

# City of Manhattan Beach

*1400 Highland Avenue  
Manhattan Beach, CA 90266*



## Meeting Minutes - Draft

**Tuesday, May 17, 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*

**PLEASE NOTE THAT THE CITY ARCHIVES THE VIDEO RECORDINGS OF ALL REGULAR CITY COUNCIL MEETINGS AND THE VIDEO FOR THIS MEETING IS HEREBY INCORPORATED BY THIS REFERENCE. ALSO IN SUPPORT OF MORE TRANSPARENCY AND THE AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE, THE CITY OFFERS CLOSED CAPTIONING FOR REGULAR CITY COUNCIL MEETINGS. FOR A COMPLETE RECORD OF THIS CITY COUNCIL MEETING, GO TO: [www.citymb.info/city-officials/city-clerk/city-council-meetings-agendas-and-minutes](http://www.citymb.info/city-officials/city-clerk/city-council-meetings-agendas-and-minutes)**

**A. PLEDGE TO THE FLAG**

*Manhattan Beach Public Library Manager, Melissa McCullom led the pledge to the flag.*

**B. ROLL CALL**

**Present: 5 – Mayor D’Errico, Mayor Pro Tem Lesser, Councilmember Howorth, Councilmember Powell and Councilmember Burton.**

**C. CEREMONIAL CALENDAR**

*None.*

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

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

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

*Councilmember Burton requested that the following action:*

- 1. That Agenda Item No. 4 - Approve Continued Use of As-Needed Professional Services Agreement with Transtech Engineers, Inc. and Penco Engineering, Inc. for Design Engineering Services, be pulled from the Consent Calendar and heard after Agenda Item No. 10 - Report on As-Needed Engineering Services Program.*
- 2. That Agenda Item Nos. 5 - Fiscal Year 2015-2016 Third Quarter Budget Status Report, 6 - Third Quarter Review of City's Existing Capital Improvement Plan and 7 - Letter of Opposition to Assembly Bill (AB 2586 - Gatto) Regarding Limitations on Local Government Authority to Regulate Parking be pulled from the Consent Calendar and heard after "New Business".*

**Motion by Mayor Pro Tem Lesser, Seconded by Councilmember Burton, to approve the agenda, as amended and waive full reading of ordinances. 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)**

*Jill Brunkhard, Representing the Manhattan Beach Fire Foundation, announced the launch of the new 501(c)(3) non-profit organization formed to provide the major source of financial support to the Manhattan Beach Fire Department to provide training, purchase of equipment and community outreach programs.*

*Melissa McCollum, Manhattan Beach Community Library Manager, announced the launch of two new book clubs for kids. The first book club is for 2nd and 3rd Graders, June 5, 2016, at 2 pm. The second book club is for 4th and 5th Graders, June 11, 2016 at 2 PM.*

*Councilmember Powell spoke on the City's Annual Older Adult Fair, Friday, May 20, 2016, at the Joslyn Community Center, 8:30 AM – noon. He stated that the medical exams are free and it also includes a free lunch too. He also provided an update regarding the recent Refugio oil spill indictment and announced that the time he spent on a panel with Senator Bill Allen resulted in significant legislation (to prevent environmental disasters in the future).*

*Councilmember Burton stated that the Manhattan Beach Coordinating Council is having their Green & Gold Scholarship Luncheon, Friday, May 20, 2016, 11:30 AM at the Belamar Hotel.*

## **G. CITY MANAGER REPORT**

*City Manager Mark Danaj announced that in the City Council Regular Meeting on April 19, 2016, and in the City Council Regular Meeting on May 3, 2016, staff members provided the City Council with information on the two of the three self-directed employee work teams that were created after the "All Hands" meeting on October, 2015. He introduced the third group focusing on Staff Growth, Giving Resources and Opportunities.*

*Louise Stein presented to the City Council information about group three of the self-directed employee work teams, "MB Grow".*

*City Manager Danaj introduced Police Chief Eve Irvine she provided information and responded to City Council questions regarding "Paint the Town Orange".*

