

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Tuesday, December 4, 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 Molly Ann Hastings for leading 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 the meeting was properly posted.

D. CLOSED SESSION ANNOUNCEMENT

City Attorney Barrow stated that of the items discussed in Closed Session, the City Council received a status report 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); that the City Council, by a 4 - 0 vote (Tell being absent) the Council approved a settlement of \$22,000 with Gregory Scruggs regarding Item No. 3 (Conference with Legal Counsel (Existing Litigation)); and there was no reportable action taken regarding Item No. 4 (Public Employee Performance Evaluation - City Manager).

E. APPROVAL OF AGENDA

No changes were made to the agenda at this time.

F. CEREMONIAL CALENDAR

Field Deputy Steve Napolitano presented a plaque to the City Council on behalf of Los Angeles County Supervisor Don Knabe in celebration of the City's 100th Anniversary.

- 1** Recognition of the Manhattan Beach Unified School District: **12-0360**
Superintendent Mike Matthews, the Manhattan Beach Unified School District Board of Trustees, the Manhattan Beach Education Foundation, Manhattan Beach Council of Parent Teacher Associations, and the Manhattan Beach Athletic Foundation as Distinguished Organization Recipients of the Mayor's I Heart MB Award.

PRESENT

Mayor Powell, on behalf of the City Council, presented commendations to the Manhattan Beach Unified School District: Superintendent Mike Matthews, the Manhattan Beach Unified School District Board of Trustees, the Manhattan Beach Education Foundation, Manhattan Beach Council of Parent Teacher Associations, and the Manhattan Beach Athletic Foundation as Distinguished Organization Recipients of the Mayor's I Heart MB Award.

- 2** Recognition of Gordon Cherniak as a Distinguished Older Adult Recipient of the Mayor's I Heart MB Award. **12-0362**

PRESENT

Mayor Powell, on behalf of the City Council, presented a certificate to Gordon Cherniak as a Distinguished Older Adult Recipient of the Mayor's I Heart MB Award.

G. COMMUNITY ANNOUNCEMENTS (One Minute Per Person)

Finance Director Bruce Moe announced the new utility electronic bill presentment and payment system available on the city website which will include electronic statements, recurring payments, and other customization. He also announced and provided information about free public Wi-Fi available at Council Chambers on a trial basis.

Councilmember Nick Tell encouraged everyone to enjoy the free parking at city parking meters this month and to shop local.

Councilmember Richard Montgomery announced the 21st Annual Beach Cities Toy Drive and upcoming gift wrapping event on December 15th. He also reminded the public about the holiday fireworks show on December 9th and special second fireworks show later that evening to celebrate the City's centennial.

Mayor Wayne Powell announced the North Manhattan Beach Business Improvement District's annual Holiday Open House and Walkabout on December 6th. He also mentioned the Older Adults holiday luncheon on December 13th and noted RSVPs are required.

Additionally, Mayor Powell announced the Broad Beach group has withdrawn their application to take sand from offshore Manhattan Beach.

Viet Ngo spoke about his candidacy for City Council.

Lisa Ryder, representative from Waste Management, announced a free electronic waste collection event at the Manhattan Beach Middle School on December 8th.

Don Gould, Manhattan Beach Library Manager, spoke about upcoming events at the Manhattan Beach library, including "Play Time!" on Wednesday including toys and activities for kids age 2-5, "Coffee and Classics" on Thursday which includes a movie screening, and finally on Saturday, December 8th, a program entitled, "Got Kids?? Child Behavior Specialist Christie Savitt of LA Nanny Consultants has Answers!!" Councilmember Nick Tell announced the Fire Department's Spaghetti Dinner event taking place on December 9th before the fireworks.

Councilmember Amy Howorth thanked Mayor Pro Tem David Lesser for his leadership on the historical symposium event that occurred this past weekend.

H. AUDIENCE PARTICIPATION (Three Minutes Per Person)

Viet Ngo spoke about alleged corruption of the former City Manager Geoff Dolan. Connor Lansdale, Leadership Manhattan Beach Class of 2013, spoke about the group's upcoming City Council simulation meeting on December 13, 2012.

Councilmember Montgomery announced Mayor Powell's recent nomination for appointment to the California Coastal Commission.

