

## City Council Meeting

Tuesday, September 4, 2012

6:30 PM

City 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](http://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.*

*Your City government welcomes your interest and hopes you will attend the Manhattan Beach City Council meetings often.*

**BELOW ARE THE AGENDA ITEMS TO BE CONSIDERED. THE RECOMMENDED COUNCIL ACTION IS LISTED IMMEDIATELY AFTER THE TITLE OF EACH ITEM IN BOLD CAPITAL LETTERS.****A. PLEDGE TO THE FLAG**

- 1 Recognition of Thomas Suarez as a Distinguished Youth Recipient of the Mayor's I♥MB Award.

[12-0123](#)

**PRESENT**

Attachments: [Attachment 1 - Certificate for Thomas Suarez](#)

**B. NATIONAL ANTHEM**

- 2 Recognition of Police Lieutenant Ryan Small as a Recipient of the Mayor's I♥MB Award.

[12-0165](#)

**PRESENT**

Attachments: [Attachment 1 - Certificate for Police Lieutenant Ryan Small](#)

**C. ROLL CALL****D. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING**

*I, Terri Aliabadi, Senior Deputy City Clerk, of the City of Manhattan Beach City Clerk's Office, state under penalty of perjury that on Friday, August 31, 2012 at 4:55 p.m., I personally posted this notice/agenda on the bulletin boards of the City Hall and the Library.*

*Date: 08/31/2012 Signature: /s/ Terri Aliabadi*

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

- 3** Recognition of the Joslyn and Manhattan Heights Senior Clubs as Distinguished Older Adult Service Club Recipients of the Mayor's I♥MB Award. [12-0140](#)

**PRESENT**

Attachments: [Attachment 1 - Certificate for Joslyn Senior Club](#)  
[Attachment 2 - Certificate for Manhattan Heights Senior Club](#)

- 4** Recognition of "Walk With Sally" as a Distinguished Organization Recipient of the Mayor's I♥MB Award. [12-0126](#)

**PRESENT**

Attachments: [Attachment 1 - Certificate for Walk With Sally](#)

**G. CONSENT CALENDAR (ITEM NOS. 5 - 25)**

*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**

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- 5 Minutes: [12-0116](#)  
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 Strategic Planning Meeting of July 11, 2012.  
**APPROVE**
  - b) City Council Meeting (Closed Session) and Regular City Council Meeting of August 7, 2012.  
**APPROVE**
  - c) Action Minutes, Planning Commission Meeting of August 8, 2012.  
**RECEIVE AND FILE**
  - d) Action Minutes, Parking and Public Improvements Commission Meeting of July 26, 2012.  
**RECEIVE AND FILE**
  - e) Draft Cultural Arts Commission Minutes June 5, 2012  
**RECEIVE AND FILE**
  - f) Draft Cultural Arts Commission Minutes June 12, 2012  
**RECEIVE AND FILE**
- Attachments:** [Attachment 1 - Strategic Plan Minutes of 071112](#)  
[Attachment 2 - City Council minutes 080712.doc](#)  
[Attachment 3 - Planning Commission Minutes of 080812.pdf](#)  
[Attachment 4 - PPIC Minutes of 072612.pdf](#)  
[Attachment 5 - Cultural Arts Minutes 061212.pdf](#)  
[Attachment 6 - Cultural Arts Minutes of 060512.pdf](#)
- 6 Monthly Financial Reports: [12-0081](#)  
1) Ratification of Demands: August 16, 2012 and August 30, 2012  
**APPROVE**  
2) Investment Portfolio for the Month Ending July 31, 2012  
**RECEIVE AND FILE**  
3) Financial Reports for the Month Ending July 31, 2012  
**RECEIVE AND FILE**
- Attachments:** [1. Warrant Registers for August 16, 2012 and August 30, 2012](#)  
[2. Investment Portfolio for the Month Ending July 31, 2012](#)  
[3. Financial Reports for the Month Ending July 31, 2012](#)
- 7 Ratification of Motor Fuel Purchase from Southern Counties Oil Co. in the Amount of \$27,044.26 [12-0112](#)  
**APPROVE**

