

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Draft

Tuesday, June 7, 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

A. PLEDGE TO THE FLAG

Arlo Brill, Pacific Elementary School and Fred Manna, Older Adult resident from Manhattan Beach, led the pledge to the flag.

B. ROLL CALL

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

C. CEREMONIAL CALENDAR

1. Presentation of Commendation Recognizing Paul Ford as Police Officer Of The Year and a Commendation Recognizing Brian Fujimoto as Firefighter Of The Year [16-0274](#)
PRESENT

Mayor D'Errico, Police Chief Eve Irvine, and Fire Chief Robert Espinosa on behalf of the City Council, presented plaques recognizing Paul Ford as Office of the Year and Brian Fujimoto as Firefighter of the Year.

2. Presentation of Commendations to the Life Saving Award Recipients: Don Brown, Carlos Olivares, Derek San Agustin, and Chad Swanson. [16-0296](#)
PRESENT

Mayor D'Errico and Police Chief Eve Irvine on behalf of the City Council, presented Don Brown, Carlos Olivares, Derek San Agustin, and Chad Swanson with Commendations as the Life Saving Recipients for saving the life of Geovani Casaveras (present in the audience) on August 1, 2015.

3. Presentation of a Plaque to the Outgoing Commission Members: Loli Ramezani (Cultural Arts Commissioner), Russ Samuels (Cultural Arts Commissioner), Gary Hartzell (Library Commissioner), Steve Rothans (Parks and Recreation Commissioner), and Adam Enomoto (Parks and Recreation Commissioner).

[16-0297](#)

PRESENT

Mayor D'Errico on behalf of the City Council, presented outgoing Commissioner plaques to Russ Samuels (Cultural Arts Commission) and Steve Rothans (Parks and Recreation Commission) for their dedication and service to the Community.

Loli Ramezani, Gary Hartzell, and Adam Enomoto were unable to attend the City Council Meeting.

D. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

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

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

Councilmember Burton requested for Agenda Item No. 9b - City Council Adjourned Regular Meeting - City Council Retreat Meeting Minutes of April 7, 2016 to be heard concurrently with Agenda Item No. 17 - Council Consideration of Meeting Management Rules during "City Council Reports, Other Council Business, and Committee and Travel Reports" and Agenda Item No. 9e - City Council Regular Meeting - Closed Session Minutes of May 16, 2016 to be heard as the last item, after Agenda Item No. 17.

Motion by Councilmember Burton, seconded by Mayor Pro Tem Lesser, 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)

Melissa McCollum, Manager of the Manhattan Beach Library, announced that the Summer Reading Program Kickoff for Kids will begin, Wednesday, June 22, 2016 from 11:00 AM to Noon with balloon storyteller Annie Banannie and every Wednesday after until the end of July, kids will also be able to sign up for the summer reading program and keep track of their reading minutes and receive prizes. The library will also have summer programs for teens and older adults.

Councilmember Powell reminded everyone to vote and announced for the Older Adults that the City has the "Dine and Discover Program Lunch" and there is a presentation regarding earthquake preparedness on Thursday, June 16, 2016 from 11:30 AM to 1:00 PM at Joslyn Center. Also the City Council recently honored two new Eagle Scouts, Drew Boettner and Eric Furth.

G. CITY MANAGER REPORT

None.

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)**

Janet Murphy is opposed to Agenda Item No. 14, there needs to be checks and balances and is opposed to the budget propositions.

John Conway read the memo/comment sent to the City Manager and City Council, and is opposed to Agenda Item No. 13.

Michael Klineman spoke in favor of Agenda Item No. 13, asking that the project move forward to create a safe place for kids and all residents.

Allen Starnes of Sunshield Company, spoke in favor of the possible sunscreen pilot.

Roger Lamont spoke in favor of Agenda Item No. 14 to allow modification for construction hours under limited circumstances and spoke in favor of Agenda Item No. 15 for the Manhattan Village Mall to have nighttime construction hours.

Stephanie Schroder spoke in favor of Agenda Item No. 13 regarding 7th Street walk street construction for childrens' safety.

Phillip Cook spoke in favor of Agenda Item Nos. 14 and 15, but would like for the City Council to only allow for changes of construction hours but only under special circumstances.

