

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Wednesday, July 8, 2015

1:00 PM

Adjourned Regular Meeting

1:00 PM Closed Session - Police/Fire Conference Room

2:00 PM Study Session - Police/Fire Conference Room

City Council Study Session

Mayor Mark Burton

Mayor Pro Tem Tony D'Errico

Councilmember David Lesser

Councilmember Amy Howorth

Councilmember Wayne Powell

MANHATTAN BEACH'S CITY COUNCIL WELCOMES YOU!

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. CALL MEETING TO ORDER

The Closed Session Meeting of July 8, 2015, was called to order by Mayor Burton at 1:00 PM.

B. PLEDGE TO THE FLAG

City Manager Mark Danaj led the pledge to the flag.

C. ROLL CALL

Present 5 - Mayor Mark Burton, Mayor Pro Tem Tony D'Errico, Councilmember David J. Lesser, Councilmember Amy Howorth, and Councilmember Wayne Powell

D. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

City Clerk Liza Tamura confirmed that the meeting was properly posted.

E. PUBLIC COMMENT

The following individual provided public comment:

Edward C. Caprielian

F. ANNOUNCEMENT IN OPEN SESSION TO BE DISCUSSED IN CLOSED SESSION

At 1:04 PM City Attorney Quinn Barrow read in the record the following Closed Session Items:

**1. PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION
(Government Code Section 54957)**

Title: City Manager

2. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION**Government Code Sections 54956.9(d)(2) and 54956.9(d)(4)**

On June 16, 2015, the State Water Board adopted a final order resolving the petition for review filed on behalf of the City challenging the 2012 Los Angeles MS4 Permit ("Permit"). The City Council will consider authorizing defending any actions brought to challenge the final order and whether to initiate litigation in connection with the final order.

G. RECESS INTO CLOSED SESSION

The City Council recessed into Closed Session at 1:04 PM.

H. RECONVENE INTO OPEN SESSION

The City Council reconvened into Open Session at 1:55 PM.

I. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION

City Attorney Barrow announced that City Council went into Closed Session to discuss the items on the agenda. Regarding Agenda Item No. 1, the City Council provided direction to place an amendment on the City Manager's contract to extend the term and place the amendment on the July 21, 2015, Agenda for City Council consideration. Regarding Agenda Item No. 2, the City Council by a 5-0 vote authorized defending actions brought to challenge the State Water Board's final order. There was no other reportable action taken.

J. GENERAL BUSINESS

At 2:00 PM Mayor Burton opened the floor to public comment.

The following individual provided public comment:

Edward C. Caprielian

Seeing no further requests to speak, the Mayor closed the floor to public comment.

1. Council Discussion and Direction on Meeting Management (City Attorney Barrow/ Assistant City Manager Nader).

[15-0323](#)

DISCUSS AND PROVIDE DIRECTION

Assistant City Manager Nadine Nader provided a brief presentation on the staff report and the areas that will be discussed today regarding meeting end times, Consent Calendar items and public comment period.

Mayor Burton suggested that the City Council discuss the Consent Calendar issue first.

The City Council proceeded to discuss the issue at length.

Mayor Burton stated that it appears that City Council reached a consensus on this issue and directed staff to include this matter in a resolution where members of the public are no longer allowed to pull from the consent calendar, the practice of reviewing the agenda forecast items for the next agenda, and when items are pulled from the consent calendar to give the Mayor discretion to have that item heard as the first general business item or anywhere else on the agenda.

Assistant City Manager Nadar confirmed the comments from Councilmember Lesser and Mayor Burton and stated that the draft resolution would be presented at the July 21, 2015 Regular City Council Meeting.

City Council proceeded to discuss the next topic regarding the City Council Meeting times.

Mayor Burton expressed his support for having a hard stop for City Council Meetings, and suggested the end time be 10:30 PM.

Further discussion ensued about City Council Meeting times.

Mayor Burton asked all Councilmembers if there was support for implementing a hard stop time at 10:30 PM and any unfinished business being carried over to the next City Council Meeting as old business.

Councilmember Howorth, Councilmember Powell, Mayor Pro Tem D'Errico and Mayor Burton were in favor of this direction. Councilmember Lesser was not supportive of this direction because of his prior negative experiences with using a hard stop time.

Councilmem

Mayor Burton moved on to the next topic regarding public comment. He stated he believed there was great value to having public comments heard up front at a City Council Meeting and will lead to more engagement.

City Attorney Barrow also provided clarification on evidence relating to Public Hearings and taking public comment.

Mayor Burton stated that in most jurisdictions they allow for 5 minutes. The Mayor proposed limiting public comments to 2 minutes on one item, and if they want to speak on more than one item they will get 5 minutes.

Further discussion ensued regarding public comment period.

Mayor Burton asked Council if there was consensus to give direction to provide for public comment at the front of the meeting, 2 minutes for one item and more than one item 5 minutes.

Councilmember Howorth, Councilmember Powell, Mayor Pro Tem D'Errico and Mayor Burton were all in favor. Councilmember Lesser was not in favor of this direction.

Councilmember Lesser reiterated he was not in favor of this direction because he was concerned with the implementation and would be more comfortable with a block time period with Mayoral discretion.

Mayor Burton reiterated his reasons why he felt this approach would be more fair to the public and the community.

Councilmember Lesser stated he would hesitantly agree in the interest of consensus.

City Attorney Barrow reminded City Council that there is another item on the agenda that needs to be addressed involving miscellaneous meeting management techniques.

Discussion continued among City Council members about the proposed new agenda structure and when to hold Closed Session meetings.

Mayor Burton proposed having a designated section for Closed Sessions at the beginning and end of the meeting.

Discussion continued among City Councilmembers.

Councilmember Lesser suggested creating a new section on the agenda to address items removed from the Consent Calendar after General Business, Old Business and New Business.

Mayor Burton reiterated that the compromise for Closed Sessions would be a standing slot at the front and the back of the meeting agenda. He also asked the City Attorney if City Council would retain the discretion to hold Closed Sessions at the beginning or the end of a City Council Meeting.

City Attorney Barrow confirmed that City Council would retain discretion.

The City Council was unanimous that this was the direction to provide staff and return with a draft resolution at the next Regular City Council Meeting.

K. OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS, FUTURE DISCUSSION ITEMS

None.

L. ADJOURNMENT

At 3:19 PM. Mayor Burton adjourned the July 8, 2015, Adjourned Regular Meeting - Closed Session to the 2:00 PM, July 15, 2015, Adjourned Regular Meeting - Closed Session in City Council Chambers, in said city.