

# **City of Manhattan Beach**

*1400 Highland Avenue  
Manhattan Beach, CA 90266*



## **Meeting Minutes - Draft**

**Tuesday, February 4, 2014**

**6:00 PM**

**Regular Meeting**

**City Council Chambers**

**4:30 Adjourned Regular Meeting - Closed Session**

**City Council**

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

**A. PLEDGE TO THE FLAG**

*Skylar Sload, 8th Grade, Manhattan Beach Middle School, led the Pledge of Allegiance.*

**B. ROLL CALL**

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

**C. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING**

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

**D. APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES**

*Without objection, the meeting proceeded as posted and the agenda was approved.*

**E. CEREMONIAL CALENDAR**

*None.*

**F. CITY MANAGER REPORT**

*Interim City Manager John Jalili provided an update on the States drought condition and water issues noting that 2013 was the driest year ever. He reported that the City is moving to continue water conservation efforts through outreach and detailed methods of outreach to the community. Additionally, he provided an update on a recent water main break at Herrin and 18th Streets noting that the force of water lifted approximately 5,000 square feet of pavement. He reported that the crew responded quickly, made the repairs and there was no interruption of service.*

*Interim City Manager Jalili announced staff changes at the Library noting that Children's Librarian, Melissa Messner, will be leaving and that there is a farewell reception scheduled for Thursday, February 13, 2014 in the Police/Fire Conference Room. In addition, he reported that the City has been selected as Outstanding City in Special Events by the California Association of Parks and Recreation Commissioners. The award was given for the 2013 Tour de Pier event.*

**G. CITY ATTORNEY REPORT**

*None.*

## H. CITY COUNCIL ANNOUNCEMENTS AND REPORTS

*Councilmember Burton commented on the Sunshine Ordinance adding that he will meet with the City Attorney to ready the report for a City Council meeting in February. He referenced a City honor given last year to two residents entering the Military Academy and reported that Casey Sublette will receive a scholarship to enter into the Naval Academy.*

*Mayor Howorth suggested contacting his school and inviting him to a future City Council meeting.*

*Mayor Pro Tem Powell reminded City Seniors that the Oasis Center at Joslyn Community Center is open on Sundays from 10:00 a.m. to 4:00 p.m.*

*Councilmember Lesser provided an update of electrical power reliability issues. He presented a photograph of a leaning utility pole near Metlox Square and reported that over two years ago, he sent an inquiry regarding the pole without receiving a response from Southern California Edison. He noted that a new pole has replaced the leaning pole and thanked Public Works Director Olmos for his efforts in the matter. He added that Edison needs to address many other issues including infrastructure issues and suggested placing the matter on an upcoming agenda.*

## I. COMMUNITY ANNOUNCEMENTS REGARDING UPCOMING EVENTS

*Don Gould reported that Children's Librarian Melissa Messner will be missed and noted that many of the activities of which she was responsible, will continue as soon as a replacement is found. He reported receiving great feedback regarding the progress of the Library construction project and that it is scheduled to open in April 2015.*

*Viet Ngo reported that the public has been notified that Congressman Henry Waxman is retiring and encouraged those interested to submit their applications for his replacement.*

**J. PUBLIC COMMENT ON NON-AGENDA ITEMS**

*Viet Ngo commented on Councilmember Burton's denial of a business or residence at 1601 N. Sepulveda and asked that he verify the address of his home and business. He alleged conspiracy, racketeering and extortion by Councilmembers and the Manhattan Beach Chamber of Commerce and invited them to go to the FBI and District Attorney's office with him to resolve the problem.*

*Mayor Howorth noted that we have freedom of speech in a democracy but that does not mean that everything that is said is true and urged those in attendance to keep that in mind.*

*Robert Bush commented on illegal street-sweeping fees and stated that City Council did the right thing by directing the refund of nine years of same fees to residents. He suggested placing a request for reimbursement form in the water bill so that residents can send in the completed form with their payment. He addressed various City funds including the Capital Funds and Refuse Funds and urged the City to find the funds to reimburse the residents. Additionally, he commented on Southern California Edison and urged residents to e-mail or write to Michael R. Peevey, President of the California Public Utilities Commission (PUC) regarding the importance of demanding that Edison fix their infrastructure before anyone is killed and suggested including a note in resident bills urging them to write or e-mail the PUC. He addressed accidents that have occurred because of power outages and stressed that prevention is the solution. In addition, he recommended posting signs for people to walk their bicycles across intersections near the Strand and other areas in the City.*

*Mayor Howorth stressed that this portion of the meeting relates to public comments on items that are not presently on the agenda.*

*Ed Thompson, Member of the Senior Advisory Committee, commented on the City's water billing and noted that residents would like units to be converted into gallons and noted that there should be increased promotion regarding water conservation.*

**K. CONSENT CALENDAR**

*None.*

**L. PUBLIC HEARINGS**

1. Consideration of the Planning Commission Recommendation to Approve and Adopt the City's General Plan Housing Element for the 2013-2021 Planning Period (Community Development Director Thompson).

**a) CONDUCT PUBLIC HEARING**

**b) ADOPT RESOLUTION NO. 14-0005**

*Community Development Director Richard Thompson introduced the item noting that a revised Housing Element will be presented for City Council's consideration at this time. He introduced the Consultant Jon Douglas to provide the presentation.*

*Housing Element Consultant Douglas provided a PowerPoint presentation addressing a Housing Element Overview, Key Issues, Program Actions and Next Steps.*

*In response to an inquiry from Mayor Pro Tem Powell regarding a table presented on page 107 of the report a portion of which is blank, Mr. Douglas stated that it is a typographical error in the document as units were constructed during 2008 through 2013. He stated that it will be corrected before submission to the State. Mayor Pro Tem Powell referenced page 32 noting that the top photo shown is from the hill section.*

*Mayor Howorth suggested that technical issues may need to be addressed off-line.*

*Mayor Pro Tem Powell referenced page 135 and stated that the list needs to be updated as there are names listed of people that are not longer working for the City.*

*Mr. Douglas affirmed that the corrections will be made.*

*In response to Councilmember Lesser's question regarding further amendments, Community Development Director Thompson reported that no further amendments will be required beyond the two being currently proposed until 2021.*

*Mayor Howorth opened the Public Hearing.*

*Esther Schiller, Executive Director of Smoke-free Air for Everyone (SAFE), explained the goals of objectives of the organization and commented on omissions in the Housing Element adding that they could still be addressed by City Council. She announced a special project, the Smoke-free Apartments Registry ([www.smokefreeapartments.org](http://www.smokefreeapartments.org)) that provides information to landlords and providers of affordable housing about the process of adopting no-smoking policies and lists vacancies of apartment owners that have no-smoking policies in effect. She noted that the City's Housing Element addresses the needs of special populations but that in reviewing the document, she saw no mention of the needs of people with asthma and other chronic illnesses that are made worse by exposure to tobacco smoke. She commented on surveys conducted by her organization and offered to do the same in Manhattan Beach and bring the information back to City Council and the community and to provide technical assistance to the City, if so desired.*