Jeff Drandell spoke in favor of 7th Street walk street project to move forward.

Audrey Judson spoke in favor of 7th Street walk street project to move forward.

Jan Schulte spoke in favor of the 7th Street walk street project to move forward.

Bill Victor spoke about the following items; proposed City budget and suggested a line item regarding consultant agreements, Downtown Specific Plan and would like for staff to provide the information to the public in advance, the hiring of four new personnel that should have been on hold but were hired, older adults are losing parking spaces to Chamber of Commerce, and not in favor of hiring more staff.

Michael Zislis spoke about the City implementing a system in place for registered sex offenders when they move into the community and alerting all the community members.

Diane Wallace spoke in favor of the construction hour changes for the Manhattan Village Mall but would like for contractors to provide a contact name and number of supervisors that can be reached at any time of the day when workers are onsite and on the possibility of the City allowing people to rent spaces to meet and discuss politics, etc.

Kathy Clark spoke in favor of the 7th Street walk street project to move forward.

Peter Pham spoke in favor of the 7th Street walk street project to move forward.

Will Arvizo spoke about the City's cabling and for IT to meet with the residents and find out what they want and need.

Deborah Ventura spoke in favor of the 7th Street walk street project and gave details on the where the main problem is throughout the street.

Mayor D'Errico requested for the City Manager to direct staff to help/develop a liaison between the City and the cable utility company for residents to contact when they have concerns and for the City Manager to report back at the next City Council Regular Meeting under "City Managers Report".

Mayor D'Errico requested for the City Attorney to look and/or create a policy for alerting residents/community when registered sex offenders move to the City.

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

K. CONSENT CALENDAR (APPROVE)

Councilmember Burton requested during "Certification of Meeting Notice and Agenda Posting" for Agenda Item No. 9b - City Council Regular Meeting - Council Retreat Meeting Minutes of April 7, 2016 to be heard concurrently with Agenda Item No. 17 - Council Consideration of Meeting Management Rules during "City Council Reports, Other Council Business, and Committee and Travel Reports" and Agenda Item No. 9e - City Council Regular Meeting Closed Session Minutes of May 16, 2016 to be heard as the last item, after Agenda Item No. 17.

A motion was made by Councilmember Powell, seconded by Councilmember Burton, to approve the Consent Calendar, Item Nos. 4-8, 9a, 9d, and 9g. The motion was carried by the following vote:

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

4. Appointment of Seat No. 5 (Older Adult Seat) of Parks and Recreation Commission (City Clerk Tamura).

[16-0303](#)

CONTINUE TO JUNE 21, 2016 CITY COUNCIL MEETING

The recommendation for this item was approved.

5. Resolution of Intention to Provide for Annual Levy and Collection of Assessments for the Downtown Business Improvement District and Setting July 5, 2016 for a Public Hearing (Finance Director Moe).

[RES 16-0023](#)

ADOPT RESOLUTION NO. 16-0023, SET PUBLIC HEARING FOR JULY 5, 2016

The recommendation for this item was approved.

6. Purchase of Two Budgeted Replacement Paramedic Rescue Ambulances from Braun Northwest in the Amount of \$332,722.08 (Finance Director Moe).

[16-0264](#)

WAIVE FORMAL BIDDING (COOPERATIVE PURCHASING); APPROVE

The recommendation for this item was approved.

7. Completion of the Construction Contract for the Rosecrans Avenue Widening Project (Public Works Director Olmos).

[16-0282](#)

APPROVE

The recommendation for this item was approved.

8. Financial Report:
a) Schedule of Demands: May 12, 2016
b) Investment Portfolio for the Month Ending April 30, 2016
c) Month End Report for April 30, 2016
(Finance Director Moe).

[16-0167](#)

ACCEPT REPORT AND DEMANDS

The recommendation for this item was approved.

