

City Council

Regular Meeting

Tuesday, May 7, 2013

6:00 PM

Council Chambers



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

Executive Team

David N. Carmany, City Manager

Jim Arndt, Public Works Director
Robert Espinosa, Fire Chief
Cathy Hanson, Human Resources Director
Bruce Moe, Finance Director
Richard Thompson, Community Development Director

Quinn Barrow, City Attorney
Richard Gill, Parks & Recreation Director
Eve R. Irvine, Police Chief
Liza Tamura, City Clerk

MISSION STATEMENT:

The City of Manhattan Beach is dedicated to providing exemplary municipal services, preserving our small beach town character and enhancing the quality of life for our residents, businesses and visitors.

MANHATTAN BEACH'S CITY COUNCIL WELCOMES YOU!

Your presence and participation contribute to good city government.

By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for citizen comments at two places on the agenda - once following the "Consent Calendar" under "Community Announcements," at which time citizens may address the City Council concerning any brief item of community interest not on the agenda and not-to-exceed one minute in duration for any speaker; and again directly following "Community Announcements," under "Audience Participation," at which time citizens may address the City Council on any matter of City business not on the agenda with each speaker limited to three minutes.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City's website at www.citymb.info, at the County Library located at 1320 Highland Avenue, the Police Department located at 420 15th Street, and are also on file in the Office of the City Clerk for public inspection. Any person who has any question concerning any agenda item may call the City Clerk's office at (310) 802-5056 to make an inquiry concerning the nature of the item described on the agenda.

All Public Hearing and General Business agenda items which have not been introduced by 10:30 p.m. will be continued to the next Regular City Council meeting, or to such other time set by the City Council prior to adjournment, unless the City Council votes to suspend this rule.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Office of the City Clerk at (310) 802-5056 (voice) or (310) 546-3501 (TDD). Notification 36 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

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 - Tucker St. Ivany, 3rd Grade, Grandview Elementary School****B. ROLL CALL****C. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING**

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, state under penalty of perjury that this notice/agenda was posted on Friday, May 3, 2013, on the City's Website and on the bulletin boards of the City Hall and the Library.

Date: 05/03/2013 Signature: /s/ Liza Tamura

D. CLOSED SESSION ANNOUNCEMENT**E. APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES**

By motion of the City Council this is the time to notify the public of any changes to the agenda and/or rearrange the order of the agenda.

F. CEREMONIAL CALENDAR

1. Proclamation declaring May 12-18, 2013, as National Peace Officers Memorial Week. [13-0217](#)
PRESENT

Attachments: [Proclamation of National Peace Officers Memorial Week](#)

2. Proclamation declaring May 11, 2013, as Fire Service Recognition Day. [13-0218](#)
PRESENT

Attachments: [Proclamation of Fire Service Recognition Day](#)

3. Proclamation declaring the week of May 19-25, 2013, as National Public Works Week. [13-0219](#)
PRESENT

Attachments: [Proclamation of National Public Works Week](#)

4. Proclamation declaring the month of May, 2013 as Older Americans Month. [13-0220](#)
PRESENT

Attachments: [Proclamation of Older Americans Month](#)

5. Certificate of Commendation to Kathleen Terry. [13-0230](#)
PRESENT

Attachments: [Certificate of Commendation to Kathleen Terry](#)

6. Certificate of Commendation to Richard Gill. [13-0221](#)
PRESENT

Attachments: [Certificate of Commendation to Richard Gill](#)

G. COMMUNITY ANNOUNCEMENTS (One Minute Per Person)

This portion of the meeting is to provide an opportunity for citizens to address the City Council regarding community announcements. The duration for an individual speaking under "Community Announcements" is limited to one minute. A second, extended opportunity to speak is provided under "Audience Participation." While all comments are welcome, the Brown Act does not allow City Council to take action on any item not on the agenda. Please complete the "Request to Address the City Council" card by filling out your name, city of residence, and returning it to the City Clerk. Thank you!

H. AUDIENCE PARTICIPATION (Three Minutes Per Person)

Speakers may comment on any item of interest to the public that is within the subject matter jurisdiction of the legislative body, including items on the agenda. The Mayor may determine whether an item is within the subject matter jurisdiction of the City. While all comments are welcome, the Brown Act does not allow City Council to take action on any item not on the agenda. Please complete the "Request to Address the City Council" card by filling out your name, city of residence, and returning it to the City Clerk. Thank you!

