayor Ward and Councilmember Powell

Bob Perkins, 4400 Block of the Strand, thanked Mayor Ward and Councilmember Powell for their vote to survey the Undergrounding Utility Assessment Districts.

05/04/10-42. Councilmember Cohen Re Misinformation in the Letter to the Editor

In response to **Mr. Perkins** and **Mrs. Murphy**, Councilmember Cohen stated that the Letter to the Editor published in Thursday's Beach Reporter was "intellectually dishonest." She clarified that her opposition to resurveying Utility Undergrounding District 15 had everything to do with due process, and that the "intellectual dishonesty" was the omission of that statement in their letter. She further added that the letter included a disingenuous claim that the Council was heeding to threats, and that that statement simply is not true. While Councilmember Cohen added that she respects the intellect of **Mr. Perkins** and **Mrs. Murphy** and their effective advocacy for their position, she was disappointed that their letter was very misleading.

PUBLIC HEARINGS

05/04/10-18. Consideration of a Resolution to Approve a Coastal Development Permit for the Manhattan Beach Open Volleyball Tournament and Authorization for the City Manager to Execute an Agreement with the Association of Volleyball Professionals (AVP) to Co-Sponsor the 2010 Manhattan Beach Open to be Held August 19-22, 2010

Interim City Manager Richard Thompson introduced the subject item and Recreation Services Manager Mark Leyman provided the staff presentation with **AVP Representative Dave Williams** providing a formal statement.

Mayor Ward opened the Public Hearing at 7:52 p.m.

There were no requests to speak in this item.

Hearing no requests to speak, Mayor Ward closed the Public Hearing at 7:53 p.m.

MOTION: Mayor Pro Tem Montgomery moved to approve a Coastal Development Permit and Temporary Use Permit for the Manhattan Beach Open Volleyball Tournament; approve authorizing the City Manager to execute an agreement with the Association of Volleyball Professionals (AVP) to co-sponsor the 2010 Manhattan Beach Open to be held August 19-22, 2010; and adopt Resolution No. 6250. The motion was seconded by Councilmember Cohen and passed by the following roll call vote.

Ayes: Tell, Powell, Cohen, Montgomery and Mayor Ward.
Noes: None.
Absent: None.
Abstain: None.

AT 7:54 P.M. THE FOLLOWING ITEM WAS TAKEN OUT OF ORDER:

MOTION: Councilmember Cohen moved to consider Agenda Item No. 22 out of order. The motion was seconded by Mayor Pro Tem Montgomery and passed by the following unanimous roll call vote.

Ayes: Tell, Powell, Cohen, Montgomery and Mayor Ward.
Noes: None.
Absent: None.
Abstain: None.

RECESS AND RECONVENE

At 7:55 p.m. the Council recessed and reconvened at 8:03 p.m. with all Councilmembers present.

GENERAL BUSINESS

05/04/10-22. Discussion of Proposed Operational Changes for the 2010 Charlie Saikley 6-Man Volleyball Tournament

Mayor Ward introduced the subject item and Recreation Services Manager Mark Leyman provided the PowerPoint presentation with Parks and Recreation Director Richard Gill and Police Chief Rod Uyeda responding to Council questions.

The following individuals spoke on this item:

- **Dave Wachtfogel, No Address Provided**
- **Camille Shakkour, Hennessey's Restaurant**
- **Henry Hancock, No Address Provided**
- **Lani Lapidus, No Address Provided**
- **Marine Jake Roehl, No Address Provided**
- **Brian Brane, No Address Provided**
- **Jamie Redy, 41st Street**
- **Kevin Cleary, Manhattan Beach**
- **Dave Williams, Hermosa Beach**
- **Chris Brown, President of the California Beach Volleyball Association**
- **Jared Olson, Manhattan Beach**
- **Bob Samuelson, Manhattan Beach**

After a lengthy discussion Council approved staff's recommendations as identified in the staff report and also added some recommendations which resulted in the list of approved items below:

- Tournament date for Saturday, July 31, 2010 and Sunday, August 1, 2010.
- 9:00 a.m. start time on both days.
- Allow costumes, prohibit props.
- Keep Masters teams in their current location (will not move to the north side of the pier).
- The Open Division will be reduced by 20 teams.
- No minimum age for players.
- Create a comfort station area with local downtown food vendors.
- Create open areas to park bicycles.
- Launch a Public Relations Campaign to saturate the web with the message of no alcohol at the event and the new guidelines. This will include:
 - The AVP to send a video link and new 6-Man rules to their e-mail database and

- website;
- Add the Police Chief to the video clip with J Saikley reinforcing no alcohol;
 - Send e-mail blast to the 10,000+ CBVA database;
 - Send e-mail blast and have video link and new rules through the City website;
 - Post the video link and new rules on the International Surf Festival's website;
 - Post information on You Tube, Facebook, Blogs, etc.;
 - Send a press release to newspapers, radio stations, etc to reinforce no alcohol and new rules.
- The team pricing will remain as proposed:
 - Regular Open Division teams entry fee will be \$1,100 for up to 12 players with an additional \$100 per person thereafter;
 - Locally Sponsored Open Division teams entry fee will be \$2,500 for up to 20 players with an additional \$100 per person thereafter;
 - Masters teams will be \$500 for up to 20 players.
 - Require mandatory pre-event meeting for all team managers: Requirements to abide by new rules will be stressed.
 - Require a team representative with tournament ID tag in the team canopy/tent at all times.
 - Implement water/shade canopy stations to distribute water to participants/spectators.
 - Look into a possible player only tent/shade area.
 - Require each team member to wear a wristband.
 - Create clear guidelines for what items necessitate team being kicked out.
 - Prohibit large coolers into event site.
 - Install metal bicycle fencing around the entire perimeter.
 - Install bicycle fencing to separate tent spaces.
 - Double bicycle fencing on outer perimeter to protect for emergency access lanes.
 - Do not install 6' chain link fencing under the Pier.
 - Limit teams to one 10X10 canopy per team.
 - Prohibit unsealed beverage containers into the event and alcoholic beverages.
 - Eliminate all home furniture, structures, car batteries and gas generators.
 - Eliminate all sound systems on Saturday. Sunday bullhorns and amplified sound will be permitted.
 - No national sponsored teams will be allowed in the tournament.
 - Increase the portable restrooms at the Pier and downtown area N/S lots, walk streets and Vons parking lot.
 - Coordinate with taxi cab companies to shuttle people out of the downtown area.

Hearing no objection it was so ordered.

AT 9:45 P.M. THE FOLLOWING ITEM WAS TAKEN OUT OF ORDER:

MOTION: Councilmember Powell moved to consider Agenda Item No. 21 out of order. The motion was seconded by Councilmember Tell and passed by the following roll call vote.

Ayes: Tell, Powell, Montgomery and Mayor Ward.
 Noes: None.
 Absent: Cohen (Absent from dais from 9:44 p.m. – 9:49 p.m.).
 Abstain: None.

05/04/10-21. Presentation of a Waste Reduction Plan from the Environmental Task Force; Summary and Conclusion of Environmental Task Force Achievements and Recognition of Task Force Members; and Preliminary Recommendation for Future Environmental Program

Mayor Ward introduced the subject item and Environmental Programs Manager Sona Kalapura and Task Force Member Andrea Zislis provided a PowerPoint presentation.

There were no requests to speak on this item.

MOTION: Councilmember Cohen moved to approve the Waste Reduction Plan. The motion was seconded by Mayor Pro Tem Montgomery and passed by the following unanimous roll call vote.

Ayes: Tell, Powell, Cohen, Montgomery and Mayor Ward.
 Noes: None.
 Absent: None.
 Abstain: None.

The Council received and filed the summary and conclusion of the Environmental Task Force and the preliminary future Environmental Program Model.

Hearing no objection it was so ordered.

The Council presented the Task Force and Council Subcommittee members with commendations.

AT 10:09 P.M. COUNCIL RETURNED TO THE REGULAR AGENDA ORDER.

05/04/10-19. Select Members for the City's Boards and Commissions

Interim City Manager Richard Thompson introduced the subject item and there was no staff presentation.