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- 8 Monthly Status Update of Strategic Plan Goals and Objectives [12-0133](#)  
**RECEIVE AND FILE**  
**Attachments:** [1. City of Manhattan Beach Strategic Plan Matrix](#)
- 9 Resolution No. 12-6392 Approving the Documents Related to the Replacement of the Existing Marine Avenue Sports Fields Variable Rate Debt Letter of Credit and a Remarketing Agreement with Loop Capital Markets [RES 12-6392](#)  
**ADOPT RESOLUTION NO. 12-6392**  
**Attachments:** [Attachment 1 - Letter of Credit/Reimbursement Agreement](#)  
[Attachment 2 - Fee Agreement](#)  
[Attachment 3 - Remarketing Agreement](#)  
[Attachment 4 - Remarketing Circular](#)  
[Attachment 5 - Resolution No. 12-6392](#)
- 10 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:** [Reso 12-6386.pdf](#)
- 11 Resolution No. 12-6395 Endorsing Policies in the Pursuit of “Blue Zones” Certification Under the Vitality City Initiative [RES 12-6395](#)  
**ADOPT RESOLUTION NO. 12-6395**  
**Attachments:** [Attachment A: Vitality City CC Reso No. 12-6395](#)
- 12 Grant Funded Purchase of Energy Efficient Lighting for Parking Garages (Lots 3 & 4) and Downtown Streetscape Lantern Retrofits from Noribachi in the Amount of \$75,149.95; and Appropriation of \$58,290.00 from the Parking Fund and \$16,859.95 from Unreserved General Fund Monies. [12-0139](#)  
**APPROVE**  
**Attachments:** [1. Lighting Bid Comparison](#)
- 13 Progress Payment No. 2 in the Net Amount of \$282,285.00 to Ramona, Inc. for the 2011-2012 Sewer Main Rehabilitation Project, Phase 1. [12-0089](#)  
**APPROVE**  
**Attachments:** [Attachment 1 Table 1 and 2 and 3.docx](#)  
[Attachment 2 - Map of FY 2010-2011 Sewer Main Rehabilitation Project \(Misc. 5](#)  
[Attachment 3 - Map of FY 2011-2012 Sewer Main Rehabilitation Project \(Phase](#)

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- 14 Two-Year Contract Extension with John L. Hunter and Associates for Restaurant Stormwater Inspection Services in the Amount of \$39,260; and Contract Amendment to Include the Fats, Oils and Grease Source Control Program Inspections in the Amount of \$21,982. [12-0120](#)  
**APPROVE**  
**Attachments:** [Attachment 1 - Clean Bay Restaurant and Fats, Oils, Grease Inspections Propo:](#)  
[Attachment 2 - Clean Bay Restaurant and Fats, Oils, Grease Contract Amendm](#)
- 15 Three-Year Lease Agreement of Groundwater Rights from Chevron U.S.A. Inc. [12-0142](#)  
**APPROVE**  
**Attachments:** [Attachment 1 - Contract - Chevron Groundwater Rights Lease](#)
- 16 Progress Payment No. 2 in the Net Amount of \$203,707.16 to Martinez Concrete, Inc. for the Section 7 (Longfellow Avenue to 45th Street, Valley Drive/Blanche Road to The Strand) Concrete Repair Project. [12-0105](#)  
**APPROVE**  
**Attachments:** [Attachment 1 - Fiscal Implications](#)  
[Attachment 2 - Map of Section 7 Concrete Repair Locations](#)
- 17 Progress Payment No. 6 in the Net Amount of \$299,913.51 to John T. Malloy, Inc. for the 2011-2012 Water Main Replacement Project, Phase 1 [12-0134](#)  
**APPROVE**  
**Attachments:** [WaterMainReplacements\\_1112\\_P1](#)  
[WaterMainReplacements\\_1112\\_P2](#)  
[Attachment 3 - Funding, Expenditures and Project Limits.pdf](#)
- 18 Progress Payment No. 7 in the net amount of \$482,069.97 to Harbor Construction Co., Inc. for the Joslyn Center, Begg Pool Locker Room and Manhattan Heights Community Center Renovation Projects [12-0152](#)  
**APPROVE**  
**Attachments:** [Attachment No 1 \(Tables 1, 2, 3, 4\).docx](#)
- 19 Final Payment in the Net Amount of \$71,901.90 to John S. Meek Company; Formally Accept the Manhattan Beach Pier Localized Structural Rehabilitation Project as Complete; and Authorize Filing of the Appropriate Notice of Completion and Release Retention in the Amount of \$26,536.37 [12-0150](#)  
**APPROVE**  
**Attachments:** [Pier Rehab - Attachment\\_1 Budget, Expenditures and Change Orders.pdf](#)