*Bill Victor expressed interest in contacting Ms. Schiller about the organization's registry and requested the phone number. Additionally, he reported there is a list of people interested in being notified about the progress of the Housing Element and stated that although he asked for his name to be placed on the list, it is not. He commented on Community Development Director Thompson's statement regarding amendments to the Housing Element not necessary until 2021 and noted there are*

*several hearings that will take place, according to Mr. Douglas and asked for clarification. He added that if there will be hearings; it is possible that there will be some amendments made. In addition, he agreed with the prior speaker's comments regarding the need to consider the needs of those who suffer from asthma and other chronic illnesses.*

*Viet Ngo commented on the Housing Element, noting that the City Council has no intention of accommodating residents who are retired or of lower incomes and the City Council has falsified records. He commented on the City's hiring of Consultant Larry Kosmont and alleged misuse of CDBG funds. He encouraged Councilmembers to go with him to the FBI and alleged criminal activity.*

*Mayor Howorth closed the Public Hearing.*

*Mayor Howorth noted that the Housing Element becomes part of the City's General Plan and confirmed that the updated Housing Element will be included in the City's website.*

*Councilmember Burton commended the Community Development Department and noted that the special housing needs statements are consistent with the State's requirements. Additionally, he commended Consultant Jon Douglas' work on the Housing Element.*

*Councilmember Lesser noted that Mr. Douglas has done a phenomenal job on the Housing Element with extraordinary results.*

**A motion was made by Councilmember Lesser, seconded by Councilmember Burton, to adopt Resolution No. 14-0005 approving the 2013-2021 Housing Element, with a finding that the proposed action is exempt from the provisions of the California Environmental Quality Act (CEQA) and as corrected by Mayor Pro Tem Powell. The motion carried by the following vote:**

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

2. Renewal of the North Manhattan Beach Business Improvement District and Approval of Assessments for Fiscal Year 2014-2015 (Finance Director Moe).

**a) CONDUCT PUBLIC HEARING**

**b) ADOPT RESOLUTION NO. 14-0006**

**c) RATIFY 2014 BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD MEMBERS**

**RES 14-0006**

*Revenue Services Manager Steve Charelian provided details of the staff report noting that annual renewal of the assessments is required by State law and, addressing the purpose for the renewal. He addressed prior related actions by City Council and public noticing and next steps.*

*Mayor Howorth opened the Public Hearing.*

*Seeing no requests to speak, Mayor Howorth closed the Public Hearing.*

*Councilmember Lesser commented positively on the North Manhattan Beach Business Improvement District (BID) and noted that the El Porto area has greatly improved through the hard work of the businesses that have self-assessed to generate funds to improve the North Manhattan Beach area.*

*Mayor Pro Tem Powell commented positively on the BID Advisory Board Members and commended them for their work.*

*Councilmember Burton thanked the Board Members for the sign placed on Rosecrans.*

**A motion was made by Councilmember Lesser, seconded by Councilmember Burton, to adopt renewal of the North Manhattan Beach Business Improvement District and approve the assessments for Fiscal Year 2014-2015 (Resolution No. 14-0006) and ratify 2014 Business Improvement District Advisory Board Members. The motion carried by the following vote:**

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

## **M. GENERAL BUSINESS**

*Mayor Howorth noted the attendance of Members of Girl Scout Troop 1445 that are present to speak regarding Item No. 6 (Amendments to Smoking Regulations). Since it is a school night, she asked that they be allowed to speak at this time.*

*A motion was made by Mayor Pro Tem Powell, seconded by Councilmember Burton, to reconsider the order of the agenda and make Item No. 6 the next item to be heard under General Business.*

**A motion was made by Mayor Pro Tem Powell, seconded by Councilmember Burton, to reconsider the order of the agenda and make Item No. 6 the next item to be heard under General Business. The motion carried by the following vote:**

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

6. Direct Staff to Prepare Amendments to Smoking Regulations  
(Continued from the September 17, 2013 City Council Meeting)  
(Public Works Director Olmos).

**13-0478**

**DISCUSS AND PROVIDE DIRECTION**

*Mayor Howorth opened the floor for public comments.*

*Maya, Member of Girl Scout Troop 1445, spoke in support of a ban of public smoking in outside public areas. She noted that everyday people are suffering from the consequences of second-hand smoke and that smoking damages the environment. The latter includes cigarette butts on streets that get washed into gutters and end up in the ocean.*

*Alexis, Member of Girl Scout Troop 1445, spoke regarding the negative effects of second-hand smoke and the effects to the environment as cigarette butts get washed into the gutters and end up in the ocean which in turn pollutes the water, is harmful to sea life and pollutes the air.*

*Jasmine, Member of Girl Scout Troop 1445, spoke regarding the harmful effects of second-hand smoke.*

*Alanis, Member of Girl Scout Troop 1445, provided testimony regarding her brother who suffers from asthma. She related how her grandmother smokes and that now he is unable to visit her because of her smoking. In addition she reported that her great aunt died from cancer and it was a very scary experience for her.*

*Francis, Member of Girl Scout Troop 1445, read a letter from Dr. Allie from the Allergy Asthma Care Center who wrote regarding the dangers of second-hand smoke and in support of programs that prevent second-hand smoke from reaching children and adults. The letter further detailed the harmful effects of second-hand smoke.*

*Haley, Member of Girl Scout Troop 1445, spoke in support of banning outdoor smoking. She stated that people should be able to eat and shop in a smoke-free environment. She added that people have the right to be able to smoke but not at the risk of others.*

*Amari, Member of Girl Scout Troop 1445, urged City Council to help ban outdoor smoking because of the harmful effects of second-hand smoke.*

*Joanne Gaines spoke on behalf of herself and one student from Mira Costa High School. She provided testimony regarding the loss of several friends and family members to tobacco and urged City Council to pass a City-wide smoking ordinance so that no one has to be exposed to its dangerous effects.*

*Ms. Gaines read a letter from high school student Karishma Ahuja noting the importance of keeping the City clean and smoke-free. It addressed the harmful effects of second-hand smoke and provided testimony regarding one of her friends that smokes. Ms. Ahuja urged City Council to approve the ban on outdoor smoking in public places.*

*Mayor Howorth indicated wanting to hear the staff report at this time but noted that she will return to it to allow an opportunity for residents to provide comments.*

*Public Works Director Olmos thanked City Council for moving the item up on the agenda and deferred to Environmental Programs Manager Sona Kalapura Coffee for*

a presentation.

