

# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266



## Meeting Minutes - Draft

Tuesday, March 15, 2016

6:00 PM

Regular Meeting

City Council Chambers

AMENDED AGENDA

## City Council Regular Meeting

*Mayor Mark Burton*

*Mayor Pro Tem Tony D'Errico*

*Councilmember David Lesser*

*Councilmember Amy Howorth*

*Councilmember Wayne Powell*

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

*City Attorney Quinn Barrow led the pledge of allegiance.*

#### B. ROLL CALL

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

#### C. CEREMONIAL CALENDAR

*Mayor Burton indicated that Agenda Item F, Costa2Carnegie, will be taken out of order and heard first regarding the fundraising efforts for the high school.*

*Mr Park from Mira Costa High School introduced three students Zane Kalifa, Shubalu Bartaria and Dylan Neibu, who performed a musical piece for the meeting.*

*Mr. Park provided background information regarding Mira Costa's fundraising efforts. He stated that students have currently raised approximately \$47,000 and that their goal is \$60,000. Mr. Park asked the City Council and the community for help to reach their goal.*

1. Presentation of the Distinguished Service Award to Steve Napolitano, Walt Dougher, Portia Cohen and Michael Greenberg. [16-0102](#)

#### **PRESENT**

*Mayor Burton, on behalf of the City Council, presented Distinguished Service Awards to Steve Napolitano, Walt Dougher, Portia Cohen and Michael Greenberg for their years of service and contributions made to the City of Manhattan Beach.*

2. Presentation of a Certificate of Recognition to Larry Kosmont for Relocating his Business to the City of Manhattan Beach. [16-0103](#)

#### **PRESENT**

*Mayor Burton, on behalf of the City Council, presented Larry Kosmont with a Certificate of Recognition for the relocation of Kosmont Companies to Manhattan Beach and the benefits it will provide to the City.*

## 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

*Mayor Burton announced that the previous Agenda Item No. 15 has been removed and will be set for a future study session date. Mayor Burton also announced that Consent Item No. 3 will be continued to a future Consent Calendar. He also requested that the City Attorney provide a brief memo (on the litigation background and reason for settling the cases) to accompany the Agenda Item.*

**A motion was made to approve agenda, as amended, and waive full reading.  
The motion carried by the following vote:**

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

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

*Item F, Costa2Carnegie, was taken out of order and heard under Item C Ceremonial Calendar.*

*Melissa McCollum, Manhattan Beach County Library - Provided an update on new programs and events being provided by the library.*

*John Corvales, Roundhouse Aquarium - Spoke about 5K Run for the aquarium on Saturday, May 14, 2016, and provided the website to register.*

*Chuck Milam, Roundhouse Aquarium - Spoke about the summer camp that the aquarium hosts for students and kids, and the activities during the summer camp.*

*Patrick McBride - Announced a community interactive forum to be held at the library regarding the history of trains in Manhattan Beach.*

*Tony Choueke - Announced that his neighbor and good friend Richard Walker passed away.*

*Councilmember Powell - On behalf of the Board of Directors, announced that the Manhattan Beach Student Coordinating Council will have a recognition ceremony this Thursday at the Belamar hotel.*

*Mayor Burton - Announced the upcoming International Day of Happiness and a "happiness wall" that will be hosted from 10:00 AM - 4:00 PM at the Manhattan Beach Middle School on March 19, 2016.*

**G. CITY MANAGER REPORT**

*City Manager Mark Danaj - Announced the new City hall hours and where residents can go for more information. He also announced the release of the draft Specific Plan for Downtown and provided the dates for upcoming community workshops to provide input on the plan. He also stated that hard copies of the draft are available at the Community Development counter, the Police Department and the Library.*

**H. CITY ATTORNEY REPORT**

*City Attorney Quinn Barrow provided an update on the Mall CEQA lawsuit and stated the trial has been scheduled for April 6, 2016.*

**I. MAYOR'S REPORT ON MEETING MANAGEMENT**

*Mayor Burton indicated he will continue this item to the next meeting prior to the City Council retreat.*