## **H. CITY ATTORNEY REPORT**

*None.*

**I. PUBLIC COMMENTS (2 MINUTES PER PERSON FOR ONE ITEM, A MAXIMUM OF 5 MINUTES IF A SPEAKER WANTS TO COMMENT ON MORE THAN ONE ITEM)**

*Janine Hamner, Manager for Community Municipal Waste Management provided the City Council with and update on the various waste programs available to residents such as the "At Your Door Program".*

*Jim Burton spoke on sunscreen dispensers and long term sponsorship.*

*Rusty Roten spoke on the report that was handed to the City Council regarding the services by the South Bay Workforce Investment Board.*

*Bill Victor spoke on budget questions, consultants hired by the City and expenses being a line item on the budget, inquired about the Budget Study Session #2, new restrictions regarding parking in communities, and Agenda Item No. 7.*

*Bob Sievers spoke in favor on Agenda Item No. 11 and utility undergrounding and the difficulty in having a liaison between the City and residents of the community whom they can reach out to and receive updates regarding the utility undergrounding.*

*Lisa Benecquista spoke in favor of the utility undergrounding and would like for the City to have a liaison whom residents can speak to regarding the wiring around the City and raise their concerns.*

*Mayor Pro Tem Lesser requested for the City Manager to reach out to the two residents (Bob Sievers and Lisa Benecquista) and get them in touch with a staff member in the City that can answer questions and provide assistance regarding the utility undergrounding.*

**J. PLANNING COMMISSION QUASI-JUDICIAL DECISIONS (RECEIVE AND FILE)****K. CONSENT CALENDAR (APPROVE)**

*Councilmember Powell pulled Agenda Item Nos. 9a, 9b, and 9f.*

*Councilmember Burton pulled during "Certification of Meeting Notice and Agenda Posting" pulled the following "Consent" Items; a) Agenda Item No. 4 - Approve Continued Use of As-Needed Professional Services Agreement with Transtech Engineers, Inc. and Penco Engineering, Inc. for Design Engineering Services, be pulled from the Consent Calendar and heard after Agenda Item No. 10 - Report on As-Needed Engineering Services Program. b) Agenda Item Nos. 5 - Fiscal Year 2015-2016 Third Quarter Budget Status Report, 6 - Third Quarter Review of City's Existing Capital Improvement Plan and 7 - Letter of Opposition to Assembly Bill (AB 2586 - Gatto) Regarding Limitations on Local Government Authority to Regulate Parking be pulled from the Consent Calendar and heard after "New Business".*

**A motion was made by Councilmember Burton, seconded by Councilmember Powell, to approve the Consent Calendar, Item Nos. 1, 2, 3, 8, 9c, 9d, 9e, 9g, and 9h. The motion was carried by the following vote:**

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

1. Ratify the Appointment of the Mira Costa High School Student Nominee, Grace Lauson, to Seat No. 7 of the Parks and Recreation Commission (City Clerk Tamura). [16-0252](#)

**APPOINT**

The recommendation for this item was approved.

2. Purchase of One Budgeted Vacuum Excavation Machine from E.H. Wachs in the Amount of \$74,237.53 (Finance Director Moe). [16-0169](#)

**WAIVE FORMAL BIDDING; APPROVE**

The recommendation for this item was approved.

3. Approval of Contract Amendments #2 and #3 (\$20,985) to Communication Strategies for Technology Consulting Services (Finance Director Moe). [CON 16-0019](#)

**APPROVE**

The recommendation for this item was approved.

4. Approve Continued Use of As-Needed Professional Services Agreement with Transtech Engineers, Inc. and Penco Engineering, Inc. for Design Engineering Services (Public Works Director Olmos). [16-0107](#)

**APPROVE**

This item was moved to Old Business.

5. Fiscal Year 2015-2016 Third Quarter Budget Status Report [16-0261](#)  
**RECEIVE REPORT; APPROPRIATE PROPOSITION A FUNDS;  
TRANSFER MEASURE R FUNDS**

This item was moved to New Business.

6. Third Quarter Review of City's Existing Capital Improvement Plan (Public Works Director Olmos). [16-0159](#)

**RECEIVE AND FILE**

This item was moved to New Business.

