

# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266



## Meeting Minutes - Final

Tuesday, April 16, 2013

6:00 PM

Regular Meeting

Council Chambers

### City Council

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

**MANHATTAN BEACH'S CITY COUNCIL WELCOMES YOU!**

**BELOW ARE THE AGENDA ITEMS TO BE CONSIDERED. THE RECOMMENDED COUNCIL ACTION IS LISTED IMMEDIATELY AFTER THE TITLE OF EACH ITEM IN BOLD CAPITAL LETTERS.**

**A. PLEDGE TO THE FLAG**

*Manhattan Beach Unified School District Boardmember Bill Fournell led the Pledge of Allegiance.*

**B. ROLL CALL**

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

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

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

**D. CLOSED SESSION ANNOUNCEMENT**

*City Attorney Barrow announced that at the April 2, 2013 Closed Session meeting the City Council authorized the City Attorney to defend the Armato versus City of Manhattan Beach lawsuit by a 4 - 0 vote. City Attorney Barrow stated that he is making this announcement tonight because the April 2, 2013 Closed Session meeting did not conclude until 11:35 p.m.*

*City Attorney Barrow stated that the City Council met in Closed Session for the items identified on tonight's agenda, pursuant to the Brown Act. With respect to Item No. 1, an existing piece of litigation called City of Agoura Hills, City of Manhattan Beach and seven other cities versus the County of Los Angeles, the City Council gave direction to the City Attorney.*

*Regarding Item No. 2, Conference with Legal Counsel, anticipated litigation, the City Council gave direction concerning a potential piece of litigation.*

*In regard to Items 3 and 4 (performance evaluations of the City Attorney and City Manager) no reportable actions were taken.*

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

*No changes were made to the agenda at this time.*

**F. CEREMONIAL CALENDAR**

1. Presentation from Grades of Green [13-0175](#)  
**RECEIVE AND FILE**

*Mayor Lesser, on behalf of the City Council, presented a certificate to Grades of Green Program Manager Nicole Sevier and gave City pins to the program students.*

2. Proclamation Declaring April 2013 as National Poetry Month [13-0186](#)  
**PRESENT**

*Mayor Lesser, on behalf of the City Council, recognized April 2013 as Poetry Month and Dick Zeif, representing poets from the Older Adult Parks and Recreation Program, read a poem.*

**G. COMMUNITY ANNOUNCEMENTS (One Minute Per Person)**

*Nicole Padilla invited the community to the American Cancer Society's Relay for Life 24-hour cancer walk at Mira Costa High School on May 18 - 19, 2013.*

*Jamila Lang announced a free e-waste and shredding event at Manhattan Beach Middle School on Saturday, April 27, 2013 from 9:00 a.m. until 1:00 p.m.*

*Lester Silverman announced that a Sustainable Green Expo will be held this Saturday and Sunday at the National Guard Armory from 10:00 a.m. - 4:00 p.m.*

*Ed Caprielian urged Manhattan Beach Older Adults to sign up for the City's Senior Softball Association League.*

*Viet Ngo expressed condolences to the victims of the Boston terrorists and spoke of an alleged conspiracy between the City Council, Los Angeles County and Steve Johnson of Johnson Favaro.*

*Manhattan Beach Librarian Don Gould reminded everyone that the library is still open; that the public will be informed of the closure; and then announced various library events.*

*Mayor Pro Tem Howorth announced that this Friday at 7:00 p.m. is the opening night for Mira Costa High School Drama Department's play "Anything Goes".*

*Councilmember Powell announced the Older Adults Fashion Show on May 5, 2013 from 2:00 - 4:00 p.m. at the Joslyn Community Center.*

*Councilmember Powell announced an Affordable Care Act Community Forum on Tuesday April 23, 2013 from 7:00 - 8:30 p.m. at the Joslyn Community Center.*

*Councilmember D'Errico announced that this weekend is the Manhattan Beach Downtown Sidewalk Sale.*

*Mayor Lesser announced a number of upcoming community workshops, Town Hall meetings and Budget Study Sessions.*

*Manhattan Beach Police Chief Irvine introduced El Camino Police Chief Mike Trevis and his command staff who thanked the City Council for the donation of a surplus vehicle.*

## H. AUDIENCE PARTICIPATION (Three Minutes Per Person)

*Manhattan Beach Unified School Board Trustee Bill Fournell reported on current School District events.*

