

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Draft

Tuesday, September 6, 2016

6:00 PM

Regular Meeting

City Council Chambers

City Council Regular Meeting

*Mayor Tony D'Errico
Mayor Pro Tem David J. Lesser
Councilmember Amy Howorth
Councilmember Wayne Powell
Councilmember Mark Burton*

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A. PLEDGE TO THE FLAG

Senior Deputy City Clerk Martha Alvarez led the Pledge of Allegiance.

B. ROLL CALL

Present: 5 - Mayor D'Errico, Mayor Pro Tem Lesser, Councilmember Howorth, Councilmember Powell and Councilmember Burton

C. CEREMONIAL CALENDAR

2. Presentation of Certificates of Recognition to Shannon Ryan as Incoming President of the Manhattan Beach Rotary Club.

PRESENT

This item was taken out of order and heard first on the Ceremonial Calendar.

Mayor D'Errico presented Shannon Ryan a certificate of recognition as the incoming President of the Manhattan Beach Rotary Club.

Shannon Ryan provided a brief description of the Manhattan Beach Rotary Club.

3. Presentation of Resolution of Adjournment to Casey Matranga and Recognition of the Police and Fire Departments for their Exceptional Service to the Community.

PRESENT

This Item was taken out of order and heard second on the Ceremonial Calendar.

Mayor D'Errico, on behalf of the City Council, presented Casey Matranga a Resolution of Adjournment from the June 7, 2016, City Council Meeting in honor of her husband Frank Matranga.

Casey Matranga read her letter into the record regarding her husband.

1. Presentation of Certificates of Recognition to Patti Panucci for the Grand Opening of Beach Braces in Manhattan Beach.
PRESENT

This item was moved to a future meeting, since the recipient was unable to attend.

D. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

Senior Deputy City Clerk Martha Alvarez confirmed that the meeting was properly posted.

E. APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES

Mayor D'Errico requested that Item No. 3 on the Closed Session agenda be heard as the first item in Closed Session.

A motion was made by Councilmember Burton, seconded by Councilmember Powell, to approve the agenda as amended. The motion carried by the following vote:

Aye: 5 - D'Errico, Lesser, Howorth, Powell and Burton

F. CITY COUNCIL AND COMMUNITY ORGANIZATION ANNOUNCEMENTS OF UPCOMING EVENTS (1 MINUTE PER PERSON)

Melissa McCullom, Manhattan Beach Library, reported on upcoming events.

Jackie May requested donations of bicycles for the Armory.

Councilmember Powell announced that the "Dine and Discover" program for older adults will be held on Thursday, September 15, 2016, at 11:30 AM at the Joslyn Community Center. He further added that Mira Costa High School is having a 40th Class Reunion Saturday, October 1, 2016, and more information can be found at the website mchs76.org.

G. CITY MANAGER REPORT

City Manager Mark Danaj presented Community Development Director Marisa Lundstedt who provided a brief report regarding the Gelson's Supermarket Project.

City Manager Danaj presented Economic Vitality Manager Andy Sywak who provided a brief update regarding a recent interruption of service from Frontier Communications and the internet/phone/cable system in the City of Manhattan Beach.

H. CITY ATTORNEY REPORT

City Attorney Quinn Barrow provided brief details regarding the Manhattan Beach Mall litigation.

I. PUBLIC COMMENTS (3 MINUTES PER PERSON FOR ONE ITEM, A MAXIMUM OF 6 MINUTES IF A SPEAKER WANTS TO COMMENT ON MORE THAN ONE ITEM)

Kathy Clark spoke about having a parking survey of downtown employees and had questions about the downtown footpatrol.

Craig Cadwallader requested a letter of support for Prop 67.

Jill Brunkhardt announced the launch of the Manhattan Beach Fire Foundation at the Shade Hotel on Thursday, September 15, 2016, from 5:30 to 7:30 PM.

Wil Arvizo commented on agenda Item No 5 (Second Reading of Ordinance No. 16-0018 Establishing an Administrative Citation Process and Resolution No. 16-0057 Setting Forth the Fine and Penalties for Administrative Citations).

Bill Victor spoke against agenda Item No. 5.

J. PLANNING COMMISSION QUASI-JUDICIAL DECISIONS (RECEIVE AND FILE)

None.

K. CONSENT CALENDAR (APPROVE)

Mayor Pro Tem Lesser requested that Community Development Director Marisa Lundstedt explain Item No. 5 and she clarified that this item is a supplemental tool to achieve Municipal Code compliance that the code enforcement officers can use on a daily basis.