*Environmental Programs Manager Coffee provided a PowerPoint presentation proposing a City-wide smoking ordinance. She stated this is not a smoking ban, but rather it limits the areas where people can smoke on public property. She provided an overview of the presentation and addressed background, existing smoking regulations, the purpose for expanding the Smoking Ordinance, California State facts, Storm Water Regulations, E-Cigarettes, City-wide versus Comprehensive Ordinance, Comprehensive Smoking Ordinance, potential adverse impacts of outdoor smoking policies, benefits of outdoor smoking policies, community outreach, Behavioral Health Benefits Survey, a list of local businesses that support the ban, Enforcement Issues, City Council direction needed, recommendations and the goals of an expanded Smoking Ordinance in Manhattan Beach.*

*In response to Councilmember Burton's inquiry, Environmental Programs Manager Coffee stated that staff is recommending a City-wide ordinance.*

*Mayor Pro Tem Powell referenced a list of areas that are currently banned from smoking and asked whether existing signage would be changed if City Council were to ban e-cigarettes.*

*Environmental Programs Manager Coffee indicated she would need to research the matter.*

*Councilmember D'Errico commented regarding the limitations under the current ordinance and asked whether the ordinance refers to places of public employment.*

*Environmental Programs Manager Coffee stated that smoking is prohibited in all indoor places of employment. She added that smoking in public areas is currently prohibited within twenty (20) feet of a building entrance.*

*Councilmember D'Errico referenced the list of businesses in support of the ban and asked whether those businesses not on the list oppose it.*

*Environmental Programs Manager Coffee stated that it does not but that it is a list compiled by the firm conducting the survey.*

*Regarding enforcement, Councilmember D'Errico asked if City Council will consider the signage to be placed around the City if the ban is approved and Environmental Programs Manager Coffee responded affirmatively.*

*Public Works Director Olmos added that staff recommends approval of the outreach plan noting that it will be brought forward to City Council.*

*Councilmember D'Errico expressed concerns regarding self-enforcement of the ordinance because he worries about putting residents in harm's way. He asked regarding the existence of data that addresses how well self-enforcement works.*

*Environmental Programs Manager Coffee reported that other cities she contacted are going in the same direction and no information is available regarding residents being in danger by self-enforcing the ordinance. However, she acknowledged the possibility of something like that occurring. If it turns out to be a prolonged problem, Code Enforcement would step in.*

*Councilmember D'Errico commented on the number of international visitors in the downtown area who smoke and asked how that will be handled.*

*Public Works Director Olmos stated the City does not want to put anyone in harm's way for any reason. He added that staff will make sure that the outreach program ensures that everyone knows that Manhattan Beach is a smoke-free community.*

*Councilmember D'Errico asked if smoking-designated areas will be presented to City Council when the matter returns to City Council.*

*Environmental Programs Manager Coffee reported that as part of the City-wide plan, staff is not recommending designated smoking areas unless City Council directs so and commented on challenges related to same.*

*Councilmember Lesser asked regarding problems with designated smoking areas close to businesses or homes.*

*Environmental Programs Manager Coffee commented on problems in the City of Hermosa Beach where smoking areas were designated close to businesses. She added that there is no information regarding proximity to residential areas and recommended placing cigarette receptacles throughout the City with a "no smoking" message so that residents and visitors will have an area where they can dispose of their cigarettes. She stated that staff will continue its outreach efforts.*

*Councilmember Lesser commented on the American Lung Association certification and asked if there is a difference in adopting a City-wide ordinance versus a comprehensive ordinance in obtaining certification.*

*Environmental Programs Manager Coffee reported that a City-wide ordinance would automatically include categories needed to obtain such certification. She addressed how points are assigned and consideration of policies in granting points.*

*Councilmember Lesser commented on deferring the deadline for compliance with storm water obligations and Environmental Programs Manager Coffee explained that staff hopes that the City's existing ordinance will qualify for an extension.*

*Mayor Pro Tem Powell commented on policies regarding tourists and suggested that the Chamber of Commerce would be a good resource for education.*

*Councilmember Burton asked whether adoption of an ordinance will provide a three (3) year stay.*

*Environmental Programs Manager Coffee reported that staff has applied for the extension using the City's existing ordinance.*

*Councilmember Burton addressed debris and pollution and asked for clarification of the percentage of debris that goes into the ocean.*

*Environmental Programs Manager Coffee explained that 40% of what is collected during cleanup days from the ocean is comprised of cigarette butts.*

*Public Works Director Olmos stated that the City has 20 storm drains that go directly into the ocean.*

*Councilmember Burton commented on smoke-free cities including Coronado and Calabasas and noted they have had no problem with enforcement.*

*Mayor Howorth commented on designated smoking areas noting that they become*

*problematic and stated that a City-wide ban is better environmentally and takes out opposition as it makes it easier to put in place. She addressed the undesirability of designated smoking areas and encouraged City Council to follow staff's recommendations.*

*Councilmember Lesser stated that he believed a City-wide ban would need a designated smoking area.*

*Environmental Programs Manager Coffee stated that it does not require one and that most of the cities that have adopted a ban do not have designated smoking areas. She commented on the City of Coronado's ban and its effectiveness and noted they have no issues with compliance.*

*Mayor Howorth stated that it is easier to enforce the ban and put it in place without a designated smoking area. She added that is what staff is recommending.*

*In reply to Councilmember D'Errico's inquiry regarding the list of businesses in support of the ban, Environmental Programs Manager Coffee stated that designated smoking areas were not considered in the survey. She noted that there has been no opposition received in terms of having no designated smoking areas.*

*Mayor Howorth invited additional public comments.*

*Joe Galliani, Torrance resident and organizer of the South Bay 350 Climate Action Group, spoke in support of the City-wide smoking ban. He provided personal testimony regarding smoke from people smoking on the ground floor permeated into his office area where they were forced to close their windows. He noted that they eventually had to move the office because the smoke was bad for his business. He complemented the Girl Scouts and City Council for addressing this issue.*

*Dency Nelson, Hermosa Beach, stated that Hermosa Beach implemented a smoking ban, first, and that Manhattan Beach can do it better. He stated that Hermosa Beach has a comprehensive ban dealing specifically with Pier Plaza and that it has made Pier Plaza much more pleasant than it was prior to the ban as well as family friendly. He provided personal testimony stating that he wants to visit Manhattan Beach and come to a smoke-free environment. He encouraged City Council to approve the ban. Additionally, he reported that his father was a smoker and died due to its effects.*

*Peter Yolin wondered if City Council has had the opportunity to review the other side of the second-hand smoke argument. He expressed concerns with staff's statement that vapor from e-cigarettes is the new "smoke" noting that it is water vapor and wondered if the ban would carry over to steam. He questioned how it was determined that water vapor is smoke when it doesn't cause any of the problems that City Council is trying to deter.*

*Viet Ngo commented on enforcement issues and possible use of resources including the Manhattan Beach Police Department. He addressed community outreach and education as well as the possibility of offending people. He spoke against using public funds to educate people regarding the harmful effects of smoking.*

*Robert Bush commented on four things he dislikes, one of which is tobacco companies. He provided personal testimony regarding his experience with people who smoked. He felt that it is impossible to reason with smokers as they are addicts. He noted that although people know about the harmful effects of smoking, they still smoke and urged City Council to implement a City-wide smoking ban and suggested that people who violate the ban be required to attend City Council meetings for nine*

months.