9. City Council Minutes:
This Item Contains Minutes of the following City Council Meeting:
a) City Council Regular Meeting - Study Session Minutes of March 28, 2016
(Continued from the May 17, 2016 City Council Meeting). **APPROVE**
b) City Council Regular Meeting - Council Retreat Minutes of April 7, 2016
(Continued from the May 17, 2016 City Council Meeting). **APPROVE**
c) City Council Regular Meeting Minutes of May 3, 2016 *
CONTINUE TO THE JUNE 21, 2016 CITY COUNCIL REGULAR MEETING
d) City Council Regular Meeting - Budget Study Session #1 Minutes of May 5, 2016
(Continued from the May 17, 2016 City Council Regular Meeting).
APPROVE
e) City Council Regular Meeting - Closed Session Minutes of May 16, 2016. **APPROVE**
f) City Council Regular Meeting Minutes of May 17, 2016 *
CONTINUE TO THE JUNE 21, 2016 CITY COUNCIL REGULAR MEETING
g) City Council Special Meeting - Closed Session Minutes of May 23, 2016
(City Clerk Tamura). **APPROVE**

[16-0275](#)

The recommendation for these items were approved, Item Nos. 9a, 9d, and 9g.

Item Nos. 9b and 9e were continued to June 21, 2016.

L. PUBLIC HEARINGS (2 MINUTES PER PERSON)

None.

M. OLD BUSINESS

10. Fiscal Year 2016-2017/2017-2018 Operating Budget and FY [16-0265](#)
2017-2021 Five Year Capital Improvement Plan: Final Direction in
Advance of Public Hearing and Adoption on June 21, 2016 (Finance
Director Moe/Public Works Director Olmos).
DISCUSS AND PROVIDE DIRECTION

Finance Director Bruce Moe, City Attorney Quinn Barrow, City Manager Mark Danaj, and Human Resources Director Teresia Zadroga-Haase responded to City Council questions.

Councilmember Burton requested clarification regarding the Public Hearing on June 21, 2016.

Mayor Pro Tem Lesser suggested that the City Council to start giving direction to staff.

Councilmember Burton provided that he had seven motions to make regarding the budget item (which were not announced).

Motion was made by Councilmember Burton, seconded by Mayor D'Errico, for City Manager to cap the total full time employees from 294 to 290 by the 2016-2017 Fiscal Year, with the addition of two Police Officers, the Community Development Services Coordinator, and no further continued hiring of management or senior analysts positions.

Mayor Pro Tem Lesser concerned that if the City Council approves a cap in employees that leaves a lot of positions with part time employees and that in the long term affects the City with turnover.

Friendly amendment by Mayor D'Errico for the cap amount to be reached in two to two and a half years.

Councilmember Howorth hesitant to vote on the first motion because as Councilmember Burton previously mentioned he has seven motions in total, there could be a cross between motions.

Councilmember Powell agrees with Mayor Pro Tem Lesser and would like for the City Council to discuss what are the needed positions and what can wait and agrees with Councilmember Howorth that all seven motions need to be presented in order for City Council to make a better decision as they go through each motion.

Councilmember Burton mentioned that his second motion is to cut spending of 92% and cap total spending at 94%.

Mayor Pro Tem Lesser commented that there have been four budget workshops and that decision needs to be made now in order to direct staff before the Public Hearing on June 21, 2016.

Councilmember Howorth expressed concern that time is important and that there are ordinances and procedures that need to be taken into consideration.

Councilmember Powell provided examples on what can be changed in the budget.

Councilmember Burton suggested meeting before June 21, 2016 in order to continue the item and further discuss the proposed budget.

After City Council discussion, this item was continued to the City Council Adjourned Regular Meeting on June 9, 2016.

Hearing no objections it was so ordered by the Chair.

At 8:40 PM the City Council recessed and reconvened at 8:50 PM with all Councilmembers present.

N. NEW BUSINESS

13. Discuss and Provide Direction for 7TH Street Walk Street [16-0302](#)
Reconstruction (Public Works Director Olmos).

APPROVE

This item was taken out of order.

Public Works Director Tony Olmos provided the staff presentation and responded to City Council questions.

Mayor Pro Tem Lesser inquired about maintenance and added a friendly amendment to add maintenance schedule to the motion.

Mayor D'Errico requested for staff to come back in one year and provide an update to the City Council.

All City Councilmembers agreed that the project should move forward now.

Mayor D'Errico requested for staff to share the schedule and information with residents as soon as possible.

Motion was made by Councilmember Burton, seconded by Mayor D'Errico, to move forward with the 7th Street walk street reconstruction. With a friendly amendment to add a continued maintenance schedule for this project in order to keep up with the work being done. The motion was carried by the following vote:

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

11. Report on the California Voter Participation Rights Act (California State Senate Bill 415) and Potential Impacts to Future Municipal Elections for the City of Manhattan Beach (City Clerk Tamara).