7. Letter of Opposition to Assembly Bill (AB 2586 - Gatto) Regarding Limitations on Local Government Authority to Regulate Parking (Traffic Engineer Zandvliet and Management Fellow Davis). [16-0182](#)

**AUTHORIZE LETTER**

This item was moved to New Business.

8. Financial Report: [16-0101](#)  
a) Schedule of Demands: April 28, 2016  
b) Investment Portfolio for the Month Ending March 31, 2016  
c) Month End Report for March 31, 2016  
(Finance Director Moe).

**ACCEPT REPORT AND DEMANDS**

The recommendation for this item was approved.

9. City Council Minutes: [16-0251](#)  
This Item Contains Minutes of the following City Council Meeting:  
a) City Council Regular Meeting - Study Session Minutes of March 28, 2016  
**APPROVE**  
b) City Council Regular Meeting - Council Retreat Minutes of April 7, 2016  
**APPROVE**  
c) City Council Regular Meeting - Joint City Council/Planning Commission Meeting Minutes of April 12, 2016  
**APPROVE**  
d) City Council Regular Meeting - Closed Session and Downtown Specific Plan Minutes of April 18, 2016  
**APPROVE**  
e) City Council Regular Meeting - Boards and Commissions Interviews Minutes of May 3, 2016  
**APPROVE**  
f) City Council Regular Meeting Minutes of May 3, 2016  
**CONTINUED TO JUNE 7, 2016 CITY COUNCIL REGULAR MEETING**  
g) City Council Regular Meeting - Budget Study Session #1 Minutes of May 5, 2016  
**APPROVE**  
h) City Council Regular Meeting - Closed Session Minutes of May 9, 2016  
**APPROVE**  
(City Clerk Tamura).

The recommendation for these items were approved, Item Nos. 9c, 9d, 9e, 9g, and 9h.

Item Nos. 9a, 9b, and 9f were continued to June 7, 2016.

**L. PUBLIC HEARINGS (2 MINUTES PER PERSON)**

None.

**M. OLD BUSINESS**

10. Report on As-Needed Engineering Services Program (Continued from the May 3, 2016 City Council Regular Meeting) (Public Works Director Olmos). [16-0160](#)

**RECEIVE REPORT**

*Item was continued from the May 3, 2016 City Council Regular Meeting.*

*Public Works Director Tony Olmos the presented staff presentation.*

*Public Works Director Olmos and City Attorney Quinn Barrow responded to the City Council questions.*

4. Approve Continued Use of As-Needed Professional Services Agreement with Transtech Engineers, Inc. and Penco Engineering, Inc. for Design Engineering Services (Public Works Director Olmos). [16-0107](#)

**APPROVE**

*This item was taken out of order, per Councilmember Burton's request.*

*Public Works Director Tony Olmos responded to the City Council questions.*

**Motion made by Mayor Pro Tem Lesser, seconded by Councilmember Howorth, to approve continued as use of as-needed professional services agreement with Transtech Engineers, Inc. and Penco Engineering, Inc. for Design Engineering Services. The motion carried by the following vote:**

**Aye: 4 - Lesser, Howorth, Powell and D'Errico**

**Nay: 1 - Burton**

**N. NEW BUSINESS**

11. Report on Power Reliability and Southern California Edison's Capital Improvement Program (Public Works Director Olmos).

[16-0184](#)

**RECEIVE REPORT**

*Public Works Director Tony Olmos introduced the presenters.*

*SCE Region Manager Francisco Martinez, and SCE Paul Hennessy presented staff presentation.*

*Public Works Director Olmos, Francisco Martinez and Paul Hennessy responded to the City Council questions.*

*Councilmember Burton requested for SCE to return back and present to Council in six months.*

*Mayor D'Errico requested notices for residents to be sent earlier regarding outages or any work done throughout the City.*

*Francisco Martinez provided details that they would send a more official letter, texts, and voicemail alert messages when work is being done throughout the City.*

*Councilmember Howorth encourages all residents to sign up for texts and voicemails to get alerts of outages in the area.*

*Councilmember Burton would like to see a five year plan and take the presenters where there are some issues around the City.*