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- 20** Plans and Specifications for the 2011-2012 Water Main Rehabilitation Project, Phase 2 (Area 7 - south Sand Section, including 6th Street, 7th Street, Morningside Drive and Highland Avenue), Authorization to Solicit Construction Bids and Additional Appropriation of \$550,000 [12-0147](#)  
**APPROVE**  
**Attachments:** [Attachment 1 Tables 1 and 2 and 3 Fiscal Implications and Proj Extents.docx](#)  
[Attachment 2 2011-12 WaterMain Phase1-map.pdf](#)  
[Attachment 3 2011-12 WaterMain Phase2-map.pdf](#)
- 21** Plans and Specifications for the 2011-2012 Sewer Main Rehabilitation Project, Phase 2 (Area 7 - south Sand Section, including 3rd Street, 4th Street, 7th Street, and Ingleside Drive) and Authorization to Solicit Construction Bids [12-0158](#)  
**APPROVE**  
**Attachments:** [Attachment 1 - Table 1 and 2](#)  
[Attachment 2 2010-11 Sewer 9-04-12.pdf](#)  
[Attachment 3 2011-12 Sewer 9-04-12.pdf](#)
- 22** Request for Proposal for Landscape Master Planning Services for the Veterans Parkway. [12-0151](#)  
**APPROVE**  
**Attachments:** [Attachment A - Draft Request for Proposal](#)
- 23** Site Design for the Manhattan Beach Strand Ocean-Friendly Garden [12-0154](#)  
**RECEIVE AND FILE**  
**Attachments:** [Attachment A: Draft Site Design](#)  
[Attachment B: Ocean Friendly Garden Plant List](#)

## BOARDS AND COMMISSIONS

- 24** Parking and Public Improvements Commission Recommendation to Approve an Encroachment Permit Appeal to Allow a Raised Yard in the Public Right-of-Way at 519 21st Street. [12-0163](#)  
**APPROVE**  
**Attachments:** [PPIC Minutes excerpt, dated 7-26-12.pdf](#)  
[PPIC Report, dated 7-26-12.pdf](#)  
[Opposition Letters.pdf](#)

## Planning Commission

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- 25** Planning Commission Approval of a Planned Development Permit Amendment Revising an Existing Shared Parking Program for an Existing Commercial Center and Use Permit for a New Restaurant Located at 1550 - 1590 Rosecrans Avenue. (St. Paul Fire and Marine Insurance Co. / Coffee Bean) [12-0129](#)  
**RECEIVE AND FILE**

**Attachments:** [Resolution PC 12-06 .pdf](#)  
[PC Minutes except, dated 08-08-12.doc](#)  
[PC Staff Report, dated 8/8/12.pdf](#)  
[Plans A & B.pdf](#)

## **H. COMMUNITY ANNOUNCEMENTS (One Minute Per Person)**

*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**

- 26** Appeal of Planning Commission Decision to Deny a Use Permit Amendment for an Existing Restaurant's Request for On-Site Beer and Wine Service from 6:00AM to 2:00AM Daily for Hotdoggers, Inc. Located at 1605 North Sepulveda Boulevard. [12-0122](#)  
**A) CONDUCT PUBLIC HEARING**  
**B) DISCUSS AND PROVIDE DIRECTION**  
**C) UPHOLD PLANNING COMMISSION DECISION**

**Attachments:** [Attachment 1 - Reso No. 6322 - Hotdoggers](#)  
[Attachment 2 - PC Staff Report and Attachments](#)  
[Attachment 3 - Citywide On-Sale Liquor](#)  
[Attachment 4 - Applicant's Appeal](#)  
[Attachment 5 - Public Input](#)  
[Attachment 6 - Department Comments](#)  
[Attachment 7 - Sound Report – 07/24/2012](#)