[16-0295](#)

DISCUSS AND PROVIDED DIRECTION

City Clerk Liza Tamura provided the PowerPoint presentation.

City Clerk Tamura and City Attorney Quinn Barrow responded to City Council questions.

Councilmember Powell spoke in support of Option B (extending City Council term).

Councilmember Howorth requesting clarification about Option B and would for staff to reach out to the public/residents for input regarding the options and what they think City Council should do.

Councilmember Burton added a friendly amendment for the City Attorney to come back on July 5, 2016 with a draft Resolution to extend the City Council terms.

Mayor Pro Tem Lesser agrees with Councilmember Howorth that the decision should not be made tonight and would like to seek public input before the City Council makes a final decision.

Councilmember Burton requested for staff to place an advertisement in the local newspaper by July 19, 2016.

Motion made by Councilmember Powell, seconded by Councilmember Burton for staff to place an advertisement in the local newspaper informing the public that they can provide input regarding State Senate Bill 415 and for the City Attorney and City Clerk to return on July 19, 2016 with the necessary resolutions to consider option B (extending terms) and to have the public provide input at that time. Motion was carried by the following vote:

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

12. Marine Avenue Park Skate Spot Design, Tom Allard Memorial Bench Dedication and Appropriation of \$300,000 from the Capital Improvements Fund (Parks and Recreation Director Leyman).

[16-0268](#)

APPROVE AND APPROPRIATE

Parks and Recreation Director Mark Leyman provided staff presentation and responded to the City Council questions.

Parks and Recreation Director Leyman clarified that there is a need for City Council to give direction due to the date of a grant that the department is applying for.

Motion was made by Councilmember Burton, seconded by Councilmember Howorth, to approve the Marine Avenue Skate Park design and appropriate \$300,000 from the Capital Improvements Fund. The motion was carried by the following vote:

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

14. Ordinance Amending the Municipal Code to Allow the City Council to Modify Construction Hours Under Limited Circumstances (Community Development Director Lundstedt).

ORD 16-0007

Adopt Urgency Ordinance 16-0007U and Introduce Ordinance to No. 16-0007 to Amend Municipal Code Section 5.48.060 to Provide City Council the Authority to Modify Construction Hours Under Limited Circumstances.

Agenda Item No. 14 and Agenda Item No. 15 were presented concurrently per Councilmember Burton's request.

Community Development Director Marisa Lundstedt provided the City Council presentation.

City Attorney Quinn Barrow and Community Development Director Lundstedt responded to City Council questions.

City Attorney Barrow read the title of Urgency Ordinance No. 16-0007U and Ordinance No. 16-0007.

Motion made by Councilmember Burton, seconded by Councilmember Powell, to adopt Urgency Ordinance No. 16-0007U an urgency ordinance of the City of Manhattan Beach amending section 5.48.060 Construction of Chapter 5.48 noise regulations of the Manhattan Beach Municipal Code to allow the City Council and Director to modify the construction hours under limited circumstances. Section 3 new subsection 1 and will have modification of Hours and will have Director Authorization, upon request the Director may extend the hours for interior construction activity for Commercial properties under limited circumstances, the Director should consider the noise disturbance criteria listed in Section 5.48.140 in determining whether to modify the hours. The Director may impose condition to mitigate or eliminate any potential adverse impact rising from the activities and may require prior notice to persons and businesses in the vicinity, the Director may forward the request to the City Council for its consideration. H will no be subsection 2 of H. The motion was carried by the following vote:

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

Motion made by Councilmember Burton, seconded by Councilmember Powell, to introduce Ordinance 16-0007 to allow the City Council and director to modify construction hours under limited circumstances and to reflect the changes for Ordinance 16-0007U. The motion was carried by the following vote:

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

15. Request from Manhattan Village Shopping Center for Nighttime Construction Hours (Community Development Director Lundstedt).

[16-0304](#)

CONSIDER REQUEST

Agenda Item No. 14 and Agenda Item No. 15 were presented concurrently per Councilmember Burton's request.