**J. 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)**

*Mayor Burton opened the floor to public comments.*

*The following individuals provided public comments:*

*Patrick McBride - Spoke about a prior City Council meeting and the hotel study on Parkview Avenue, the increase in fees and the need for money to address infrastructure needs, and Agenda Item Nos. 13 and 14.*

*Janet Murphy - Thanked Councilmembers Powell and Lesser for voting "No" regarding the hotel at the Parkview site, traffic safety issues near Manhattan Village parking lot, and the Downtown planning process and potential conflict of interest.*

*Jill Gottesman - Regarding Agenda Item No. 7, and suggested some additional language to minimize changes for the exterior of the Roundhouse.*

*Lynne Gross - Regarding Agenda Item No. 7, noted the donation was for the exterior of the building only and urged the community to continue to support the aquarium and its daily operations.*

*Phil Reimert - Urged City Council to make up the funding difference for the Mira Costa band to attend Carnegie2Costa and spoke about the potential demolition of city hall and suggested alternative underground parking garage options.*

*Bill Victor - Objected to demolishing city hall, Agenda Item No. 7 objecting to any removal of the café, and the Downtown Specific Plan draft workshop suggesting that hard copies be provided to the public for review.*

*Viet Ngo - Spoke about alleged violations of business licenses, the alleged misuse of public funds, and alleged violations of the Brown Act regarding Agenda Item No. 3.*

*Andrew Stanisich - Expressed his excitement about the new aquarium and looking to incorporate some type of coffee service into the design.*

*Robert Bush - spoke about his love for the City of Manhattan Beach, the Historic Preservation ordinance and its potential affect on property rights and home sales, and alleged police brutality case.*

*Mayor Burton closed the floor to public comment.*

*Councilmember Howorth stated that the comments provided by Mr. Ngo are untrue but appreciates his continued participation in the democratic process.*

*Mayor Burton also affirmed the comments by Councilmember Howorth and noted that Mr. Ngo still needs to comport with the Rules of Decorum. Mayor Burton also noted that many Councilmembers own businesses and get legal advice from the City Attorney and the Fair Political Practices Commission prior to a vote to prevent a conflict of interest.*

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

*None.*

**L. CONSENT CALENDAR (APPROVE)**

**A motion was made by Councilmember Powell, seconded by Mayor Pro Tem D'Errico, to approve the Consent Calendar Items Nos. 4, 5, and 6. The motion carried by the following vote:**

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

**3. Litigation Settlements :** [16-0112](#)

a) Kayter v. City of Manhattan Beach - Los Angeles County Superior Court, Case Number: BC539719

b) Otope, Leon v. City of Manhattan Beach - Los Angeles County Superior Court, Case Number : BC 578791 (City Attorney Barrow).

**APPROVE**

**This item was removed from the Consent Calendar and continued to a future meeting.**

**4. Resolution Approving the Human Resources Department Authorization To Access Federal Level Summary Criminal History Information for Employment/Volunteer Purposes (Human Resources Director Zadroga-Haase).** [RES 16-0020](#)**ADOPT RESOLUTION NO. 16-0020**

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

**5. Financial Report:** [16-0028](#)

a) Schedule of Demands: February 18, 2016

b) Investment Portfolio for the Month Ending January 31, 2016

c) Month End Report for January 31, 2016

(Finance Director Moe).

**ACCEPT REPORT AND DEMANDS**

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

6. City Council Minutes: [16-0104](#)  
This Item Contains Minutes of the Following City Council Meetings Presented for Approval:
- a) City Council Regular Meeting Minutes of February 2, 2016  
(Continued from the March 1, 2016 City Council Regular Meeting)  
**APPROVE**
  - b) City Council Regular Meeting Minutes of February 16, 2016  
(Continued from the March 1, 2016 City Council Regular Meeting)  
**APPROVE**
  - c) City Council Regular Meeting Minutes of March 1, 2016  
**APPROVE**  
(City Clerk Tamura).

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

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

*None.*

**N. OLD BUSINESS**

7. Review Conceptual Roundhouse Aquarium Design (Continued from the March 1, 2016 City Council Meeting) (Public Works Director Olmos).