There were no requests to speak in this item.

The Council unanimously selected the following individuals to serve on City Boards and Commissions as shown:

Parking and Public Improvements Commission (Seat No. 3)

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>
Montgomery	Paul Gross		
Tell	None further		
Powell	None further		
Ward	None further		
Cohen	None further		

MOTION: Councilmember Tell moved to unanimously re-appoint Paul Gross to the Parking and Public Improvements Commission Seat No. 3. The motion was seconded by Mayor Pro Tem Montgomery.

Hearing no objection it was so ordered.

Parking and Public Improvements Commission (Seat No. 4 – BUSINESS COMMUNITY)

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>
Ward	Lester Silverman	Lester Silverman	Lester Silverman
Cohen	George Apostol	George Apostol	George Apostol
Montgomery	None further	George Apostol	George Apostol
Tell	None further	Lester Silverman	Lester Silverman
Powell	None further	Lester Silverman/ George Apostol	Lester Silverman

MOTION: Councilmember Tell moved to unanimously **re-appoint Lester Silverman to the Parking and Public Improvements Commission Seat No. 4.** The motion was seconded by Mayor Ward.

Hearing no objection it was so ordered.

Parks and Recreation Commission (Seat No. 1)

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>
Tell	Steve Rothans	Steve Rothans	Steve Rothans
Powell	Fred Manna	Steve Rothans/ Fred Manna	Steve Rothans
Ward	Russ Samuels	Russ Samuels/ Fred Manna	Fred Manna
Cohen	Erin Sibley	Erin Sibley/ Russ Samuels	Fred Manna
Montgomery	Mark Sprague	Mark Sprague/ Steve Rothans	Steve Rothans

Council unanimously concurred to **appoint Steve Rothans to Seat No. 1 of the Parks and Recreation Commission.**

Hearing no objection it was so ordered.

Parks and Recreation Commission (Seat No. 6)

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>
Cohen	Erin Sibley	Fred Manna/ Erin Sibley	Fred Manna
Montgomery	Rich Ackerman	Rich Ackerman/ Fred Manna	Fred Manna
Tell	Russ Samuels	Russ Samuels/ Fred Manna	Russ Samuels
Powell	Fred Manna	Fred Manna/ Russ Samuels	Fred Manna
Ward	None further	Fred Manna/ Russ Samuels	Fred Manna

Council unanimously concurred to **appoint Fred Manna to Seat No. 6 of the Parks and Recreation Commission.**

Hearing no objection it was so ordered.

Cultural Arts Commission (Seat No. 2)

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>
Powell	Nancy Humbarger	Nancy Humbarger/ John Frazee	
Ward	None further	Nancy Humbarger	
Cohen	John Frazee	John Frazee/ Nancy Humbarger	Nancy Humbarger
Montgomery	None further	Nancy Humbarger/ John Frazee	Nancy Humbarger
Tell	None further	Nancy Humbarger	Nancy Humbarger

Prior to Mayor Ward and Councilmember Powell voting, Council unanimously concurred to **re-appoint** Nancy Humbarger to Seat No. 2 of the Cultural Arts Commission.

Hearing no objection it was so ordered.

Cultural Arts Commission (Seat No. 4)

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>
Powell	Russ Samuels	Russ Samuels/ Erin Sibley	Russ Samuels
Ward	Erin Sibley	Russ Samuels/ Erin Sibley	Russ Samuels
Cohen	Manny Tiangha	John Frazee/ Manny Tiangha	John Frazee
Montgomery	John Frazee	John Frazee/ Erin Sibley	John Frazee
Tell	Marina Fine	Marina Fine/ Russ Samuels	Russ Samuels

Council unanimously concurred to **appoint** Russ Samuels to Seat No. 4 of the Cultural Arts Commission.

Hearing no objection it was so ordered.