*Motion made by Mayor Pro Tem Lesser, seconded by Councilmember Burton, to receive report and have SCE return in 6 months and provide an update on the status of projects, as well as any updates that they have on reliability.*

*Councilmember Howorth requested that SCE also provide SAIFI (System Reliability Indices for Utilities) and SAIDI (Systems Average Interruption Duration Index) numbers so that City Council can compare the numbers presented tonight and the new numbers in six months.*

**Motion made by Councilmember Burton, seconded by Councilmember Powell, to receive report. The motion carried by the following vote:**

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

*At 8:00 PM the City Council recessed and reconvened at 8:10 PM with all Councilmembers present.*



12. Award a Professional Engineering Services Contract to MWH Americas, Inc. for Design Services for the Peck Reservoir Replacement Project in the Amount Not-to-Exceed \$1,358,640 (Public Works Director Olmos).

[CON 16-0014](#)

**APPROVE**

*Public Works Tony Olmos introduced the item and Principal Civil Engineer Michael Guerrero provided the PowerPoint presentation.*

*Public Works Director Olmos, Principal Civil Engineer Guerrero and Project Manager for the Peck Reservoir Replacement Project Miko Aivazian responded to City Council questions.*

**Motion made by Councilmember Burton, seconded by Councilmember Powell, to approve the award of a Professional Engineering Services Contract to MWH Americas, Inc. for Design Services for the Peck Reservoir Replacement Project in the amount not-to-exceed \$1,358,640; approve authorizing the City Manager to authorize additional design work in the amount of \$141,360 (10.4%) as needed; and also directed the Design Team to explore the possibility of a 10-million gallon tank reservoir capacity. The motion carried the following vote:**

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

13. Pilot Sunscreen Dispenser Program Recommended by the Parks and Recreation Commission (Parks and Recreation Director Leyman).

[16-0147](#)

**DISCUSS AND PROVIDE DIRECTION**

*Parks and Recreation Director Mark Leyman provided the staff presentation.*

*Parks and Recreation Director Leyman responded to City Council questions regarding: disclaimer on signage, request by dermatologist to use sunscreen that prevents cancer, concern regarding view obstruction when mounted, 90 day pilot program – how do you determine if it's a success, installation costs, sunscreen going bad, long term funding sources, if signage is reduced will it violate terms of sponsorship, that certain dispensers only come with one sunscreen, solar vs. batteries, sponsorship vs. costs, purchasing the correct sunscreen that does not have chemicals that cause cancer, research regarding ingredients in sunscreen related to infants and children, request for Risk Management to confirm with different environmental sources and dermatologists regarding which chemicals to avoid in sunscreen and availability of dispensers by summertime.*

**Motion made by Mayor Pro Tem Lesser, seconded by Councilmember Powell, to request for staff to return as soon as practicable with answers regarding the sunscreen options, identify long term funding source, supports the branding to go up for at least the initial 90 days and then allow for City Council to review after that, contact the manufacturer to find out how the formula could potentially change, make sure that there is strong language to protect against liability and safeguard against allegations or false representations and supports the availability of dispensers by summertime. With a friendly amendment to bring back written criteria regarding the pilot program that identifies "what is success and what is failure?" With another friendly amendment to research and ensure that the sunscreen ingredients will not be harmful to infants and children. The motion carried the following vote:**

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

14. One Year Extension of Master Agreement with Manhattan Beach Unified School District Regarding Use and Maintenance of School District Fields and Facilities (City Attorney Barrow).

[CON 16-0015](#)

**APPROVE**

*City Attorney Quinn Barrow provided the staff presentation.*

*City Attorney Barrow and City Manager Mark Danaj responded to City Council questions.*

*Councilmember Howorth requested that a Joint City Council/Manhattan Beach Unified School District meeting be scheduled as soon as possible.*

*Discussion was held regarding the items identified in the side letter: request by MBUSD to have Joint City Council/MBUSD meeting by July 1, 2016, pick up the garbage before school on Monday's, joint tours and slurry seal.*

**Motion made by Councilmember Burton, seconded by Councilmember Powell to approve the one year extension with side letter. The motion carried the following vote:**