*Esther Schiller commented on the use of e-cigarettes and read a statement from the California Youth Advocacy Network and the World Health Organization regarding the elements contained in exhaled e-cigarette vapors and the unknown effects of same.*

*Bill Victor provided brief testimony regarding cigarette smoking and suggested adding signs to ashtrays relative to the City's ban. He commented on the City's ban of plastic bags and urged City Council to adopt a complete ban of public smoking.*

*Ken Thompson expressed concerns with implementing a ban without enforcement and suggested working to ban smoking in specific areas in the City.*

*Craig Cadwallder, resident and on behalf of the Surfrider Foundation, South Bay Chapter, addressed foreign tourist business and stated that the City of Beverly Hills does not have a problem with their smoking ban but rather business increased when the smoking ban was put in place. He reported visiting the City of Calabasas to speak about their program and noted they have had no problems with implementation. Additionally, he stated that e-cigarettes should be included in the ban and commented on enforcement and litter. He urged City Council to make a difference and approve the ban.*

*Patrick McBride expressed concerns regarding enforcement and encouraged City Council to ensure that the punishment meets the crime.*

*Unknown speaker noted that this is an emotional issue and commented on the amount of misinformation presented at a prior town hall meeting. He reported that his daughter is a cardiologist and has found no information regarding harmful effects of second-hand smoke in open areas. He commented on the harmful effects of car exhaust, fireplaces and BBQs and stated that banning smoking City-wide is reaching too far. He encouraged City Council to research the matter further before approving the ban and took issue with the statement that 40% of debris from the ocean is made up of cigarette butts.*

*Mayor Howorth closed public comments.*

*Mayor Pro Tem Powell reported that the full staff report was not quoted in the presentation and referenced a statement regarding the U.S. Surgeon General's conclusion that there is no risk-free level exposure to second-hand smoke and the American Lung Association's statement regarding second-hand smoke exposure being harmful at any level including outdoor exposure. He stated that his father was a chain-smoker and died from a heart attack at age 52 and that his mother was also a chain-smoker and died from emphysema and cancer. He recommended adoption of a City-wide smoking ordinance and that there be no designated smoking area. He referenced the City's smoking ban on the beach but not on the Strand and stated that the latter became the designated smoking area where people were exposed to second-hand smoke. He commented on e-cigarettes and stated that they should be included in the ban. He acknowledged that people have the right to smoke but noted that they do not have the right to impact others and strongly urged City Council to approve the ban.*

*Mayor Howorth reported that her mother and father both died as a result of smoking.*

*Councilmember D'Errico stated that his parents both died as a result of smoking. He stated that he is struggling with not providing a designated smoking area adding that the issue was not vetted in the community. He reported that he would like that issue*

*looked at more clearly, that people who want to smoke, will and that he does not want to stop people from coming to the City because they are not allowed to smoke. He stated support of the matter on a trial basis.*

*Interim City Manager Jalili suggested that one option that City Council may want to consider is trying the City-wide ban and if difficulties are encountered relative to designated smoking areas, City Council may consider that later. He added that when the ordinance is presented to City Council, there will be additional outreach.*

*Councilmember Lesser shared some of Councilmember D'Errico's concerns and stated that he supports an amendment to the present Smoking Ordinance. He expressed concerns with the City appearing as a "nanny state" and regulating behavior over which the City may not have control. He addressed challenges with enforcement but indicated he is willing to try a City-wide ordinance and listed his reasons for doing so.*

*Mayor Pro Tem Powell commented on the City's Leadership Class and noted that one of their projects showed what goes down storm drains and winds up in the ocean and on the beaches. He noted that he has participated in beach clean ups and that the predominance of litter is cigarette butts and lighters.*

*Mayor Howorth believed that this is a case where policy will influence public behavior and that the ordinance will curtail behavior. She addressed litter and commented on having designated smoking areas noting that businesses do not want them near them. She commented on support of the City-wide ban.*

**A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Powell, to direct the City Manager and City Attorney to draft a City-wide smoking ban and include e-cigarettes within the definition. The motion carried by the following vote:**

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

*City Attorney Barrow noted that it will include outside smoking areas on private properties.*

*Commissioner Burton voiced his support for taking a long view on the environment and felt this is the right thing to do for the City, the environment and to secure the future.*

*Interim City Manager Jalili reported that staff will return to City Council with an ordinance in April.*

*At 8:20 PM the City Council recessed and reconvened at 8:28 PM with all Councilmembers present.*

3. Leadership Manhattan Beach Class of 2014 Annual Project: Renovation of Live Oak Park Tot-Lot (Parks and Recreation Director Leyman). **14-0065**

**RECEIVE; REPORT**

*Nancy Hersman, member of the Manhattan Beach 2014 Leadership Class, provided a PowerPoint presentation with an update on the Leadership Manhattan Beach class project. She reported that the project is intended to augment the City's Live Oak Capital Improvement Plan. She addressed location of and facts about the Tot Lot, restoring the existing train's colors, replacing park equipment to be ADA compliant, replacing and relocating older park benches, painting and restoring the gazebo, replacing the existing water fountain with an ADA compliant fountain, fundraising efforts including an upcoming kick-off event and CPK fundraiser as well as promotional efforts. She presented a photo of the 2014 class and reported that City Council will be invited to an upcoming ribbon-cutting event.*

*Councilmember Lesser commented positively on the project and asked what the City's plans would have been for restoring the park in the absence of private contributions.*

*Director of Public Works Olmos reported that this project is included in the City's 2014/2015 CIP and addressed the current schedule for restoring it. The improvements proposed will be integrated into the comprehensive plans for the park. He commented on private contributions for other City projects.*

*Mayor Howorth commented positively on the project.*

*Mayor Howorth opened the floor for public comments.*

*Ken Thompson expressed concerns with having to go outside for private funds to improve the City's infrastructure.*

*Bill Victor asked regarding the availability of grants for park improvements to take the pressure off the Leadership Group and suggested the City look into the matter.*

*Mayor Howorth closed public comments.*

*The report was received without objection.*

**A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Powell, to reconsider the order of the agenda and make Item No. 5 the next item to be heard under General Business. The motion carried by the following vote:**

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

5. Approve a Memorandum of Understanding Between the Manhattan Beach Property Owners Association, Friends of Senior & Scout Community Center and the City of Manhattan Beach Regarding the Scout House Reconstruction Project (Parks and Recreation Director Leyman). **14-0062**