*Chandra Shaw, on behalf of the Downtown Business & Professional Association, spoke about their "Think Local" campaign and announced that they were able to double the proceeds this year from the Farmer's Market to the Manhattan Beach Ed Foundation for a total donation of \$10,000.*

*Susan Warshaw, on behalf of the Manhattan Beach Education Foundation Board, thanked the Downtown Business & Professional Association for their generosity.*

*Leanne Heubner, PTA Legislative Advocacy Representative for the Manhattan Beach Council of PTAs, gave an update on the Local Control Funding Formula initiative added by Governor Brown.*

*Mary Anderson spoke about the need for the City to investigate its parking space process and her concern that comments made by City Attorney Barrow at the March 19, 2013 City Council meeting may lead to the re-opening of the Public Hearing in which the City Council voted to remove the parking space at the foot of her home.*

*Peter Goodwin requested that City Attorney Barrow provide, in detail, the process whereby a closed Public Hearing can be reopened.*

*Viet Ngo stated that a complaint had been filed with the District Attorney regarding an ongoing conspiracy and spoke of alleged violations by various elected and city officials.*

*Lester Silverman asserted the need for the City and School District to be partners and to work together to address problems.*

*Ed Caprielian spoke about the use of performance measures in the strategic planning process.*

*Bill Victor stressed that the City Council should not take Dr. Caprielian's advise lightly.*

*In response to Mayor Lesser's request regarding when the parking space process will be discussed, City Manager Carmany stated that he will bring this issue back and explain it under "City Manager Reports" at a future City Council meeting.*

*In response to an audience member's question, City Attorney Barrow clarified that there were 2 requests to re-open Public Hearings during the March 19, 2013 City Council meeting and that 98% of the conversation was directed at the Public Hearing item regarding the residence at 301/303 25th Street. He added that the minutes of the March 19, 2013 City Council meeting quote him as saying that "the parking space item is not on the agenda therefore the City Council cannot take any action on it tonight" and that was the end of the discussion on that item. City Attorney Barrow added that he will draft a letter explaining how a Public Hearing can be re-opened and the different types of actions that the City Council would have to take to do so.*

*City Manager Carmany agreed with many of the performance measures suggested by Dr. Caprielian; pointed out that the budget does include a number of quantifiable measures; and that they are incorporated whenever possible. He also communicated that the city is engaging in a broader outreach program to urge residents to attend the Budget Study Session meetings.*

## I. CONSENT CALENDAR

**A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Powell, that this item be approved, with the exception of Item Nos. 6, 7, 9, 11, 13 and 14, which were considered under Items Removed From the Consent Calendar and Item No. 19, which was continued to a future City Council meeting. The motion carried by the following vote:**

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

3. Employee Service Awards [13-0178](#)  
**RECEIVE AND FILE**

*Mayor Lesser announced that none of the employees receiving Employee Service Awards (Item No. 3 on the Consent Calendar) were available to attend the meeting this evening.*

4. Ratification of Motor Fuel Purchase from Southern Counties Oil Co. in the Amount of \$29,251.59. [13-0176](#)  
**APPROVE**

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

5. Award of Bid for the Purchase of Two Budgeted Replacement Global Electric Motorcars for the Police Department from Hollister Powersports (\$26,397.45). [13-0166](#)  
**APPROVE**

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

8. Final Payment in the Net Amount of \$8,276.55 to Ramona, Inc. for the 2011-2012 Sewer Main Rehabilitation Project, Phase 1; Change Orders No. 1 through 3 in the Net Amount of -\$803.83; Formally Accept the 2011-2012 Sewer Main Rehabilitation Project, Phase 1 as Complete; Authorize Filing of the Appropriate Notice of Completion; and, Release of Retention in the Amount of \$93,724.62 [13-0177](#)  
**APPROVE**

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

10. Professional Engineering Services Agreement with Cannon Corporation in the Amount of \$112,633 for Water Main Design Services for the FY 2013-2014 Pipe Replacement and Fire Hydrant Installation Project in the Area South of Manhattan Beach Boulevard and East of Sepulveda Boulevard (Section 2). [13-0140](#)

**APPROVE**

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

12. Third Amendment to Agreement between the City of El Segundo and the City of Manhattan Beach for Median Landscape Maintenance of Rosecrans Avenue Between Highland Avenue and Aviation Boulevard. [13-0169](#)