I. CONSENT CALENDAR

NOTICE TO THE PUBLIC - The "Consent Calendar" adopting the printed Recommended City Council Action will be enacted with one vote. The Mayor will ask the City Councilmembers, the public, and the staff if there is anyone who wishes to remove any item from the "Consent Calendar" for discussion and consideration. The matters removed from the "Consent Calendar" will be considered individually at the end of this Agenda under "Items Removed from the Consent Calendar." At that time, any member of the audience may comment on any item pulled from the "Consent Calendar." The entire "Consent Calendar," with the exception of items removed to be discussed under "Items Removed from the Consent Calendar," is then voted upon by roll call under one motion.

7. Progress Payment No. 1 in the Net Amount of \$89,775.00 to T.E. [13-0260](#)
Roberts, Inc. for the 2011-2012 Water Main Replacement Project, Phase 2 (Area 7 - south Sand Section; including Highland Ave, 7th Street, 6th Street and Morningside Drive).

APPROVE

Attachments: [Tables 1 and 2 - Budget, Expenditures and Contract Payments](#)
[Map of FY 2011-2012 Water Main Replacement Project - Phase 2](#)

8. Progress Payment No. 5 in the amount of \$180,455.95 to Vido [13-0214](#)
Samarzich, Inc. for the Fiscal Year 2012-13 Water Main Replacement and Fire Hydrant Installation Project (Area 1, Hill Section; 8th, 9th, 10th, 11th and John Streets; and Highview, Pacific and Poinsettia Avenues).

APPROVE

Attachments: [Budget, Anticipated Expenditures, Locations and Progress Payment Details](#)
[Location Map](#)

9. Final Payment in the Net Amount of \$143,250.98 to John T. Malloy, Inc. [13-0204](#)
for the 2011-2012 Water Main Replacement Project, Phase 1; Formally Accept the 2011-2012 Water Main Replacement Project, Phase 1 as Complete; Authorize Filing of the Appropriate Notice of Completion; and, Release of Retention in the Amount of \$73,954.36.

APPROVE

Attachments: [Map Phase 1 Water Main Replacements](#)
[Map Phase 2 Water Main Replacements](#)
[Funding, Expenditures, Project Limits and Change Orders](#)

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10. Award of Construction Contract to Miramontes Construction Company, Inc. (\$171,124) for the 2012-2015 Rehabilitation of Sewer Manholes Project; Approve an Agreement with Wallace & Associates Consulting, Inc. (\$48,824) for Construction Management and Inspection Services; and Appropriation of \$50,000 from Wastewater Capital Reserves. [13-0236](#)
APPROVE, APPROPRIATE
- Attachments:** [Tables 1 and 2 - Appropriations, Expenditures and Bid Results](#)
[Map of 2012-2015 Rehabilitation of Sewer Manholes Project](#)
[Construction Contract Documents \(pages 1-13\) - Agreement \(Miramontes\)](#)
[Professional Services Agreement \(Wallace & Associates\)](#)
11. Second Amendment (\$13,000) to the Professional Services Agreement with Psomas for Additional Design Services for the Sepulveda Boulevard and 2nd Street Water Main Replacement Project. [13-0191](#)
APPROVE
- Attachments:** [Project Budget and Expenditures](#)
[Second Amendment to Psomas Agreement](#)
12. Marine Avenue Park Synthetic Turf Installation Project: Award of Construction Contract to Asphalt Fabric & Engineering, Inc. (\$737,496); Agreement with Wallace & Associates (\$74,391.90) for Construction Management/Inspection Services; Expansion of Scope of Work to Include Re-Lamping of Existing Lights and Miscellaneous items (\$225,000); and Appropriation of \$273,076 for unreserved CIP fund balance. [13-0198](#)
APPROVE, APPROPRIATE
- Attachments:** [Project Budgeting - Anticipated Expenditures and Revenue](#)
[Tabulation of Bid Results](#)
[Construction Contract Agreement with Asphalt Fabric & Engineering, Inc.](#)
[Professional Services Agreement with Wallace & Associates](#)
13. 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
- Attachments:** [Professional Services Agreement with Faithful+Gould](#)
[Exhibit A - Scope of Work/Fee Schedule](#)