A motion was made by Councilmember Burton, seconded by Councilmember Howorth, to approve the Consent Calendar Item Nos. 4-9. The motion carried by the following vote:

Aye: 5 - D'Errico, Lesser, Howorth, Powell and Burton

- 4.** Renewal of Crossing Guard Services Agreement with All City Management Services for an Estimated Annual Cost of \$242,500 (Police Chief Irvine).

APPROVE

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

- 5.** Second Reading of Ordinance No. 16-0018 Establishing an Administrative Citation Process and Resolution No. 16-0057 Setting Forth the Fine and Penalties for Administrative Citations (Director Lundstedt).

ADOPT ORDINANCE NO. 16-0018 AND RESOLUTION NO. 16-0057

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

6. Second Reading Regarding Statement of Intent Process to Address Blight (City Attorney Quinn Barrow).

**WAIVE SECOND READING OF ABANDONED PROPERTY
ORDINANCE NO. 16-0017 AND ADOPT ORDINANCE NO. 16-0017**

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

7. Award a Construction Contract to Taylor Tennis Court, Inc. for the Live Oak Park, Mira Costa High School and Marine Avenue Park Tennis and Basketball Courts Resurfacing and Restriping Project in an Amount Not-to-Exceed \$35,499 (Interim Public Works Director Saenz).

APPROVE

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

8. Financial Report:
Schedules of Demands: August 4, 2016 (Finance Director Moe).

ACCEPT REPORT AND DEMANDS

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

9. City Council Minutes:
This Item Contains Minutes of the following City Council Meetings:
a) City Council Regular Meeting Minutes of August 2, 2016
CONTINUED FROM THE AUGUST 16, 2016 CITY COUNCIL MEETING
b) City Council Regular Meeting Minutes of August 16, 2016
(City Clerk Tamura).

APPROVE

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

L. PUBLIC HEARINGS (2 MINUTES PER PERSON)

10. Authorization of Community Development Block Grant Funds for the Fiscal Year 2016-2017 (Interim Public Works Director Saenz).

a) CONDUCT PUBLIC HEARING

b) ADOPT RESOLUTION NO. 16-0054

City Manager Mark Danaj presented City Engineer Prem Kumar who provided the staff presentation.

Mayor D'Errico opened the public hearing for public comment.

Seeing no requests to speak, Mayor D'Errico closed the floor to public comment.

City Engineer Kumar responded to City Council questions.

A motion was made by Councilmember Powell, seconded by Councilmember Burton, to adopt Resolution 16-0054 authorizing Community Development Block Grant Funds for the Fiscal Year 2016-2017 in the amount of \$104,600 and previous allocations in the amount of \$308,00 to fund the construction of accessible curb ramps consistent with the recently approved 2017-2021 Capital Improvement Plan. The motion carried by the following vote:

Aye: 5 - D'Errico, Lesser, Howorth, Powell and Burton

M. OLD BUSINESS

11. Fiscal Year 2015-2016 Fourth Quarter Budget and Capital Improvement Plan Status Reports (Finance Director Moe/Interim Public Works Director Saenz).

RECEIVE REPORTS

Mayor D'Errico introduced Finance Director Bruce Moe who provided the first PowerPoint presentation and then City Engineer Prem Kumar provided a PowerPoint presentation on the CIP (Capital Improvement Plan).

Finance Director Moe, City Engineer Kumar and City Manager Mark Danaj responded to City Council questions.

Mayor D'Errico opened the floor to public comments.

Seeing no requests to speak, Mayor D'Errico closed the floor to public comments.

A motion was made by Councilmember Burton, seconded by Councilmember Powell, to receive this report. The motion carried by the following vote:

Aye: 5 - D'Errico, Lesser, Howorth, Powell and Burton

12. Discussion of City Council Retreat (City Clerk Tamura).
DISCUSS AND PROVIDE DIRECTION

City Council discussed if there is a need for a retreat, the cost and the outcomes.

Mayor D'Errico opened the floor to public comment.

Seeing no requests to speak, Mayor D'Errico closed the floor to public comment.

A motion was made by Mayor D'Errico, seconded by Councilmember Powell, to defer having a retreat until after the next election and to furnish materials from the last retreat and to agendaize these materials on the Consent Calendar. A friendly motion, accepted by the maker, was to agendaize this under City Council Reports, so that there could be some discussion. The motion carried by the following vote:

Aye: 5 - D'Errico, Lesser, Howorth, Powell and Burton

At 7:32 PM City Council recessed and reconvened at 7:43 PM with all Councilmembers present.

13. Report on Southern California Gas Company's Capital Improvement Program (Interim Public Works Director Saenz).
CONTINUED FROM THE AUGUST 16, 2016 CITY COUNCIL MEETING
RECEIVE REPORT

Item No. 14 was heard before Item No. 13 due to technical difficulties.