**APPROVE**

*Parks and Recreation Director Mark Leyman presented background of the matter noting that the MOU outlines the space, construction elements and fundraising and provided details of each. He added that the property owners will donate \$500,000 towards the project costs and will seek to raise \$2.1 million. Funds will be used to create a 6,000 square foot building and in exchange, the City will grant Seniors and Scouts priority use of the facility for the life time of the building and Parks and Recreation Director Leyman addressed the schedule and use of the building. Fundraising updates will be provided to City Council on a quarterly basis and City Council will consider the matter through various stages of design completion. He presented next steps and recommendations. He reported that Tim Milligan is on the board of the Manhattan Beach Property Owner's Association and has assisted the Friends of Seniors and Scouts Center in various capacities on a volunteer basis, without compensation.*

*City Attorney Barrow pointed out typographical errors to be corrected.*

*Mayor Pro Tem Powell noted that the Friends' commitment expires 42 months after the effective date of the MOU and that in another section of the MOU it is noted that they will begin fundraising after 60 months after the effective date of the MOU.*

*Parks and Recreation Director Leyman stated that is a typographical error and should state six months.*

*City Attorney Barrow confirmed that he has approved the MOU as to form.*

*It was noted that the MOU provides for a three year period in which the Friends are to raise the funds.*

*In response to Councilmember Lesser's inquiry, Parks and Recreation Director Leyman addressed the process in the event that the Friends are unable to raise the necessary funds. He provided details about the non-profit organization.*

*Bret Bernard, Friends of Seniors and Scouts Center Board Member, commented on the partnership between seniors, youth and the City. He addressed the makeup of the Board of Directors and stated that they will expand the Board as the project moves through its fundraising efforts. He believed that their ability to raise \$2.1 million is realistic and confirmed that the design will return to City Council for consideration and that the public will have an opportunity to comment at that time.*

*In response to Councilmember D'Errico's regarding ownership of the building after successful construction, City Attorney Barrow reported that the City would own the building. He added that the City has no obligation to contribute but in terms of if they reach a point where they do not collect enough money; the remaining seed money would need to be returned. The donations towards the \$2.1 million to be raised will be kept in a separate account and will be returned to donors by the Friends, without obligation by the City.*

*Regarding priority use of the facility, Parks and Recreation Director Leyman reported*

*that "priority use" is defined within the document as to dates and times of use by the two groups.*

*City Attorney Barrow added that "priority use" is spelled out in the MOU.*

*Councilmember Burton commented on "add ons" and asked for clarification.*

*Parks and Recreation Director Leyman stated there is nothing proposed at this time but that it would include items such as landscaping and curb cuts.*

*In response to Councilmember Burton's question, Tom Allard stated he has not yet participated in fundraising efforts but will do so.*

*Mayor Howorth opened the floor for public comments.*

*Tom Allard, Member of the Senior Advisory Committee stated that the Committee unanimously supports the project. He addressed present uses of the Scout House as well as proposed uses and asked for City Council's support.*

*Ken Thompson read his comments into the record expressing concerns with private/public partnerships and potential liability for the City. He commented positively on the project but felt that the City's Seniors and Youth should be better served and encouraged City Council to develop a better plan.*

*Bill Victor commented on promises made by the City regarding the Beach Cities Health District which were never kept and suggested contacting them to contribute towards this project.*

*Scott Yanofsky voiced support for the proposed project and offered to help in whatever capacity is necessary.*

*Michael Talber commented positively on the project and thanked City Council for its consideration.*

*Mayor Howorth closed public comments.*

*Interim City Manager Jalili reported that staff has had discussions with the Beach Cities Health District regarding forming potential partnerships with the City for specific projects. They are willing to cooperate, but no projects have yet been identified but that update reports will be presented to City Council at a future date.*

*Councilmember Lesser commented positively on the project and expressed his support. He thanked the MBPOA and Mr. Tim Milligan for their efforts in the project. He commented on private/public partnerships noting that the City cannot pay for all of the infrastructure projects it seeks and needs. He addressed the importance of volunteers and stressed that they enjoy making contributions. He added that the original Scout House was built by volunteers.*

*Mayor Pro Tem Powell thanked all of those involved in the project and commented positively on the partnership.*

*Mayor Howorth pointed out interested parties in attendance and commented positively on what the MBPOA has done for the community.*

*Councilmember Burton commented on the sense of community that happens when people volunteer.*

**A motion was made by Councilmember Burton, seconded by Councilmember Lesser, to approve the Memorandum of Understanding between the Manhattan Beach Property Owners Association (MBPOA), Friends of Senior & Scout Community Center and the City of Manhattan Beach Regarding the Scout House Reconstruction Project with corrections to the typographical error: Item A should read 6 months, instead of 66 months.. The motion carried by the following vote:**

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

4. Results of Fiscal Year 2012-2013 Financial Audit (Finance Director Moe). **14-0063**

**RECEIVE; REPORT**

*Finance Director Bruce Moe introduced the item and noted that this year's audit was particularly challenging. He commended Controller Henry Mitzner and his staff for their work on the matter. He introduced Richard Kikuchi of LSL (Lance, Soll & Lunghard), CPA, and the City's auditing firm and deferred to him for a report.*

*Mr. Kikuchi presented details of the FY 2012-2013 Comprehensive Annual Financial Report (CAFR) as well as the audit process. He addressed audit responsibilities, process and reports, audit opinion; other required communications during the audit, audit communication letter, significant upcoming new accounting standards, Government Finance Officers Association (GFOA) Awards program and summary and thanked the Controller and Finance Director for their help and cooperation.*

*Finance Director Moe provided details of the results of the audit addressing details of the General Fund, revenues within the General Fund, other funds of note, GASB 68 Pension Accounting, statistical section 10-year trends, economics statistical trends, demographic trends and summary.*

*Councilmember Lesser commended Controller Henry Mitzner for his efforts which resulted in the City's saving of \$4.5 million by paying off bonds. He asked for clarification regarding the Pension Bond and Finance Director Moe provided details of same and addressed the Storm Water Fund and the Street Lighting Fund and the implications of the process going forward and the City's financial standing.*

*Mayor Pro Tem Powell commended City staff on this matter as well as the auditors.*

*Councilmember Burton commended City staff for their hard work on this matter. He requested a future briefing regarding financial policies previously adopted by the City as well as pension policies and asked regarding the relationship between the CAFR and the Operating Budget.*

*Finance Director Moe stated that there is none and that this is a retrospective look but it provides information regarding the City's true fund balances for the current fiscal year.*

*Interim City Manager Jalili added that the CAFR concentrates on the accuracy of the information statements for internal controls. He addressed the Budget noting it is adopted to cover expending projections, which are two (2) separate issues.*