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

5. Fiscal Year 2015-2016 Third Quarter Budget Status Report [16-0261](#)  
**RECEIVE REPORT; APPROPRIATE PROPOSITION A FUNDS;  
TRANSFER MEASURE R FUNDS**

*This item was taken out of order, per Councilmember Burton's request.*

*Finance Director Bruce Moe responded to the City Council questions.*

**Motion made by Councilmember Howorth, seconded by Councilmember Burton to receive report. The motion was carried by the following vote:**

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

6. Third Quarter Review of City's Existing Capital Improvement Plan [16-0159](#)  
(Public Works Director Olmos).  
**RECEIVE AND FILE**

*This item was taken out of order, per Councilmember Burton's request.*

*Public Works Tony Olmos responded to the City Council questions.*

**Motion made by Councilmember Howorth, seconded by Councilmember Burton, to receive and file report. The motion was carried by the following vote:**

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

7. Letter of Opposition to Assembly Bill (AB 2586 - Gatto) Regarding [16-0182](#)  
Limitations on Local Government Authority to Regulate Parking (Traffic  
Engineer Zandvliet and Management Fellow Davis).  
**AUTHORIZE LETTER**

*This item was taken out of order, per Councilmember Burton's request.*

*Management Fellow Kendra Davis, Traffic Manager Erik Zandvliet, and City Attorney Quinn Barrow responded to the City Council questions.*

**Motion by Councilmember Burton, seconded by Councilmember Powell to authorize the letter opposing AB 2586. The motion was carried by the following vote:**

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

**9. City Council Minutes:**[16-0251](#)

This Item Contains Minutes of the following City Council Meeting:

a) City Council Regular Meeting - Study Session Minutes of March 28, 2016

**APPROVE**

b) City Council Regular Meeting - Council Retreat Minutes of April 7, 2016

**APPROVE**

c) City Council Regular Meeting - Joint City Council/Planning Commission Meeting Minutes of April 12, 2016

**APPROVE**

d) City Council Regular Meeting - Closed Session and Downtown Specific Plan Minutes of April 18, 2016

**APPROVE**

e) City Council Regular Meeting - Boards and Commissions Interviews Minutes of May 3, 2016

**APPROVE**

f) City Council Regular Meeting Minutes of May 3, 2016

**CONTINUED TO JUNE 7, 2016 CITY COUNCIL REGULAR MEETING**

g) City Council Regular Meeting - Budget Study Session #1 Minutes of May 5, 2016

**APPROVE**

h) City Council Regular Meeting - Closed Session Minutes of May 9, 2016

**APPROVE**

(City Clerk Tamura).

*This item was taken out of order per Councilmember Powell's request.*

*Councilmember Powell requested the following changes to the minutes:*

*Minutes from the March 28, 2016 City Council Study Session– Directed staff to review the video where Mayor D'Errico recused himself at the March 28, 2016 City Council Study Session.*

*Motion made by Councilmember Burton, seconded by Councilmember Howorth. The motion carried the following vote:*

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

*Minutes from the April 7, 2016 City Council Retreat – Directed staff to review notes regarding the motion about the two minutes limit.*

*Motion made by Councilmember Burton, seconded by Councilmember Powell. The motion carried the following vote:*

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

*Minutes from the May 5, 2016– City Council Regular Meeting – Budget Study Session #1 – The pension discussion was continued to the May 5, 2016 City Council*

*Regular Meeting and the minutes do not mention pension.*

*Motion made by Councilmember Burton, seconded by Councilmember Howorth. The motion carried the following vote:*

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

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

*Councilmember Powell requested for staff to upkeep the banner that is located on Manhattan Beach Avenue and Sepulveda Blvd. across the street from target and inquired about the AIRBNB rentals that needed to be removed from the website.*

*Councilmember Burton requested for the Brian Sweeney Claims for Damages to be discussed at a future agenda and for Mr. Brian Sweeney to speak at a City Council Regular Meeting regarding the situation.*

*Motion made by Councilmember Burton, seconded by Councilmember Howorth to follow City Attorney's feedback.*

*Mayor Pro Tem Lesser spoke about Measure R Supplemental Tax for roadways and attended an RCC meeting where the budget was approved.*