[16-0080](#)

**REVIEW AND PROVIDE DIRECTION**

*City Clerk Liza Tamura introduced the item.*

*Mayor Burton provided some historical context on the item.*

*Public Works Director Tony Olmos showed two videos on the project.*

*Lynne Gross stated the aquarium is excited about the concept and is going to enhance the fun and bring in more technology to do so. As well as the intimacy the aquarium offers visitors to get up close and personal with the sea animals. She urged the City Council to support the concept.*

*Michael Greenberg spoke about the outpouring of support from the community for the project. He also spoke about the excitement regarding the project and the experience that visitors from around the globe will have at the new aquarium. He also thanked the various individuals who were involved in this project.*

*Public Works Director Tony Olmos requested City Council feedback on the project and presented additional options available to City Council.*

*City Council asked additional follow up questions regarding the project and City Staff responded.*

*Mayor Burton made a motion to support the design and prepare a cooperative agreement between the OTC, the City and the Harrison Greenberg Foundation, hire a project manager to oversee management of contracts, and designate an Ad Hoc Subcommittee and include the Mayor and Mayor Pro Tem on the project.*

*Councilmember Howorth seconded that motion and sought clarification regarding potential branding on the exterior of the building as well as a potential café and would like to have a future discussion on those issues and indicated that tonight City Council is just stating their official support for the project.*

*All Councilmembers expressed their support for this project and thanked the Harrison Greenberg Foundation for their generous gift.*

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

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

*At 7:47 PM the City Council recessed and reconvened at 8:00 PM with all Councilmembers present.*

8. Resolution Approving the Side Letter Agreement with the California Teamsters, Local 911 modifying Article 19 Overtime/Compensatory Time/Work Schedule of the Memorandum of Understanding (Zadroga-Haase, Human Resources Director).

[RES 16-0021](#)

**ADOPT RESOLUTION NO. 16-0021**

*City Clerk Liza Tamura introduced the item and Human Resources Director Teresia Zadroga-Haase provided the staff presentation.*

*Human Resources Director Zadroga-Haase responded to City Council questions.*

*Councilmember Powell stated he fully supports all city employees but is not in favor of the Friday closures of City Hall.*

*Councilmember Lesser shared Councilmember Powell's position and supports city employees but not the closure of city hall on Fridays.*

*Mayor Burton stated he supports the new 9/80 schedule and the 80 hours of full city staff that will be provided as a result to serve the residents.*

*Councilmember Howorth thanked all the employees for their hard work and believes the new schedule will give the best service to all residents.*

*Mayor Pro Tem D'Errico stated that this is the only way to effectively implement a 9/80 schedule.*

**A motion was made by Councilmember Howorth, seconded by Mayor Pro Tem D'Errico, that this item be adopted. The motion carried by the following vote:**

**Aye:** 3 - Burton, D'Errico and Howorth

**Nay:** 2 - Lesser and Powell

9. Approve Continued Use of As-Needed Engineering Services Agreement with Harris & Associates, Inc. for Design Engineering Services (Public Works Director Olmos).

[16-0077](#)

**APPROVE**

*City Clerk Liza Tamura introduced the item. Public Works Director Tony Olmos provided the staff presentation.*

*Public Works Director Olmos and City Manager Danaj responded to City Council questions.*

*Mayor Pro Tem D'Errico stated he would like to have a full discussion about the system put in place.*

*Mayor Burton confirmed that this issue will be addressed at the May 3 City Council meeting.*

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

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

## O. NEW BUSINESS

10. Discuss Formation of a Manhattan Beach Economic Development Advisory Council (EDAC) and Report Back to City Council (Assistant City Manager Nader/Economic Vitality Manager Sywak). [16-0106](#)

### **DISCUSS AND PROVIDE DIRECTION**

*City Clerk Tamura introduced the item and City Manager Mark Danaj provided introductory remarks regarding the Economic Development Advisory Council.*

*Economic Development Manager Andy Sywak provided brief comments on the formation of the City's Economic Development Advisory Council.*