*Mayor Howorth commented on the CAFR indicating the accuracy of the City's financial projections and showing that the City's internal controls are working.*

*Councilmember Burton noted the need to review current policies.*

*In response to Councilmember D'Errico's inquiry regarding the top twenty-five (25) sales tax remitters, in terms of qualitative issues that City Council should look at regarding the business community.*

*Finance Director Moe reported that historically, there have been ten (10) businesses the generate the majority of sales tax.*

*Interim City Manager Jalili commented on existing policies noting that some have to*

*do with the size of the reserves.*

*Mayor Howorth commented on the City's principal employers and asked regarding the omission of the School District.*

*Finance Director Moe stated they have been listed in past years and will review the issue.*

*Councilmember Burton requested copies of the PowerPoint presentation.*

*Mayor Howorth opened the floor for public comments.*

*Bill Victor commended City staff and the auditors for their work. He commented on a statement by the auditors that they do not provide an opinion on the entity's internal controls but on compliance and asked what the statement is in the document. Additionally, he inquired regarding the City's bond rating with Fitch.*

*Finance Director Moe explained that it has to do with Fitch's policies. He added that since Fitch is no longer monitoring the City's rating for bonds, they did not respond relative to the City's rating. The City continues to maintain its AAA rating with Moody's and S&P.*

*In terms of having an opinion relative to internal controls, Mr. Kikuchi noted this is a policy standard by which auditors abide. Opinions are made on financial statements, not internal controls.*

*Mayor Howorth closed public comments.*

*By order of Mayor Howorth, the report was received without opposition.*

**This Gen. Bus. - Staff Report was received and filed**

5. Approve a Memorandum of Understanding Between the Manhattan Beach Property Owners Association, Friends of Senior & Scout Community Center and the City of Manhattan Beach Regarding the Scout House Reconstruction Project (Parks and Recreation Director Leyman). **14-0062**

**APPROVE**

*By City Council motion, the aforementioned item was heard earlier on the agenda.*

6. Direct Staff to Prepare Amendments to Smoking Regulations **13-0478**  
*(Continued from the September 17, 2013 City Council Meeting)*  
*(Public Works Director Olmos).*

**DISCUSS AND PROVIDE DIRECTION**

*By City Council motion, the aforementioned item was heard earlier on the agenda.*

7. Submission of Citywide Street Tree Inventory And Tree Trimming Practices (*Continued from the November 19, 2013, City Council Meeting*) (Public Works Director Olmos). **13-0587**

**RECEIVE REPORT AND PROVIDE DIRECTION**

*Public Works Director Tony Olmos provided a PowerPoint presentation addressing background, benefits of a street tree inventory, inventory highlights and location of the top ten (10) species of trees.*

*Maintenance Superintendent Juan Price presented details of tree trimming practices, Lot 8 Carrotwood trees and streetscape Carrotwood trees.*

*Public Works Director Olmos addressed the Street Tree Master Plan and conclusions and recommendations.*

*Mayor Pro Tem Powell commented on damage to sidewalks caused by trees and requiring a property owner to repair the sidewalk but not to remove the tree. He asked how that is addressed in the Master Plan.*

*Public Works Director Olmos stated that the City presently does not have a Master Plan but that if it did, all the private-mounted trees would be identified as well as the ultimate vision for the specific corridor. Every tree is evaluated on a case-by-case basis and the City tries to save any tree that it can. The Master Plan would use the inventory as a base, would be augmented by community input and dying or diseased trees would be replaced with the type of tree identified in the Master Plan.*

*Councilmember Lesser asked how that item is being budgeted for.*

*Public Works Director Olmos noted that is part of the discussion at this time. He added that changes would be implemented on an as-needed basis and staff would identify funds needed through the City's Operating Budget.*

*Councilmember Lesser asked how this would interact with the Veterans' Park Master Plan and Public Works Director Olmos addressed design guidelines for Veterans' Park noting that one of the recommendations within it is the development of a Master Plan for Veteran's Park as well. He added that the two plans would work together and addressed ANSI standards and trimming.*

*Maintenance Superintendent Price addressed the process for trimming the Carrotwood trees noting that reduction was performed according to the ANSI 300 guidelines, not lion tailing and explained the differences between each. He added that he is responsible for overseeing tree trimming and that West Coast Arborists will not do anything without direction from the City.*

*Councilmember D'Errico commented on the trees on Lot 8 which were planted too close together and seemed that a solution would be to remove every other tree.*

*Public Works Director Olmos reported that some trees were removed and then trimming went into place whereby the trees have thrived better in the environment. He added that the City has standard plans for everything and that the general practice is to consider existing conditions of the trees and how the guidelines can be applied.*

*Councilmember D'Errico commented on guidelines and policies and applying ANSI standards specifically to the trees being assessed. He commented on differences*

*between the Master Plan and guidelines and policies.*

*Public Works Director Olmos stated there is a definite distinction between the Master Plan and policies.*

*Interim City Manager Jalili commented on a recent email received by the City regarding tree types in the beach area and conflicts with views and addressing the importance of planting more palm trees. He added that the Master Plan would deal with such issues as it would identify appropriate trees for specific areas.*

*Councilmember D'Errico asked regarding potential community input in reference to the Master Plan and how the City would receive that input.*

*Public Works Director Olmos stated that developing a Master Plan would be similar to how the Veterans' Park guidelines were developed in that the community would be invited to meetings to provide comments and suggestions.*

*Councilmember Burton asked regarding how the City has been managing its urban forest in the past.*

*Maintenance Superintendent Price reported that the City has been properly maintaining its trees and that problems that develop are not because of lack of maintenance. The City does not have a City Arborist but has a consultant to address maintenance issues on specific trees. He noted issues that would be addressed through the Master Plan and commented on private property trees and stated that the City does what it can to save trees. The Master Plan would help guide placing the right tree in the right place and addressed the importance of consistent care in long-term success. Problems can be avoided by making judicious choices upfront.*

*Councilmember Burton commented on the new planning sites and Maintenance Superintendent Price reported that the City will be asking residents to take care of the hardscape but has not addressed the tree issue.*

*In response to Councilmember Burton's inquiry, Interim City Manager Jalili reported the best way to handle the matter of maintenance would be assessing the project as well as the process. Quality trees and quality streetscape requires a major investment and noted that this is a budgetary issue that merits consideration.*

*Public Works Director Olmos reported that requiring residents to pay for repair of hardscape would be a City Council policy and noted the importance of developing a Master Plan. He added that a standard is needed that can be followed for the next twenty (20) or more years.*

*Mayor Howorth noted that Maintenance Superintendent Price speaks from knowledge and experience and that City Council is attempting to systemize and codify what he knows so that the City is able to take care of its trees if he were to be gone. She commended him for his efforts and asked whether a tree inventory has been taken prior.*

*Public Works Director Olmos reported there has been an inventory done of parkway trees but not City-wide.*

*Mayor Howorth commented positively on the staff report and noted that this is not the natural place for some of the existing trees. She stated that the matter needs to be discussed in terms of the broader policy considering availability of water and that the Master Tree Plan will address those types of issues. She commented on the list of*

top ten (10) trees and stated there is also a list of recommended trees. She inquired regarding trees in the top ten (10) list that are included in the list of recommended trees.