**APPROVE**

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

**J. PUBLIC HEARINGS**

15. Use Permit, Coastal Development Permit, and Lot Line Adjustment, for a New County of Los Angeles Public Library at 1320 Highland Avenue [RES 13-0027](#)  
**CONDUCT PUBLIC HEARING AND APPROVE RESOLUTION NO. 13-0027**

*Planning Manager Laurie Jester gave a brief review of the library project.*

*Jim Favaro of Johnson Favaro Architecture explained the Site Plan, Floor Plan and Design of the proposed library building in detail and answered Council's questions.*

*Los Angeles County Assistant Director/Chief Information Officer Fred Hungerford and Assistant Director of Capital Projects and Facility Services Jim Allen responded to the City Council's questions.*

*Mayor Lesser opened the Public Hearing.*

*The following individuals spoke on this item:*

*Nancy Dunn  
Craig Cadwallader  
Bill Victor  
Esther Besbris  
Viet Ngo*

*Mayor Lesser closed the Public Hearing.*

**A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Powell, to adopt Resolution No. 13-0027. The motion carried by the following vote:**

**Aye:** 3 - Powell, Howorth and Lesser

**Abstain:** 2 - D'Errico and Burton

**A second motion was made by Councilmember Burton, seconded by Councilmember D'Errico, to accept the quitclaim deed and utility easement. The motion carried by the following vote:**

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

- 16.** Ordinance No. 13-0003 Amending Speed Limits Pursuant to the 2013 Engineering and Traffic Survey

[ORD 13-0003](#)

**INTRODUCE ORDINANCE NO. 13-0003**

*City Manager Carmany introduced this item stating that a hearing is required under state law to adopt an updated speed survey and amend speed limits on certain street segments within the City.*

*Traffic Engineer Erik Zandvliet discussed the background and methodology of street surveys and illustrated a map showing the proposed new speed limits.*

*Mayor Lesser opened the Public Hearing.*

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

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

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

*At 8:35 p.m. the City Council recessed and reconvened at 8:52 p.m. with all Councilmembers present.*

**K. GENERAL BUSINESS**

17. Information Systems Master Plan [13-0151](#)  
**APPROVE**

*Finance Director Moe explained that the goals of the IS Master Plan are: to develop a comprehensive assessment of the city's existing technologies and staffing; to maximize the City's technological investment; and to develop an implementation plan and budget. He provided background on the introduction of the Plan and approval of the contract with NexLevel in 2012. Finance Director Moe requested that the City Council discuss and approve the IS Master Plan and direct staff to develop a funding plan.*

*NexLevel President Terry Hackelman and Managing Consultants Pat Griffin and Cindy Abbott spoke about the ever growing technology demand; initiating the process; assessing how technology is being used; strategies, plan recommendations; strategic projects, current and future, and responded to City Council's questions.*

*The following individuals spoke on this item:*

*Ed Caprielian  
Craig Cadwallader  
Bill Victor*

*Councilmember Burton stated his concerns regarding a five-year commitment and cost variances in the Plan.*

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

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

**Nay:** 1 - Burton

18. Report on 960-hour Policy Governing Part-time Employees and Benefits [13-0174](#)  
**RECEIVE AND FILE**

*The following individual spoke on this item:*

*Gerry O'Conner*

**This Staff Report was received and filed.**

19. Report from the Ad Hoc Open Government Subcommittee Seeking City Council Direction on Remaining Open Government Initiatives; Authorization for the City Manager to Adopt the Public Records Act Protocol; and Direction on Future Open Governmental Initiatives. [13-0180](#)  
**DISCUSS, AUTHORIZE ADOPTION, AND PROVIDE DIRECTION**

*Item No. 19 was continued to the May 21, 2013 City Council meeting.*

**L. ITEMS REMOVED FROM THE CONSENT CALENDAR**

6. Contract with Omni-Means, Ltd. In the Amount Not-To-Exceed \$47,213 for the Preparation of a Feasibility Study for Roundabouts on Valley Drive/Ardmore Avenue at the Intersections of 15th Street, Manhattan Beach Boulevard and Pacific Avenue. [13-0068](#)

**APPROVE**

*Item No. 6 was continued to a future City Council meeting.*

7. Progress Payment No. 1 in the Net Amount of \$91,329 to Lightning Fence Co. for the Sand Dune Park and Marine Avenue Park Fence Project. [13-0171](#)

**APPROVE**

*Councilmember D'Errico pulled this item to request that in the future a spreadsheet including dates accompany the staff report.*

*The following individuals spoke on this item:*

*Faith Lyons  
Gerry O'Conner  
Viet Ngo*

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

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

9. Contract with Construction Management Consultants Faithful+Gould in an amount not-to-exceed \$95,440 to complete a Facility Condition Assessment study. [13-0181](#)

**APPROVE**

*Item No. 9 was continued to a future City Council meeting.*

11. Professional Services Agreement with Willdan Engineering in an Amount Not-to-Exceed \$136,500 for Interim City Engineer Services.