*Councilmember Powell was concerned about some of the bylaws and requested changes. Also, he noted the sections regarding meetings and requested that they bylaws state that all meetings are public meetings.*

*Further discussion ensued amongst the City Council regarding the role of the Economic Development Advisory Council.*

*Councilmember Howorth expressed her enthusiasm for this board and that she would like to see some women on this advisory group.*

*Mayor Burton indicated that the City Council can add two more positions that could be women bringing the total to 9 members.*

*Mayor Burton recited the changes to the bylaws as requested by Councilmember Powell, including:*

*Deleting the second sentence in Article 2*

*Striking the note on page 125, Article 4, Section 3*

*Changing the titles from "Officers" to "Chair" and "Vice Chair" on page 125, Article 5*

*Councilmember Lesser also requested revising the sentence in Article 7 so the Economic Development Advisory Council does not speak on behalf of the City.*

*City Manager Danaj clarified that the intention is for the Economic Development Advisory Council to meet periodically with City Council, and add in Article 2 strategies pertaining to economic development, retaining existing business, and attracting key new tenants.*

*Larry Kosmont read the new sentence with the revised purpose.*

*Councilmember Powell asked if the title can be changed on the top to include the City Seal.*

*City Manager Danaj indicated that change would be made.*

**A motion was made by Mayor Burton, seconded by Councilmember Powell, that this item be accepted with the proposed changes to the bylaws. The motion carried by the following vote:**

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

**A motion was made by Mayor Burton, seconded by Councilmember Powell, to appoint the members to the Economic Development Advisory Council, provide a list to Larry Kosmont and add additional two members to promote more diversity. The motion carried by the following vote:**

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

**11. Fiscal Year 2014-2015 Comprehensive Annual Financial Report**

[16-0063](#)

**RECEIVE REPORT**

*City Clerk Liza Tamura introduced the item and Finance Director Bruce Moe provided the staff presentation.*

*Auditor Richard Kikuchi, Lance Soll and Lunghard, provided a summary of the comprehensive annual financial audit, and noted that his company issued an Unmodified Opinion which is the ideal designation the City should seek to receive.*

*Councilmember Powell commended staff for their efforts and inquired about some of the key revenue variances, as well as an incorrect organizational chart and a lengthy footnote.*

*Mayor Pro Tem D'Errico inquired about the Unmodified Opinion and its meaning.*

*Mayor Burton asked about the unfunded pension liability per rule 68, the discount rate regarding unfunded pension liabilities and additional supplemental and notation sections located in the 2014-2015 Comprehensive Annual Financial Report.*

*Mayor Burton asked if an additional consultant could be present at the May 3 City Council Meeting to answer questions on all the supplemental information sections of the 2014-2015 Comprehensive Annual Finance Report.*

*City Staff and Auditor Richard Kikuchi responded to City Council questions.*

*All Councilmembers expressed their thanks to the Finance Department staff for their hard work in preparing the Fiscal Year 2014-2015 Comprehensive Annual Financial Report.*

**A motion was made by Councilmember Howorth, seconded by Councilmember Powell, that this item be received and filed. The motion carried by the following vote:**

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

12. Reorganization of the Human Resources Department, Restoration of Authorized Full-Time Support Positions, Upgrading the Senior Human Resources Analyst Position (Human Resources Director Zadroga-Haase).

[16-0118](#)

**APPROVE**

*City Clerk Liza Tamura introduced the item and Human Resources Director Teresia Zadroga-Haase provided the staff presentation.*

*Councilmember Powell stated he normally loathes adding additional positions but he stated in this case it was needed, and by having the proposed positions it will save in workers compensation, liability, lead to the training of staff to be more efficient and effective, and assist with complexities of labor laws where needed.*

*Councilmember Lesser expressed his thanks and support regarding this agenda item.*

*Mayor Pro Tem D'Errico commented that some may oppose funding for support services but they do not see the value and the asset that a full class Human Resources Department can bring regarding services to the community.*

**A motion was made by Councilmember Powell, seconded by Mayor Pro Tem D'Errico, that this item be approved. The motion carried by the following vote:**