Maintenance Superintendent Price reported that many of the trees in the top (10) list are also in the list of recommended trees. He added that the Master Plan will address those issues and noted the importance of starting the project.

Mayor Howorth stated that she would like to see extensive outreach in terms of policies and education.

In response to Councilmember Burton's questions regarding the cost of the Master Plan, Public Works Director Olmos reported that is yet to be determined. He estimated that it will be in the \$50,000 range. He added that property owners are already responsible for maintaining trees and that if City Council wants a formal tree-trimming program, it would need to be at City Council's direction. City Council would need to decide regarding the Master Plan identifying tree-trimming recommendations.

Councilmember Burton commented on hardscape conflicts and Public Works Director Olmos stated that the hardscape would be improved by the concrete project and explained how that is done. Currently, it is up to property owners to take care of their trees but City Council could change that at any time.

Mayor Howorth clarified the present staff proposal.

Interim City Manager Jalili reported that many cities maintain their parkway trees for uniformity and that although it is costly, the results are preferred. That would be a policy issue rather than a Master Plan issue.

Public Works Director Olmos stated that the staff report to be presented to City Council will have the Master Plan and separate implementation options for discussion.

Mayor Howorth opened the floor for public comments.

Frank Waddles commented positively regarding the present discussion and noted that he loves trees but that something that has not been discussed is the history. He added that historically, the City has allowed other people decide and noted that if a resident has had a tree in the front yard for a long time, he/she relates to it differently than this group and loves the tree. He felt that City Council should value the opinion of those people and engage them in the conversation. The matter deserves attention to the history and to those residents.

Bill Victor commended Maintenance Superintendent Price for his knowledge and efforts. He provided personal testimony regarding two trees that he and his sister planted when they were children in New York. He commented on the State's statutes regarding people who cut trees noting that they get triple damages. He noted the importance in engaging the community as to what they want; in developing a Master Plan and that it should be given top priority.

Jackie May commented on New Zealand Christmas trees that are not included in the map on Lot one (1) and two (2) handicap parking spaces under the trees. She reported that when she parks there, sap gets on her car and asked if something can be done about that. She clarified the current proposal.

*Viet Ngo reported there is a tree ordinance in place at this time and noted the need to set priorities. He commented on having a property owner responsible for sidewalk repairs caused by the City's tree-maintenance efforts. He stated that City Council has to change the law regarding City trees adding that repairs related to City trees are the responsibilities of the City.*

*Mayor Howorth clarified the subject of the present discussion.*

*Mayor Howorth closed public comments.*

**A motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Powell, to accept the City-wide tree inventory and direct staff to proceed with the development of a Street Tree Master Plan. He added that the RFP should include criteria that would look for candidates who had experience with public processes and ensure strong public input. The motion carried by the following vote:**

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

*Councilmember Burton commented on the importance of providing a clear scope of work within the RFP. He added that he would like to see the scope of work prior to issuing the RFP. Councilmember Lesser accepted that as a friendly amendment to his motion.*

*It was noted that the scope will not include implementation.*

*At 10:57 PM the City Council recessed and reconvened at 11:04 PM with all Councilmembers present.*

8. Award of Contract to TV Pro Gear in the Amount of \$489,634 for Broadcasting System Upgrades and Installation (Finance Director Moe).

**CON 14-0006**

**APPROVE AND APPROPRIATE**

*Interim City Manager Jalili offered to provide a presentation if City Council so desires.*

*Mayor Howorth reported this is the work that will be done to the Police and Fire Community Room and the Joslyn Center to make them broadcast-ready.*

*Councilmember Lesser asked regarding the use of PEG funds if they were not used for this purpose.*

*Leilani Emnace, Information Systems Manager, reported that Public Education and Government (PEG) funds are paid for by subscribers to cable channels and can only be used for capital purchases of infrastructure associated with cable broadcasting. As an example, it was noted that they can be used for hardware associated with Granicus.*

*Discussion followed regarding possible uses of the mobile studio and staffing. It was noted that staff is looking at bringing in broadcast technicians on part-time basis.*

*Mayor Pro Tem Powell noticed there will be four new cameras and a control room in the Chambers. He suggested another use for the mobile studio for taping concerts in the park. He asked regarding the availability of grant funding for the item.*

*Finance Director Moe stated those would be the Smart Classroom funds and that some of the infrastructure will benefit this project but does not pay for the necessary equipment.*

*Mayor Pro Tem Powell commented on the term of the contract and Finance Director Moe reported it would be sixty (60) days from now and that the intent is to broadcast budget hearings at the Police and Fire Safety Facility.*

*Councilmember D'Errico commented on video tagging capabilities and in response to his inquiry it was noted that is a separate matter. He commented on a discrepancy in the report regarding the zooming capabilities of the proposed cameras and it was noted that the cameras will have a 20X zoom capability. Additionally, he commented on the equipment replacement and training schedule and it was noted that City Council and Planning Commission meetings will be planned around the schedule in order to be able to still broadcast them.*

*Mayor Pro Tem Powell commented on the type of time code generator and reader and stated that it would not be difficult to sync Granicus with the time code generator and suggested contacting Granicus to discuss the issue. It was noted that the proposal was forwarded to Granicus for their review for possible integration.*

*Councilmember Burton stated he supports upgrades to the Granicus video and addressed capability for City cable broadcasting in the future adding that the latter should return to City Council for approval.*

*Mayor Howorth opened the floor for public comments.*

*Bill Victor commented on various expenses addressed in the report and asked regarding the City's 2013 IT budget.*

*Interim City Manager Jalili stated he would be happy to provide that information to Mr. Victor.*

*Mayor Howorth added that it will be part of the upcoming budget discussions.*

*Viet Ngo stated there is not enough information regarding what will be installed and upgraded. He stated that the City's broadcast system is getting worse and that a list of what is to be purchased and installed at each individual facility should be provided prior to approval. He opposed approval of this item.*

*City Attorney Barrow stated there are no problems in approving this item adding that two (2) companies responded to the RFP.*

*Mayor Howorth closed public comments.*

*Councilmember Lesser reported that this is the fruition of 2 ½ years of work and commented on the goal of increasing transparency in the government process.*

*Councilmember Burton thanked Councilmember Lesser and Mayor Howorth for their efforts on this matter. He noted the need for a user-friendly video review capability.*

*Councilmember Lesser indicated that may relate to software which will be a separate discussion.*