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14. Contract with Omni-Means, Ltd. In the Amount Not-To-Exceed \$47,314 for a budgeted project, 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. [13-0203](#)
APPROVE
Attachments: [City Council Staff Report of September 18, 2012](#)
[Professional Services Agreement with Omni-Means, Ltd.](#)
[Public Comments](#)
15. Professional Services Agreement (revised) with Willdan Engineering in an Amount Not-to-Exceed \$136,500 for Interim City Engineer Services. [13-0229](#)
APPROVE
Attachments: [Professional Services Agreement \(revised\) with Willdan for Interim City Engineer](#)
16. Agreement with The Regents of the University of California (UCLA) to provide State-required Paramedic Training. [13-0196](#)
APPROVE
Attachments: [Affiliate Agreement with The Regents of the University of California \(UCLA\)](#)
17. Ordinance No. 13-0003 Amending Speed Limits Pursuant to the 2013 Engineering and Traffic Survey. [13-0258](#)
ADOPT ORDINANCE NO. 13-0003
Attachments: [Ordinance No. 13-0003](#)
18. Resolution No. 13-0024 Approving the Assessment Engineer's Report for the Annual Levy of Landscape and Street Lighting Assessments for FY2013-2014. [RES 13-0024](#)
ADOPT RESOLUTION NO. 13-0024
Attachments: [Resolution No. 13-0024](#)
[Draft Assessment Engineer's Report for Landscape and Street Lighting Mainten](#)
19. Resolution No. 13-0025 Declaring City Council's Intention to Provide for the Annual Levy and Collection of Assessments for Street Maintenance and to set a Public Hearing for July 2, 2013. [RES 13-0025](#)
ADOPT RESOLUTION NO. 13-0025, SET PUBLIC HEARING FOR JULY 2, 2013
Attachments: [Resolution No. 13-0025](#)
[Draft Assessment Engineer's Report for Landscape and Street Lighting Mainten](#)
20. Report on Abandoned Satellite Dishes. [13-0247](#)
RECEIVE AND FILE

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21. Zoning Code Amendments to Implement the Newly Adopted and Certified Housing Element Update (2008-2014). [13-0240](#)
RECEIVE AND FILE, SET PUBLIC HEARING FOR JUNE 4, 2013
22. Planning Commission Approval of a Variance from Building Height Standards by two inches for a Third Story Addition to an Existing Two-Story Single Family Residence at 508 Third Street. [13-0255](#)
RECEIVE AND FILE
Attachments: [Planning Commission Resolution PC 13-04](#)
[Planning Commission Staff Report and attachments of April 24, 2013](#)
[Planning Commission Staff Report and attachments of April 10, 2013](#)
[Planning Commission Final Minutes of April 10, 2013](#)
[Planning Commission Draft Excerpt Minutes of April 24, 2013](#)
23. City Council Assignments. [13-0213](#)
RECEIVE AND FILE
Attachments: [Councilmember Assignments list with strike-through edits](#)
[Councilmember Assignments/Committee Descriptions](#)
24. Update of Strategic Plan Goals and Objectives. [13-0215](#)
RECEIVE AND FILE
Attachments: [Strategic Plan Monitoring Matrix of 05/02/2013](#)
25. Draft Ordinance No. 13-0009 Prohibiting Distribution or Sale of Prepared Food in Polystyrene Food Service Ware. [ORD 13-0009](#)
RECEIVE AND FILE; SET PUBLIC HEARING FOR MAY 21, 2013
Attachments: [Draft Ordinance No. 13-0009 Prohibiting Distribution or Sale of Prepared Food i](#)
26. Financial Reports: [13-0261](#)
a) Schedule of Demands: April 9, 2013
b) Payroll Register: April 11, 2013
APPROVE
Attachments: [Warrant Register for April 9, 2013](#)
[Payroll Register for April 11, 2013](#)

27. Minutes [13-0216](#)

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 Board and Commission Interviews of April 23, 2013.

APPROVE

b) Planning Commission Meeting of April 24, 2013.