Motion made by Councilmember Howorth, seconded by Councilmember Powell, to allow for Nighttime Construction Hours as requested by the Manhattan Village Shopping Center. The motion was carried by the following vote:

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

16. Contract with AdminSure, Inc., for Third Party Administration Services in Support of the Self-Insured Workers' Compensation Program (Human Resources Director Zadroga-Haase).

[CON 16-0023](#)

APPROVE AND APPROPRIATE

Human Resources Director Teresia Zadroga – Haase provided staff presentation.

Human Resources Director Zadroga - Haase and City Manager Mark Danaj responded to the City Council questions.

City Manager Danaj clarified that action needed to be taken by City Council before July 1, 2016.

Motion was made by Councilmember Burton, seconded by Mayor Pro Tem Lesser to contract with AdminSure, Inc. for Third Party Administration Services in support of the self-insured workers' compensation program. The motion was carried by the following vote:

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

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

17. Council Consideration of Meeting Management Rules (Mayor D'Errico).

[16-0305](#)

DISCUSS AND PROVIDE DIRECTION

Item was continued to the June 21, 2016 City Council regular meeting under as first item under "Old Business".

P. FORECAST AGENDA AND FUTURE DISCUSSION ITEMS

18. Agenda Forecast (City Clerk Tamura).[16-0279](#)**DISCUSS AND PROVIDE DIRECTION**

Councilmember Howorth suggested to move Agenda Item No. 12 – Recommendations for Short List of Candidates for Parkview Hotel Site to another agenda date.

Council requested to hear the budget item first on the June 21, 2016 City Council Regular Meeting.

Councilmember Powell requested to remove “Post Downtown Specific Plan Process” from the title for Agenda Item No. 13 – Discuss State of Intent Process to Address Blight for the July 5, 2016 City Council Agenda.

Councilmember Powell requested to add Greenberg as part of the title for Agenda Item No. 15 on the July 5, 2016 City Council Regular Meeting to read, “Approve Cooperative Agreement with City, Harrison Greenberg Foundation and OTS for Roundhouse Aquarium”.

Q. INFORMATIONAL ITEMS

19. Commission Minutes: [16-0280](#)

This Item Contains Minutes of the following City Commission Meetings:

- a). Cultural Arts Commission Minutes of February 9, 2016
(Parks and Recreation Director Leyman)
- b). Cultural Arts Commission Minutes of March 8, 2016
(Parks and Recreation Director Leyman)
- c). Parks and Recreation Commission Minutes of March 28, 2016
(Parks and Recreation Director Leyman)
- d). Parks and Recreation Commission Minutes of May 2, 2016
(Parks and Recreation Director Leyman)
- e). Planning Commission Action Minutes of May 11, 2016
(Community Development Director Lundstedt).

INFORMATION ITEM ONLY

Approved request by order of Chair.

R. CLOSED SESSION

At 10:29 PM, City Attorney Quinn Barrow announced the following Closed Session.

At 10:30 PM, Mayor D'Errico announced that City Council would recess into Closed Session.

CONFERENCE WITH PROPERTY NEGOTIATORS: (Government Code Section 54956.8)

Property: 3500 Sepulveda Boulevard, Manhattan Beach;

APN: 4138-020-014; Parcel 12 as shown on Parcel Map No. 12219

Agency Negotiator: City Manager

Negotiating Parties: 3500 Sepulveda LLC

**Under Negotiation: Price and Terms for Purchase of Right-of-way
Easement and**

Temporary Construction Easement is Being Negotiated.

At 10:48 PM, the City Council reconvened into Open Session with all Councilmembers present.

City Attorney Quinn Barrow announced that direction was given to negotiator with the following vote:

Aye: 3 - Lesser, Howorth and Powell

Ney: 2 - D'Errico and Burton

S. ADJOURNMENT

At 10:50 PM, Mayor D'Errico adjourned the meeting in memory of the following members of the public; as suggested by Councilmember Powell in memory of the UCLA Professor William Klug, as suggested by Councilmember Howorth in memory of a local resident and tutor of the community Justin Warfield, and as suggested by Mayor Pro Tem Lesser in memory of a local artist Frank Matranga.

Martha Alvarez
Recording Secretary

Tony D'Errico
Mayor

ATTEST:

Liza Tamura
City Clerk