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- 27 Resolution No. 12-6382 Determining that the City is in Compliance With the Program Requirements of the 2012 Congestion Management Program (CMP) for Los Angeles County as Prepared by the Metropolitan Transportation Authority (MTA) [RES 12-6382](#)

**ADOPT RESOLUTION NO. 12-6382**

Attachments: [CMP Resolution](#)  
[2012 LDR Form](#)  
[Residential Development Activity 2011-2012](#)  
[Development Commercial 2012](#)

**K. GENERAL BUSINESS**

- 28 Petition Requesting Construction of Sidewalk on Parkview Avenue from Park Way to Market Place [12-0148](#)  
**RECEIVE AND FILE, PROVIDE DIRECTION**

Attachments: [Attachment 2 - Map.pdf](#)

- 29 Agreement with Municipal Resource Group, LLC for Facilitation Services for an Amount Not-to-Exceed \$13,500 for Services in Connection With the Annual Evaluation of the City Manager. [12-0156](#)

**APPROVE**

Attachments: [Attachment 2 - Proposed Scope of Work](#)  
[Attachment 3 - City Manager Appraisal Article](#)

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

Attachments: [1. Classification Status Report](#)

**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)**

- 31 Status Report on the Broad Beach Restoration Project to Export Sand from Offshore Manhattan Beach to the City of Malibu [12-0161](#)  
**RECEIVE AND FILE**

Attachments: [Broad Beach Slide Presentation](#)

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

- 32 Request to Conduct a Symposium on the History and Future of Manhattan Beach in December 2012 at the Joslyn Community Center [12-0131](#)  
**APPROVE**
- 33 Request to Agendize the Reinstatement of Funding for Arts Manhattan for Two Art Exhibitions at the Creative Arts Center [12-0130](#)

Attachments: [Attachment 1 - Letter from Arts Manhattan](#)

**O. ADJOURNMENT****P. FUTURE MEETINGS****CITY COUNCIL MEETINGS**

Sept. 18, 2012 – Tuesday – 6:30 PM – City Council Meeting  
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 METINGS**

Sept. 10, 2012 – Monday – 6:30 PM – Library Commission  
Sept. 11, 2012 – Tuesday – 6:00 PM – Cultural Arts Commission  
Sept. 12, 2012 – Wednesday – 6:30 PM – Planning Commission  
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. 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

**CITY OF MANHATTAN BEACH  
CLOSED SESSION AGENDA  
TUESDAY, SEPTEMBER 4, 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. CONFERENCE WITH LABOR NEGOTIATOR**

**(Government Code Section 54957.6)**

**Agency Negotiator: David N. Carmany, City Manager**

**Employee Groups: Manhattan Beach Firefighters' Association;  
Manhattan Beach Police Officers' Association;  
Management Confidential; and  
Teamsters**

**2. CONFERENCE WITH LEGAL COUNSEL (ANTICIPATED LITIGATION)**

**(Government Code Section 54956.9(b))**

**Significant exposure to litigation (number of potential cases: 1)**

**3. CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION)**

**(Government Code Section 54956.9(a))**

**Eccles v. Manhattan Beach, et al, LASC Case No. BS138955**

**4. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

**(Government Code Section 54957)**

**Title: City Manager**

**E. RECESS INTO CLOSED SESSION**

**F. RECONVENE INTO OPEN SESSION**

**G. ORAL ANNOUNCEMENTS**

**H. ADJOURNMENT**

**CITY OF MANHATTAN BEACH  
SPECIAL MEETING AGENDA  
TUESDAY, SEPTEMBER 4, 2012 - 4:30 P.M.  
CITY COUNCIL CHAMBERS  
1400 HIGHLAND AVENUE  
MANHATTAN BEACH, CA 90266**

- A. CALL MEETING TO ORDER**
- B. ROLL CALL**
- C. PUBLIC COMMENT**
- D. CITY COUNCIL TRAINING ON GRANICUS LEGISTAR VOTING SYSTEM**
- E. ADJOURN**