I. CONSENT CALENDAR

A motion was made by Councilmember Montgomery, seconded by Councilmember Howorth, that this item be approved, with the exception of Item No. 6 which was pulled by a member of the audience. The motion carried by the following vote:

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

- 3 Plans and Specifications for the FY2012-2013 Gravity Sewer Main Rehabilitation Project Including Sewer Spot Repairs at 34 locations in Areas 1, 2, and 3 (bounded by Manhattan Beach Boulevard, Ardmore Avenue, Aviation Boulevard and the Southerly City Limit) and Sewer Main Replacement in 11th Place from Ardmore Avenue to Highview Avenue. **12-0353**
APPROVE

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

- 4 Resolution Delegating to the City Manager Authority to Take Action in Emergencies Without Competitive Bids Pursuant to California Public Contract Code Section 22050, Declaring an Emergency, and Ratifying the Replacement and Installation of Two Booster Pump Motors at the Peck Reservoir Booster Station and Approval of Payment of \$88,710.92 to General Pump Company, Inc. **RES 12-6422**
ADOPT RESOLUTION NO. 12-6422, APPROVE

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

- 5 Financial Reports: **12-0344**
Finance Department staff prepares a variety of financial reports for the City Council and Finance Subcommittee. Members of the public having questions regarding City financial transactions are encouraged to contact the Finance Director. The financial reports and the recommended actions are as follows:
a) Ratification of Demands: November 20, 2012
RATIFY
b) Payroll Register: November 21, 2012
RATIFY
c) Investment Portfolio for the Month Ending October 31, 2012
RECEIVE AND FILE
d) Financial Reports for the Month Ending October 31, 2012
RECEIVE AND FILE

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

J. PUBLIC HEARINGS

- 7 Public Hearing Regarding the 2013-2014 Business License Tax. **RES 12-6417**
Conduct Public Hearing, Adopt Resolution No. 12-6417

Mayor Powell opened the Public Hearing at 6:54 pm.

The following individuals spoke on this item:

Lester Silverman

Viet Ngo

Mayor Powell closed the Public Hearing at 7:00 pm.

A motion was made by Councilmember Tell, seconded by Councilmember Howorth, that Resolution No. 12-6417 be adopted. The motion carried by the following vote:

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

K. GENERAL BUSINESS

- 8 Selection of a Public Art Piece Celebrating the City's Centennial. **12-0357**
APPROVE

The following individuals spoke on this item:

Rebecca Ansert, Consultant

Unknown speaker

Phil Reimert

Fred Manna

Jodi Thomas

Jon Chaykowski

A motion was made by Councilmember Howorth, seconded by Councilmember Tell, that "Light Gate" by Mags Harries and Lajos Heder be approved as the City's Centennial Public Art Piece. The motion carried by the following vote:

Aye: 4 - Powell, Lesser, Howorth and Tell

Nay: 1 - Montgomery

At 8:00 p.m. the City Council recessed and then reconvened at 8:13 p.m. with Councilmembers Howorth, Lesser and Mayor Powell present.

- 9 Scope of Work for the Parks Master Plan. **12-0324**
APPROVE

There were no public comments received on this item.

The City Council directed staff to revise the proposed scope of work and return with this item on a future City Council agenda.

- 10** Award of Contract to Dan Boyle & Associates for Fixed Route (Trolley) **12-0200**
Transit Consulting Services in the Amount of \$42,630 and
Appropriation of \$42,630 from the Unreserved Measure R Fund
Balance.

APPROVE, APPROPRIATE

The following individuals spoke on this item:

*Patrick McBride
Esther Besbris
Jon Chaykowski*

The City Council directed staff to modify the scope of work to include a broader view of our transportation options and to coordinate work between this consultant and the consultant working on the mobility element update to the general plan. Additionally staff was directed to work with the consultant to develop and return with solutions for any gaps or deficiencies identified.

- 11** Resolution of Support for the Freedom to Marry. **RES 12-6420**
DISCUSS AND PROVIDE DIRECTION

The following individuals spoke on this item:

*Michael Kurz
Bill Sheldon
Patrick McBride
Esther Besbris
Jon Chaykowski
Gigi Kurz*

The City Council voted to direct staff to review all City policies, ordinances, personnel rules and labor agreements to grant employees the same legal rights and benefits as if they were allowed to be married under state and federal law.

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

L. ITEMS REMOVED FROM THE CONSENT CALENDAR

6 Minutes: 12-0359

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 November 20, 2012.

APPROVE

b) City Council Regular Meeting of November 20, 2012.

APPROVE

c) Draft Finance Subcommittee Meeting of November 20, 2012.

RECEIVE AND FILE

*The following individual spoke on this item:
Jon Chaykowski*

A motion was made by Councilmember Montgomery, seconded by Councilmember Howorth to approve the City Council Meeting 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 - Powell, Lesser, Howorth, Montgomery and Tell

M. CITY MANAGER REPORT(S)

City Manager Carmany reminded everyone of the December 11, 2012 Study Session regarding Water and Sewer Capital Improvement Projects and Electric Vehicle Charging Stations. He also announced that City Clerk Tamura attended the City Clerks New Law & Elections Seminar hosted by the League of California Cities.

N. OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

Councilmember Montgomery announced that he attended a National League of California Cities Conference which included segments on military bases and economic development.

O. ADJOURNMENT

At 11:11 p.m. the Regular City Council Meeting of December 4, 2012, was duly adjourned, to the 6:00 p.m., December 11, 2012, City Council Study Session Meeting in the City Council Chambers.