City Engineer Prem Kumar introduced Faviola Ochoa, South Bay Public Affairs Manager for Southern California Gas Company who presented the PowerPoint presentation.

City Manager Mark Danaj, City Engineer Prem Kumar, Public Affairs Manager Faviola, and Project Manager Dave Lauterio responded to City Council questions.

Mayor D'Errico opened the floor to public comment.

Seeing no requests to speak, Mayor D'Errico closed the floor to public comment.

City Council requested that Public Affairs Manager Faviola return to a City Council Meeting in October and Staff will provide questions that need to be answered.

A motion was made by Mayor Pro Tem Lesser, seconded by Councilmember Howorth, to receive this report. The motion carried by the following vote:

Aye: 5 - D'Errico, Lesser, Howorth, Powell and Burton

N. NEW BUSINESS

- 14.** Ordinance No. 16-0016 Amending Speed Limits on Ardmore Avenue
(Community Development Director Lundstedt).

INTRODUCE ORDINANCE NO. 16-0016

Item No. 14 was heard before Item No. 13 due to technical difficulties.

Mayor D'Errico introduced Traffic Engineer Erik Zandvliet who presented the staff presentation.

Traffic Engineer Zandvliet responded to City Council questions.

Mayor D'Errico opened the floor to public comments.

Seeing no requests to speak, Mayor D'Errico closed the floor to public comment.

City Attorney Quinn Barrow read the title of the ordinance into the record: An Ordinance of the City of Manhattan Beach amending Manahattan Beach Municipal Code Section 14.56.010 to reduce the speed limit on certain segments of Ardmore Avenue.

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Lesser, to introduce Ordinance No. 16-0016 amending speed limits on Ardmore Avenue. The motion carried by the following vote:

Aye: 5 - D'Errico, Lesser, Howorth, Powell and Burton

15. One-Year Cost-Sharing Agreement Not-to-Exceed \$16,845 for Beach Cities Transit Line 109 for Fiscal Year 2016-2017 with the Cities of Redondo Beach, Hermosa Beach and El Segundo (Community Development Director Lundstedt).

APPROVE

Mayor D'Errico introduced this item and Community Development Director Marisa Lundstedt provided a brief presentation. She then introduced Joyce Rooney, Beach Cities Transit Manager of Redondo Beach, who provided a PowerPoint presentation.

Transit Manager Rooney responded to City Council Questions.

Mayor D'Errico opened the floor to public comment.

The following individual provided public Comment:

Craig Cadwallader spoke about a "bike to surf" program and trying to get people to use alternate forms of transportation such as the Transit Line.

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

Councilmember Powell stated that he is not in support of this program because there are other programs throughout the City that are self sufficient and do not need additional funding.

Mayor Pro Tem Lesser commented on the need for more robust marketing and inquired about having benches for people waiting for buses.

Mayor D'Errico mentioned that the cost had been less in the past years and probably would decrease this year also.

Councilmember Burton noted that an app would be helpful and also promoting events in the City for people to attend.

Councilmember Howorth wants to encourage public transportation.

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Lesser, to approve a one-year cost sharing agreement for an amount not-to-exceed \$16, 845 for Beach Cities Transit Line 109 for Fiscal Year 2016-2017 with the cities of Redondo Beach, Hermosa Beach and El Segundo. The motion carried by the following vote:

Aye: 4 - D'Errico, Lesser, Howorth and Burton

Nay: 1 - Powell

16. Consider Request by Operator of Shade Hotel for Hearing on Amount of Delinquent Transient Occupancy Tax Assessed by the Tax Administrator (City Attorney Barrow).

CONSIDER REQUEST

At 9:26 PM Councilmember Powell recused himself from this item. He has no financial interest in the decision; however, the Shade Hotel advertises on the same network that airs his radio show.

City Attorney Quinn Barrow provided the staff presentation.

City Attorney Barrow and Finance Director Bruce Moe responded to City Council questions.

City Attorney Barrow clarified that each hearing is on case by case basis and this would not set a precedent.

Mayor D'Errico opened the floor to public comment.

Seeing no requests to speak, Mayor D'Errico closed the floor to public comment.

A motion was made by Councilmember Howorth, seconded by Mayor D'Errico, to allow the City Tax Assessor to accept the request to extend the period to request a hearing on the amount of delinquent transient occupancy tax assessed on the operator of the Shade Hotel. The motion carried by the following vote:

Aye: 4 - D'Errico, Lesser, Howorth and Burton

Abstain: 1 - Powell

At 9:38 PM City Council recessed and reconvened at 9:43 PM with all Councilmembers present.