RECEIVE AND FILE

Attachments: [Minutes of the Boards and Commission Interviews of April 23, 2013](#)
[Action Minutes of the Planning Commission Meeting of April 24, 2013](#)

J. PUBLIC HEARINGS**K. GENERAL BUSINESS****28. Installation of Shared Roadway Bicycle Markings (Sharrows) on Pacific Avenue from 5th Street to Rosecrans Avenue [13-0131](#)**
DISCUSS AND PROVIDE DIRECTION

Attachments: [PPIC Staff Report from December 6, 2012 with attachments](#)
[Final PPIC Minutes Excerpt from December 6, 2012](#)
[Mailed Public Notice](#)
[Additional Public Comments](#)

29. Appointments to City Boards and Commissions and Declaring Commission Seats Vacant as Appropriate. [13-0185](#)
APPOINT/RE-APPOINT

Attachments: [2013 Boards & Commissions Roster](#)
[Advertisement from The Beach Reporter, published March 7, 2013, and April 4,](#)

30. Introduction of Fiscal Year 2013-2014 Proposed Operating Budget [13-0202](#)
RECEIVE AND FILE

Attachments: [Proposed 2013-2014 Operating Budget](#)
[Five-Year Forecast](#)
[Letter Inviting Residents to Budget Meetings](#)
[Ten-Year General Fund Comparison with FTE](#)

L. ITEMS REMOVED FROM THE CONSENT CALENDAR

Prior to the Council's consideration of each item removed from the consent calendar, speakers may comment on any or all of those items for up to three minutes per item.

M. CITY MANAGER REPORT(S)**N. OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS**

31. Status Update on the City/School Master Use Agreement. [13-0233](#)

32. Request from Mayor Lesser to Draft a Letter of Support for Assembly Bill 66 (Muratsuchi) to Require Utility Providers to Publish Frequency and Duration of Power Outages. [13-0259](#)

DISCUSS AND PROVIDE DIRECTION

Attachments: [Draft Letter of Support for Assembly Bill 66 \(Muratsuchi\)](#)

33. Request from Councilmember Powell to Authorize the Mayor to Draft Letters of Support for the Los Angeles Residential Helicopter Noise Relief Act(s) of 2013 as follows: H.R. 456 (Schiff/Sherman/Waxman), S. 208 (Feinstein/Boxer), and SJR-7 (Lieu). [13-0231](#)

DISCUSS AND PROVIDE DIRECTION

Attachments: [Draft Letter of Support for H.R. 456 \(Schiff/Sherman/Waxman\)](#)

O. ADJOURNMENT

P. FUTURE MEETINGS**CITY COUNCIL MEETINGS**

May. 9, 2013 – Thursday – 6:00 PM – City Council Budget Study
May. 14, 2013 – Tuesday – 6:00 PM – City Council Budget Study
May. 16, 2013 – Thursday – 6:00 PM – City Council Budget Study
May. 21, 2013 – Tuesday – 6:00 PM – City Council Meeting
Jun. 4, 2013 – Tuesday – 6:00 PM – City Council Meeting
Jun. 18, 2013 – Tuesday – 6:00 PM – City Council Meeting
Jul. 2, 2013 – Tuesday – 6:00 PM – City Council Meeting
Jul. 9, 2013 – Tuesday – 6:00 PM – Strategic Plan Community Town Hall Meeting
Jul. 10, 2013 – Wednesday – 8:30 AM – City Council Strategic Plan Meeting
Jul. 16, 2013 – Tuesday – 6:00 PM – City Council Meeting
Aug. 6, 2013 – Tuesday – 6:00 PM – City Council Meeting
Aug. 20, 2013 – Tuesday – 6:00 PM – City Council Meeting
Sep. 3, 2013 – Tuesday – 6:00 PM – City Council Meeting
Sep. 17, 2013 – Tuesday – 6:00 PM – City Council Meeting
Oct. 1, 2013 – Tuesday – 6:00 PM – City Council Meeting
Oct. 15, 2013 – Tuesday – 6:00 PM – City Council Meeting
Nov. 5, 2013 – Tuesday – 6:00 PM – City Council Meeting
Nov. 19, 2013 – Tuesday – 6:00 PM – City Council Meeting
Dec. 3, 2013 – Tuesday – 6:00 PM – City Council Meeting
Dec. 17, 2013 – Tuesday – 6:00 PM – City Council Meeting
Aug. 20, 2013 – Tuesday – 6:00 PM – City Council Meeting
Sep. 3, 2013 – Tuesday – 6:00 PM – City Council Meeting
Sep. 17, 2013 – Tuesday – 6:00 PM – City Council Meeting
Oct. 1, 2013 – Tuesday – 6:00 PM – City Council Meeting
Oct. 15, 2013 – Tuesday – 6:00 PM – City Council Meeting
Nov. 5, 2013 – Tuesday – 6:00 PM – City Council Meeting
Nov. 19, 2013 – Tuesday – 6:00 PM – City Council Meeting
Dec. 3, 2013 – Tuesday – 6:00 PM – City Council Meeting
Dec. 17, 2013 – Tuesday – 6:00 PM – City Council Meeting