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

13. Site Assessment Findings for Fire Station No.2 (Public Works Director Olmos).

[16-0098](#)

**REVIEW AND PROVIDE DIRECTION**

*City Clerk Liza Tamura introduced the item, and Public Works Director Tony Olmos provided the staff presentation using the document reader to project proposed sites as identified in the staff report.*

*City Council asked questions regarding the proposed site locations, seismic integrity of the current facility, acquiring potential properties, rezoning parcels and notifying surrounding residents.*

*Public Works Director Tony Olmos and Fire Chief Robert Espinosa responded to City Council questions.*

*Councilmember Howorth stated that it should be made clear to the community that City Council's attention tonight is to focus on the current site.*

*Councilmember Lesser stated that this was direction given by City Council to consider potential sites and not something staff undertook on their own. Councilmember Lesser commented that these alternative sites were very problematic to proceed with further review, and again clarified that staff was simply doing their job.*

*Mayor Burton reiterated this was done under City Council direction, and that City Council is limited on the potential options.*

**A motion was made by Mayor Burton, seconded by Councilmember Howorth, to direct staff to evaluate existing site only and potential expansion to the south and east, comeback with data on the site, cost estimates, and notifying surrounding residents of the site assessment. The motion carried by the following vote:**

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

14. Presentation of Community Paramedicine and Status of Pilot Programs in Southern California (Fire Chief Espinosa).

[16-0068](#)

**REPORT**

*This item was not introduced and Fire Chief Robert Espinosa provided the presentation.*

*Mayor Burton requested the Fire Chief to return in the future with potential options to participate in pilot programs.*

**By order of the Chair the report was received.**

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

*Councilmember Powell brought up the Rite Aid site and the continued blight occurring there. He spoke about the City of San Diego's 'Statement of Intent' ordinance to address blight and would like to study the ordinance and see it as a future agenda item.*

*Councilmember Lesser stated he is in support of this item but recommended considering this issue after the Downtown Specific plan process.*

*Mayor Burton indicated he would like the claim filed by Brian Sweeney regarding undergrounding to be discussed at a future meeting.*

*Councilmember Lesser inquired if a City Council meeting was the appropriate venue for such an issue and indicated he would like to flush out the process.*

*Councilmember Powell requested City Attorney Quinn Barrow to provide the statute of limitations.*

*Mayor Burton stated that since the City Council is the governing body they should consider the claim.*

## **Q. FORECAST AGENDA AND FUTURE DISCUSSION ITEMS**

### **15. Agenda Forecast (City Clerk Tamura).**

[16-0105](#)

#### **DISCUSS AND PROVIDE DIRECTION**

*Mayor Burton stated he will be giving his closing remarks as Mayor at the April 5 City Council meeting with the installation of the new Mayor on April 19, 2016.*

*Mayor Burton inquired about adding on Neighborhood Watch as a separate agenda item for the April 5 meeting.*

*Assistant City Manager Nadine Nader confirmed that it will be presented as a separate agenda item.*

*Councilmember Howorth indicated she would like to agendize as a ceremonial item recognition for Go Red for Women Heart Disease for Women Month. She also wanted to confirm that the meeting on April 12, 2016, is a joint City Council/Planning Commission meeting.*

*Assistant City Manager Nadine Nader provided clarification on the upcoming meetings and the topics that will be addressed at each one, as well as an upcoming City Council Retreat.*

*Councilmember Lesser asked for a report regarding electrical outages and if a representative from Southern California Edison will be available to answer City Council questions at an upcoming City Council meeting with regard to the installation of the new Mayor.*

*Public Works Director Tony Olmos answered a representative will be available at the upcoming May 17 City Council meeting.*

**R. INFORMATIONAL ITEMS**

*None.*

**S. CLOSED SESSION**

*None.*

**T. ADJOURNMENT**

*At 9:47 PM Mayor Burton adjourned the meeting.*

---

**Matthew Cuevas**  
**Recording Secretary**

---

**Mark Burton**  
**Mayor**

**ATTEST:**

---

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