O. CITY COUNCIL REPORTS, OTHER COUNCIL BUSINESS, AND COMMITTEE AND TRAVEL REPORTS

17. Metro's Half-Cent Sales Tax (Measure M) (Economic Vitality Manager Sywak).

RECEIVE REPORT, PROVIDE DIRECTION

Mayor D'Errico introduced City Manager Mark Danaj who then introduced Economic Vitality Manager Andy Sywak who provided a brief staff presentation.

Economic Vitality Manager Sywak, City Manager Danaj and City Attorney Quinn Barrow responded to City Council questions.

Mayor D'Errico opened the floor to public comment.

Seeing no requests to speak, Mayor D'Errico closed the floor to public comment.

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Lesser, to take no position on this item but also allows Councilmember Howorth to not oppose it at the SBCCOG (South Bay City Council of Governments) Meetings. The motion carried by the following vote:

Aye: 5 - D'Errico, Lesser, Howorth, Powell and Burton

P. FORECAST AGENDA AND FUTURE DISCUSSION ITEMS

18. Agenda Forecast (City Clerk Tamura).

DISCUSS AND PROVIDE DIRECTION

City Manager Mark Danaj confirmed that the Agenda Forecast was the updated version for the September 20, 2016, City Council Meeting.

City Manager Danaj reported that Item No. 14 Letter of Opposition for SB897 will be removed as the legislation has moved faster than anticipated.

Councilmember Burton requested a follow-up on the Loop Project at the October 18, 2016, City Council Meeting with a detailed presentation.

Councilmember Powell mentioned that along with the Loop Project he would like information on the Playa Del Rey underground facility.

Councilmember Powell spoke of Prop 67 and City Council Support.

Councilmember Burton expressed that he preferred that the City Council not get involved, but support could be done on an individual basis.

Mayor D'Errico mentioned an annual parking survey and City Manager Danaj suggested placing it as a Work Plan Analysis.

Councilmember Powell announced the passage of SB 1436 signed by Governor Brown which requires City Councils to publicly announce proposed pay and benefit increases for government executives before they are approved by a vote of the Council.

Q. INFORMATIONAL ITEMS**19. Commission Minutes:**

This Item Contains Minutes of the following City Commission Meetings:

- a) Library Commission Minutes of June 13, 2016 (Parks and Recreation Director Leyman)
- b) Parks and Recreation Commission Minutes of July 25, 2016 (Parks and Recreation Director Leyman)
- c) Cultural Arts Commission Minutes of August 9, 2016 (Parks and Recreation Director Leyman)
- d) Planning Commission Meeting Action Minutes of August 10, 2016 (Community Development Director Lundstedt)

INFORMATION ITEM ONLY

This item was received by order of the chair.

R. CLOSED SESSION**I. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION**

City Attorney Quinn Barrow announced pursuant to Government Code Sections 54957.6 and 54956.9(d) (1) that the City Council would recess into Closed Session and agenda Item No. 3 would be heard first, then Item Nos. 1-2.

**1) CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION)
(Government Code Section 54956.9 (d)(1))**

**Name of Case: City of Manhattan Beach v. Swinerton
Los Angeles County Superior Court
Case Number: YC 070562**

The City filed a lawsuit against Swinerton Builders, the general contractor for the Fire and Police Facility project, alleging that there are defects in the electrical work done by a subcontractor. The parties engaged in mediation in August.

2) CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION)
(Government Code Section 54956.9 (d)(1))

Name of Cases:Sensible Citizens of Manhattan Beach v.
City of Manhattan Beach
Los Angeles County Superior Court
RREEF AMERICA REIT CORP. BBB II
Case Numbers. BC 570884 and BS 152854

The Sensible Citizens of Manhattan Beach filed two lawsuits challenging the City Council's approval of the Mall renovation project. Trial is scheduled for October 12, 2016. The attorney for Sensible Citizens has requested a new date due to Yom Kippur.

3) CONFERENCE WITH LABOR NEGOTIATOR
(Government Code Section 54957.6)

Agency Negotiator: Mark Danaj, City Manager
Employee Group: Management Confidential (Fire Battalion Chiefs)

II. RECESS INTO CLOSED SESSION

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At 10:22 PM City Council recessed into Closed Session.

III. RECONVENE INTO OPEN SESSION

At 11:22 PM City Council reconvened into Open Session

IV. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION

City Attorney Quinn Barrow announced that the City Council gave direction to the City Manager regarding the Fire Battalion Chiefs. With respect to Item Nos. 1-2 City Council gave direction, with no other reportable action.

S. ADJOURNMENT

At 11:23 PM the Regular City Council Meeting of September 6, 2016 was adjourned to the 6:00 PM Adjourned Regular Meeting on Tuesday, September 13, 2016, in the City Council Chambers in said City

Martha Alvarez
Recording Secretary

Tony D'Errico
Mayor

ATTEST:

Liza Tamura
City Clerk