BOARDS, COMMISSIONS AND COMMITTEE MEETINGS

May. 8, 2013 – Wednesday – 6:30 PM – Planning Commission
May. 13, 2013 – Monday – 6:30 PM – Library Commission
May. 14, 2013 – Tuesday – 6:00 PM – Cultural Arts Commission
May. 22, 2013 – Wednesday – 6:30 PM – Planning Commission
May. 23, 2013 – Thursday – 6:30 PM – Parking & Public Improvements Commission
Jun. 5, 2013 – Wednesday – 6:00 PM – North Manhattan Beach Business Improvement District
Jun. 10, 2013 – Monday – 6:30 PM – Library Commission
Jun. 11, 2013 – Tuesday – 6:00 PM – Cultural Arts Commission
Jun. 12, 2013 – Wednesday – 6:30 PM – Planning Commission
Jun. 24, 2013 – Monday – 6:30 PM – Parks & Recreation Commission
Jun. 26, 2013 – Wednesday – 6:30 PM – Planning Commission
Jun. 27, 2013 – Thursday – 6:30 PM – Parking & Public Improvements Commission
Jul. 3, 2013 – Wednesday – 6:00 PM – North Manhattan Beach Business Improvement District
Jul. 8, 2013 – Monday – 6:30 PM – Library Commission
Jul. 9, 2013 – Tuesday – 6:00 PM – Cultural Arts Commission
Jul. 10, 2013 – Wednesday – 6:30 PM – Planning Commission
Jul. 22, 2013 – Monday – 6:30 PM – Parks & Recreation Commission
Jul. 24, 2013 – Wednesday – 6:30 PM – Planning Commission
Jul. 25, 2013 – Thursday – 6:30 PM – Parking & Public Improvements Commission
Aug. 7, 2013 – Wednesday – 6:00 PM – North Manhattan Beach Business Improvement District
Aug. 12, 2013 – Monday – 6:30 PM – Library Commission
Aug. 13, 2013 – Tuesday – 6:00 PM – Cultural Arts Commission
Aug. 14, 2013 – Wednesday – 6:30 PM – Planning Commission
Aug. 22, 2013 – Thursday – 6:30 PM – Parking & Public Improvements Commission
Aug. 26, 2013 – Monday – 6:30 PM – Parks & Recreation Commission

Q. CITY HOLIDAYS**CITY OFFICES CLOSED ON THE FOLLOWING DAYS:**

May. 27, 2013 – Monday – Memorial Day
Jul. 4, 2013 – Thursday – Independence Day
Sep. 2, 2013 – Monday – Labor Day
Oct. 14, 2013 – Monday – Columbus Day
Nov. 11, 2013 – Monday – Veterans Day
Nov. 28-29, 2013 – Thursday & Friday – Thanksgiving Holiday
Dec. 25, 2013 – Wednesday – Christmas Day
Jan. 1, 2014 – Wednesday – New Years Day
Jan. 20, 2014 – Monday – Martin Luther King Day
Feb. 17, 2014 – Monday – President's Day
May. 26, 2014 – Monday – Memorial Day

**CITY OF MANHATTAN BEACH
CLOSED SESSION AGENDA
TUESDAY, MAY 7, 2013 - 4:00 P.M.
CITY COUNCIL CHAMBERS
1400 HIGHLAND AVENUE
MANHATTAN BEACH, CA 90266**

A. CALL MEETING TO ORDER

B. ROLL CALL

C. PUBLIC COMMENT ON CLOSED SESSION AGENDA

**D. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN
CLOSED SESSION AS FOLLOWS:**

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

(Government Code Section 54957)

Title: City Manager

2. CONFERENCE WITH LEGAL COUNSEL (ANTICIPATED LITIGATION)

(Government Code Section 64986.9(c))

The City Council will consider initiating litigation (1 potential cases).

3. CONFERENCE WITH LEGAL COUNSEL (ANTICIPATED LITIGATION)

(Government Code Section 54956.9(b))

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

Number of Cases: 1

E. RECESS INTO CLOSED SESSION

F. RECONVENE INTO OPEN SESSION

G. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION

H. ADJOURNMENT