Library Commission (Seat No. 1)

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>
Montgomery	Susan Adams	Susan Adams	Susan Adams
Tell	None further	Susan Adams/ Jan Rhees	Susan Adams
Powell	None further	Susan Adams/ Jan Rhees	Susan Adams
Ward	Jan Rhees	Jan Rhees/ Susan Adams	
Cohen	Susan Adams	Susan Adams/ Jan Rhees	

Prior to Mayor Ward and Councilmember Cohen voting, Council unanimously concurred to **re-appoint** Susan Adams to Seat No. 1 of the Library Commission.

Hearing no objection it was so ordered.

Library Commission (Seat No. 2)

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>
Montgomery	Lynne Hook		Lynne Hook
Tell	Jan Rhees		Lynne Hook
Powell	Jan Rhees	Jan Rhees/ Lynne Hook	
Ward	None further	Jan Rhees	Jan Rhees
Cohen	Lynne Hook	Lynne Hook/ Jan Rhees	Lynne Hook

Prior to Councilmember Powell voting, Council unanimously concurred to **re-appoint Lynne Hook to Seat No. 2 of the Library Commission.**

Hearing no objection it was so ordered.

Library Commission (Seat No. 3)

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>
Montgomery	None further		
Tell	None further		
Powell	None further		
Ward	None further		
Cohen	Jan Rhees		

MOTION: Councilmember Tell moved to **unanimously re-appoint Jan Rhees to Seat No. 3 of the Library Commission.** The motion was seconded by Councilmember Powell.

Hearing no objection it was so ordered.

Board of Building Appeals

	<u>Nomination</u>	<u>1st Round Vote</u>	<u>2nd Round Vote</u>	<u>3rd Round Vote</u>
Ward	Erin Sibley	Erin Sibley/ Bill Simone	Bill Simone	Bill Simone
Cohen	George Apostol	George Apostol/ John Frazee	George Apostol	George Apostol
Montgomery	John Frazee	John Frazee/ George Apostol	John Frazee	John Frazee
Tell	Richard Ackerman	Bill Simone/ Richard Ackerman	Bill Simone	Bill Simone
Powell	Bill Simone	Bill Simone/ Richard Ackerman	Richard Ackerman	Bill Simone

Council unanimously concurred to **appoint Bill Simone to the Board of Building Appeals Seat No. 4.**

Hearing no objection it was so ordered

05/04/10-20. Select Members for the City Centennial Committee

Mayor Pro Tem Montgomery, Councilmember Tell and Assistant to the City Manager Lindy Coe-Juell introduced the subject item and provided the staff presentation.

There were no requests to speak on this item.

MOTION: Councilmember Powell moved to **appoint** Jan Dennis to the City Centennial Committee. The motion was seconded by Councilmember Cohen and passed by the following roll call vote.

Ayes: Powell, Cohen and Mayor Ward.
Noes: Tell and Montgomery.
Absent: None.
Abstain: None.

MOTION: Councilmember Tell moved to **appoint** Trish Pietrzak to the City Centennial Committee. The motion was seconded by Mayor Pro Tem Montgomery and passed by the following roll call vote.

Ayes: Tell, Powell, Cohen, Montgomery and Mayor Ward.
Noes: None.
Absent: None.
Abstain: None.

MOTION: Councilmember Cohen moved to **appoint** Grace Hiskey to the City Centennial Committee. The motion was seconded by Councilmember Powell and passed by the following roll call vote.

Ayes: Tell, Powell, Cohen, Montgomery and Mayor Ward.
Noes: None.
Absent: None.
Abstain: None.

MOTION: Mayor Pro Tem Montgomery moved to **appoint** Annie Walker to the City Centennial Committee. The motion was seconded by Councilmember Tell and passed by the following roll call vote.

Ayes: Tell, Powell, Cohen, Montgomery and Mayor Ward.
Noes: None.
Absent: None.
Abstain: None.

MOTION: Mayor Ward moved to **appoint** Joe Franklin to the City Centennial Committee. The motion was seconded by Councilmember Cohen and passed by the following roll call vote.

Ayes: Tell, Powell, Cohen, Montgomery and Mayor Ward.
Noes: None.
Absent: None.
Abstain: None.

Because the time was after 10:30 p.m. (the cut off for introduction of new agenda items) and due to Resolution No. 6132 stating 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” the following motion was made.