*Councilmember Howorth spoke on the California Contract Cities Association where she was invited to speak and attended some of the presentations and is lobbying for the US Olympics to take place in Los Angeles, maybe the City of Manhattan Beach would like to host some of the US Olympic events.*

## P. FORECAST AGENDA AND FUTURE DISCUSSION ITEMS

### 15. Agenda Forecast (City Clerk Tamura). DISCUSS AND PROVIDE DIRECTION

[16-0258](#)

*Mayor Pro Tem Lesser requested to pull Agenda Item No. 4 – Contract with AdminSure, Inc. from “Consent” to “New Business” for the June 7, 2016 City Council Regular Meeting.*

*Councilmember Burton requested to pull Agenda Item No. 5 – Update on Pedestrian Safety at the Bike Path in the Pier from “Consent” to “Old Business” for the June 7, 2016 City Council Regular Meeting.*

*Councilmember Burton requested clarification regarding Agenda Item No. 13 – League of California Cities Legislative Update for the June 7, 2016 City Council Regular Meeting.*

*City Manager Mark Danaj provided clarification that Agenda Item No. 13 would be removed from the June 7, 2016 City Council Regular Meeting.*

*Councilmember Burton requested to combine/present both items Agenda Item No. 14 – Gas Lines at Highland and Rosecrans and Presentation on Gas Company Loop Project from Future Agenda Items on the same June 7, 2016 City Council Regular Meeting.*

*Councilmember Howorth requested for the “Picketing in Residential Areas” from the Informational Memos to be moved to an actual agenda item in a near future meeting.*

*Councilmember Powell requested for the “Discuss Statement of Intent Process to Address Blight” from the Future Agenda Items to be moved to the July 5, 2016 Agenda.*

*Councilmember Powell requested an update on the removal of Manhattan Beach properties from the AIRBNB.*

*Councilmember Howorth and Councilmember Burton requested for the Fire Chief to present a full report on the Fire Department with details on an item presented in Hermosa Beach at a near future City Council Regular Meeting.*

*Councilmember Howorth requested a date for a Joint Council/MBUSD meeting/workshop.*

*Councilmember Burton requested for staff presentation and City Council discussion on HR 4871.*

*Mayor D’Errico requested for staff to research and look for options in regards to cell phone service in the City including towers.*

**Q. INFORMATIONAL ITEMS**

- 16.** Commission Minutes: [16-0255](#)  
This Item Contains Minutes of the following City Commission Meetings:  
Planning Commission Action Minutes of April 27, 2016 (Community Development Director Lundstedt).  
**INFORMATION ITEM ONLY**

**R. CLOSED SESSION**

*At 9:50 PM, Mayor D'Errico announced that City Council would recess into Closed Session.*

**a. CONFERENCE WITH LEGAL COUNSEL (ANTICIPATED LITIGATION)**  
**(Government Code Section 54956.9 (d)(2))**

**A point has been reached where, in the opinion of the City Council on the advice of its City Attorney, based on existing facts and circumstances, there is a significant exposure to litigation against the City.**

**Number of Potential Cases: 1**

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

**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 has previously authorized defending actions brought to challenge the final order.**

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

**Sensible Citizens of Manhattan Beach v. City of Manhattan Beach,  
RREEF AMERICA REIT CORP. BBB II; RREEF AMERICA REIT II CORP.  
BBB  
Case No. BS152854**

**Sensible Citizens of Manhattan Beach v. City of Manhattan Beach  
Case No. BC570884**

**After the City Council certified an Environmental Impact Report and approved the Village Mall renovation project, the Sensible Citizens of Manhattan Beach filed two lawsuits to challenge the City Council's actions. Trial is scheduled for October 12, 2016.**

*At 10:23 PM the City Council reconvened into Open Session with all Councilmembers present after closed session.*

*City Attorney Barrow announced that the City Council gave direction but no reportable action was taken.*

**S. ADJOURNMENT**

*At 10:24 PM Mayor D'Errico adjourned the meeting.*



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**Martha Alvarez**  
**Recording Secretary**

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**Tony D'Errico**  
**Mayor**

**ATTEST:**

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