**A motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Powell, to award a contract to TV Pro Gear for broadcasting system upgrades and installation in the amount of \$489,634; authorize the City Manager to approve additional work, if necessary, in an amount not to exceed \$48,963 (10% of contract amount); transfer \$116,809 from the General Fund to the Information Systems Fund and appropriate \$116,809 from the Information Systems Fund for this project; and authorize the City Manager to negotiate and execute a contractual agreement with TV Pro Gear. A friendly amendment was accepted to direct staff to report back to City Council on the ability to review editing and programming. The motion carried by the following vote:**

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

**9. Award of Contract to Teri Black & Company for City Manager Recruitment Services (Estimated Total Value of \$26,500); Appropriation of \$26,500 from the City Council Contingency Fund (City Manager Jalili).** **CON 14-0007**

**APPROVE AND APPROPRIATE**

*Interim City Manager Jalili noted the following corrections to the staff report: The date November 19, 2013 should be changed to November 5, 2013. In the sentence "The City Council directed Staff delete the word " Staff" and add "The City Attorney and outside consultant to begin the process to recruit.*

**A motion was made by Councilmember Burton, seconded by Councilmember Lesser, that this item be approved. The motion carried by the following vote:**

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

*Interim City Manager Jalili provided details of the staff report addressing distribution of an RFP for City Manager recruitment services and noted that fifteen responses were received. He addressed screening of responses, interviews and the resulting opinion of the Committee noting that Teri Black & Company stood out in several areas and listed some of the experience. He addressed key components of the search in developing a profile of the ideal candidate, community outreach, schedule and next steps upon approval of the contract.*

*Councilmember Burton asked regarding Phase 1 of the scope of work and asked when the consultant will meet with City Council with a candidate profile.*

*Interim City Manager Jalili reported that they will meet with City Council on February 18, 2014 before additional outreach efforts and presented details of proposed outreach efforts.*

*In response to Mayor Pro Tem Powell's question, City Attorney Barrow confirmed that the contract has been approved as to form.*

*Councilmember Lesser asked whether the timeline is realistic and Interim City Manager Jalili stated that it may be ambitious but that there are ways to expedite the item. He noted that the amount is for the entire period, regardless of how long it takes.*

*Councilmember Burton suggested that rather than a town hall meeting, having the matter as an agenda item to obtain community input.*

*Mayor Howorth stated that it is better to set a timeline and strive to reach it, than allow for more time and miss it. She stated that it won't be necessary to do marketing to sell the City.*

*Councilmember D'Errico asked if it would make sense for City Council to have a Closed Session meeting to discuss general matters and contract terms.*

*City Attorney Barrow stated that it would be his recommendation to do so at the February 18, 2014 meeting, starting at 4:30 PM.*

*Mayor Pro Tem Powell stated it is essential to obtain public input on this matter and suggested that it be scheduled early in the agenda.*

*City Attorney Barrow reported that many of the speakers are getting close to the fifteen (15) minute maximum time for speaking.*

*Mayor Howorth opened the floor for public comments.*

*Viet Ngo reported that the practice of hiring a private firm to recruit a City Manager has failed twice and commented in opposition to the process. He stressed the need to comply with State and Federal law and commented on the City Manager's ability to hire a Police Chief.*

*Mayor Howorth stated that City Council will not interview candidates for City Manager in public.*

*City Attorney Barrow stated that is the process that every city follows.*

*Bill Victor asked regarding giving the Interim City Manager the authority to appropriate additional money to the contract.*

*City Attorney Barrow clarified the amount would be the lesser of \$20,000 or 10%.*

*Bill Victor stated that the matter should go before City Council and that it should be a fixed contract without hourly rates.*

*Mayor Howorth closed public comments.*

*City Attorney Barrow clarified that it would be 10% of the \$26,500.*

*Councilmember Lesser noted that City Council values First Amendment rights but commented on the hateful tone of a previous speaker adding that he is a bully and takes pleasure in attacking Councilmembers and staff and noted that the latter is reprehensible.*

*Councilmember D'Errico agreed with Councilmember Lesser and noted that the speaker has added another individual to his list of corrupt people and asked whether he can be stopped.*

*City Attorney Barrow reported that the standard would be that the speaker is entitled to comment up to the point where he becomes disruptive.*

**A motion was made by Councilmember D'Errico, seconded by Mayor Pro Tem Powell, to award a contract for City Manager recruitment services to Teri Black & Company in the amount of \$26,500; and appropriate \$26,500 from the City Council Contingency Fund balance for these services. The motion carried by the following vote:**

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

## **N. ITEMS REMOVED FROM THE CONSENT CALENDAR**

*None.*

## **O. OPTIONAL ADDITIONAL PUBLIC COMMENTS ON NON-AGENDA ITEMS**

*None.*

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

*Mayor Pro Tem Powell reported attending the Independent Cities Association Conference in Santa Barbara noting that it was dedicated mostly, to public safety and commented positively on the event. He reported that he will give materials received during the conference to the City Clerk.*

*Mayor Howorth requested a brief update report in an upcoming agenda regarding Granicus. She commented positively on the amount of work completed at this meeting.*

*Councilmember Burton commented on an item on the forecasting agenda regarding the Sepulveda Bridge aesthetic treatment and asked that it be heard in conjunction with the Sepulveda Bridge widening on February 25, 2014.*

*Mayor Howorth noted that three Councilmembers must agree in terms of requesting an item to be placed on an agenda.*

*Councilmember Burton noted that the agreement of two Councilmembers is needed to place an item on an agenda and that he spoke previously with Public Works Director Olmos regarding the matter.*

*Mayor Howorth offered to consider the matter when meeting with staff to coordinate the agenda and will determine whether or not to place it on the agenda after speaking with staff to find out if they are ready to present the matter.*

*Councilmember D'Errico stated that he supports the suggestion.*

*Councilmember Burton also suggested placing a discussion regarding the MILLS Act on a future agenda. Councilmember Lesser agreed in support.*

*Mayor Pro Tem Powell commented on the Sepulveda Bridge aesthetic treatment and thought that the Sepulveda Bridge widening project is a component of the CIP.*

## Q. RECEIVE AND FILE ITEMS

10. Financial Reports: 14-0042

Schedule of Demands: January 16, 2014 (Finance Director Moe).

### RECEIVE AND FILE

**A motion was made by Mayor Pro Tem Powell, seconded by Councilmember Lesser, to receive and file the attached Schedule of Demands. The motion carried by the following vote:**

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

## R. ADJOURNMENT

*At 11:54 PM, the February 4, 2014, the Regular City Council Meeting was adjourned to the 4:30 PM, Adjourned Regular City Council Meeting (Closed Session) of February 18, 2014, in the City Council Chambers.*

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**Vida Barone**  
**Recording Secretary**

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**Amy Thomas Howorth**  
**Mayor**

**ATTEST:**

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**Liza Tamura**  
**City Clerk**