MOTION: At 10:44 p.m. Mayor Pro Tem Montgomery moved to continue the meeting past the 10:30 p.m. cut off. The motion was seconded by Councilmember Powell and passed by the following unanimous roll call vote.

Ayes: Tell, Powell, Cohen, Montgomery and Mayor Ward.
Noes: None.
Abstain: None.
Absent: None.

05/04/10-23. Consideration of an Appeal of the Parking and Public Improvements Commission Recommendation to Deny an Encroachment Permit to Retain and Expand an Existing Overheight Retaining Wall Within the Public Right-of-Way Along Ingleside Drive Adjacent to 441 2nd Street

Interim City Manager Richard Thompson introduced the subject item and Acting Director of Community Development Laurie Jester provided a PowerPoint presentation.

The following individual spoke on this item:

- **Bartlett Mel, Property Owner 441 2nd Street**

MOTION: Mayor Pro Tem Montgomery moved to approve to uphold the appeal allowing the existing retaining wall to remain and be lowered down to the level of the tree roots; no expansion of the retaining wall and fence; allow a wood picket fence to be replaced on top of the retaining wall; and retain the existing mature trees. Council also added that if the trees are removed in the future and not replaced, then the retaining wall needs to be removed; and that this decision will not set a precedent for other non-locations with non-conformities as Councils decision is based on the unique conditions of the property, new home, encroachment area, mature trees, and open space that are existing and will continue. The motion was seconded by Councilmember Powell and passed by the following unanimous roll call vote.

Ayes: Tell, Powell, Cohen, Montgomery and Mayor Ward.
Noes: None.
Absent: None.
Abstain: None.

ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

CITY MANAGER REPORT(S)

None.

OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

05/04/10-24. Request by Councilmember Cohen to Consider Reinstating Funds for Mira Costa High School's Grad Nite

Councilmember Cohen stated that due to an important safety issue for the City and the children, the following motion was made:

MOTION: Councilmember Cohen moved to agendize the consideration of reinstating funds for Mira Costa High School's Grad Nite. The motion was seconded by Councilmember Powell.

Hearing no objection it was so ordered with the additional request to place the item on the May 18, 2010 City Council Agenda.

05/04/10-43. Request by Councilmember Cohen to Consider Delaying the Implementation of Raising the Meter Rates Pending the Installation of New Technology

Councilmember Cohen stated that the Downtown Business and Professionals Association, as well as other residents in the area, have been communicating with Council and Staff expressing their concern on this matter. She asked that this subject be expedited and placed on the next agenda.

Mayor Ward added his request to include the discussion of suspension until the new technology happens in the North Manhattan Beach area.

Mayor Pro Tem Montgomery also added that the discussion include the viability of the meters, as well as the time frame for installation.

MOTION: Councilmember Cohen moved to agendize the consideration of this subject matter on the May 18, 2010 City Council Agenda. The motion was seconded by Mayor Ward.

Hearing no objection it was so ordered

05/04/10-44. Request by Councilmember Powell to Consider Amending the Municipal Code to Recognize Historical Landmarks as a Ceremonial Item on the City Council Agenda Instead of as a Public Hearing

Councilmember Powell stated that when the ordinance (for the recognition of Historical Landmarks) was drafted, it included the requirement for a public hearing. He expressed his support for the Municipal Code to be amended and for Historical Landmarks to be agendized as a Ceremonial Item, instead of as a Public Hearing. He further indicated that Staff is supportive of this request.

Interim City Manager Richard Thompson stated that this is not a time sensitive matter and that this item can be agendized on a future agenda.

Hearing no objection it was so ordered

ADJOURNMENT

At 11:27 p.m. the Regular City Council meeting of May 4, 2010, was duly adjourned, in memory of Lynn Redgrave, to the 5:30 p.m. Adjourned Regular Meeting to be followed by the 6:30 p.m. Regular City Council Meeting on Tuesday, May 18, 2010, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.

Liza Tamura
Recording Secretary

Mitch Ward
Mayor

ATTEST:

Liza Tamura
City Clerk