[13-0182](#)

**APPROVE**

*Councilmember Burton pulled this item in order to inquire whether there would be an alternative to hiring an Interim City Engineer at this time.*

*City Manager Carmany stated that due to the recent resignation of the City Engineer; the upcoming retirement of the Public Works Director; and the volume of Capital Improvement Projects, the position needs to be filled as soon as possible.*

*The following individual spoke on this item:*

*Viet Ngo*

*City Attorney Barrow stated that he just received a request from Wildan for some changes to the indemnity provisions of the agreement.*

*Council concurred not to accept the last minute changes requested by the vendor and to vote only on the original agreement.*

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

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

13. Financial Reports:  
a) Schedule of Demands: March 26, 2013.  
b) Payroll Register: March 28, 2013.

[13-0184](#)

**APPROVE**

*The audience member who pulled this item was no longer present.*

*There were no other requests to speak; therefore the following motion was made.*

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

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

**14. Minutes**[13-0172](#)

This item contains minutes of City Council meetings which are presented for approval and minutes from City Council subcommittees and from other City commissions and committees which are presented to be received and filed by the City Council. Staff recommends that the City Council, by motion, take action to approve the minutes of the:

a) City Council Regular Meeting of March 19, 2013.

**APPROVE**

b) City Council Closed Session Meeting of April 2, 2013.

**APPROVE**

c) City Council Regular Meeting of April 2, 2013.

**APPROVE**

d) Planning Commission Meeting of April 10, 2013.

**RECEIVE AND FILE**

e) Parking and Public Improvements Commission Meeting of March 28, 2013.

**RECEIVE AND FILE**

*The following individual spoke on this item:*

*Viet Ngo*

**A motion was made by Councilmember Powell, seconded by Mayor Pro Tem Howorth, that this item be approved with the exception of Mayor Pro Tem Howorth abstaining from the minutes of the April 2, 2013 City Council meeting and with Councilmembers Burton and D'Errico abstaining from the minutes of the March 19, 2013 City Council meeting . The motion carried by the following vote:**

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

**M. CITY MANAGER REPORT(S)**

*Due to the hour, City Manager Carmany stated that he would continue his comments to a future City Council meeting.*

**N. OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS**

*Councilmember Powell inquired whether his City Council colleagues would be in favor of agendizing the issue of Senate Bill SJR7, the Los Angeles Residential Helicopter Noise Relief Act of 2013.*

*City Attorney Barrow confirmed that a minimum of 2 Councilmembers are required to add an item to the agenda.*

*Mayor Pro Tem Howorth conveyed her support; therefore, the issue will be agendized at an upcoming City Council meeting.*

20. Request from Councilmember Burton to Authorize the Mayor to Draft a Letter to the Governor Regarding Education Funding

[13-0199](#)

**DISCUSS AND PROVIDE DIRECTION**

*The City Council and City Manager briefly discussed sending a letter to Governor Brown regarding education funding.*

*The following individuals spoke on this item:*

*Leanne Heubner, PTA Legislative Advocacy Representative for the Manhattan Beach Council of PTAs*

*Susan Neil, Manhattan Beach Council of PTAs*

*Viet Ngo*

*Craig Cadwallader*

*The City Council held a discussion determining that an item should be agendaized at a future City Council meeting to come up with protocols on how to address non-city related issues.*

**A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Powell, that a letter, signed by the full City Council, be sent to Governor Brown regarding education funding. The motion carried by the following vote:**

**Aye:** 4 - Powell, Burton, Howorth and Lesser

**Abstain:** 1 - D'Errico

**O. ADJOURNMENT**

*At 11:46 p.m. the Regular City Council Meeting of April 16, 2013, was duly adjourned to the Joint City Council/Manhattan Beach Unified School District Meeting at 6:00 p.m. on April 22, 2013 at the Joslyn Community Center.*