

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Final

Tuesday, April 2, 2013

6:00 PM

Regular Meeting

City 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

Prior to the Pledge of Allegiance, City Attorney Barrow announced that tonight's 5:00 pm Closed Session will be continued after this Council Meeting.

Fire Chief Robert Espinosa led the Pledge of Allegiance.

B. ROLL CALL

Present: 4 - Councilmember Powell, Councilmember D'Errico, City Councilmember Burton and Mayor Lesser

Absent: 1 - Mayor Pro Tem Howorth

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 the City Council met in Closed Session for the two items listed on the agenda and that no reportable actions were taken. He added that the Closed Session will be continued after the City Council meeting.

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. Proclamation Declaring the Week of April 14-20, 2013 as National Library Week

[13-0155](#)

PRESENT

Mayor Lesser, on behalf of the City Council, presented a proclamation to Manhattan Beach Librarian Don Gould in recognition of National Library Week.

G. COMMUNITY ANNOUNCEMENTS (One Minute Per Person)

Ed Caprielian congratulated the Manhattan Beach Police Department for the dramatic increase in DUI arrests and voiced his concern with the number of alcohol outlets in the City.

Manhattan Beach Librarian Don Gould announced several library events and stated that he is happy to see the model of the new library upstairs.

Viet Ngo spoke of an alleged conspiracy and stated that a Notice of Complaint has been filed with the District Attorney regarding Johnson Favaro.

City Manager Carmany announced that a public forum will be held regarding smoke free initiatives on Monday, April 15, 2013 in the City Council Chambers from 6:30 - 8:30 pm.

Councilmember Powell reminded Older Adults that the City, in conjunction with AARP, is providing free tax assistance at the Joslyn Community Center on Wednesdays from 9:00 am to 1:00 pm.

Councilmember Powell also welcomed new Councilmembers Burton and D'Errico.

H. AUDIENCE PARTICIPATION (Three Minutes Per Person)

Ida Vander Poorte, Manhattan Beach Unified School District Board President, reported on current School District events.

Leanne Huebner, PTA Legislative Advocacy Chair, spoke of the financial shortfall in Manhattan Beach schools and urged the City Council and public to write letters to Governor Brown regarding this chronic underfunding.

Joel Schoff questioned the change in the building permitting process whereby written approval by ones Home Owner's Association is no longer required to get a building permit.

Esther Besbris requested that the City Council move the start of the meetings back to 6:30 p.m. again.

Ms. Besbris read a letter from Mr. Noble Ford requesting that the Council agendize the issue of sidewalk repair.

Ed Caprielian spoke of voter apathy and low voter turnout.

Viet Ngo spoke of alleged election fraud; ongoing noise at the Shade Hotel; alleged violations of the Brown Act; and the Manhattan Village project.

Gerry O'Conner also requested that the City Council meeting be reverted back to a 6:30 p.m. start time and pointed out a couple of meetings that were not listed under the "Future Meetings" section of the agenda.

In response to these comments, Mayor Lesser asked that City Manager Carmany contact Mr. Schoff; stated that he will ask if there is support to agendize a discussion on City Council policies and procedures, including the suggested 6:30 p.m. start time, under "Other Council Business"; and he confirmed that no action will be taken at the Joint City Council/Manhattan Beach Unified School District meeting.

I. CONSENT CALENDAR

2. Award of Bid for the Purchase of Five Budgeted Ford Replacement Vehicles for the Public Works and Police Departments from South Bay Ford (\$26,313.37), Villa Ford (\$61,248.64) and North County Ford (\$65,997.99); and Award of Order to South Bay Regional Public Communications Authority to Equip the Vehicles (\$67,231). [13-0147](#)

APPROVE

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

3. Award of Bid for the Purchase of Two Replacement Honda Vehicles for the Police Department from Norm Reeves Honda (\$32,289.20) and Honda of Downtown Los Angeles (\$30,892.00). [13-0148](#)

APPROVE

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

4. Award of Bid for the Purchase of Seven Budgeted Ford F250 Replacement Trucks for the Public Works Department from Fairview Ford (\$181,291.10) and Frontier Ford (\$125,838.25). [13-0156](#)

APPROVE

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

6. Purchase of One Budgeted Replacement Vac-Con Combination Sewer Truck for the Public Works Department from Atlantic Machinery, Inc. in the Amount of \$381,304.89. [13-0167](#)

APPROVE

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

7. Resolution Ordering Plans, Specifications, Cost Estimates and Engineer's Report for Annual Street Lighting Assessments [RES 13-0013](#)

ADOPT RESOLUTION NO. 13-0013

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

9. Introduction of Ordinance No. 13-0002 amending the City's Municipal Code regarding banners and decorations in the Public Right Of Way and adoption of banner policy. [ORD 13-0002](#)

a) WAIVE FURTHER READING

b) INTRODUCE

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

J. PUBLIC HEARINGS

K. GENERAL BUSINESS

11. Annual Fee Waiver Requests Associated with Non-Profit Special Events (American Martyrs Parish Fair; American Martyrs 5K Run/Walk; Grandview 5K; Holiday Fireworks Festival; Manhattan Beach 10K Run; Manhattan Beach Education Foundation Wine Auction; Manhattan Beach Grand Prix Bike Race; Manhattan Beach Hometown Fair; Manhattan Beach Little League Opening Day Parade; Richstone Pier-to-Pier Jog/Walk; and Robinson School Fun Run) [13-0165](#)

APPROVE

The following individual spoke on this item:

Viet Ngo

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

Aye: 4 - Powell, D'Errico, Burton and Lesser

Absent: 1 - Howorth

12. Scope of Work for the Parks Open Space, Activity and Landscape Master Plan
APPROVE

[13-0139](#)

The following individuals spoke on this item:

*Viet Ngo
Gerry O'Conner
Ed Caprielian*

The City Council concurred to defer this item until the next Fiscal Year due to timing and sequence concerns.

13. Progress Report on the Agreement with the Chamber of Commerce to Provide Economic Services
RECEIVE AND FILE

[13-0138](#)

The following individuals spoke on this item:

*Manhattan Beach Chamber of Commerce President/CEO Jim O'Callaghan
Manhattan Beach Chamber of Commerce Chair Elect Lynn White
Michael Zislis
Dei Murray
Craig Cadwallader
Carol Wahlberg
Jackie May
Mike Simms
Gerry O'Conner
Ed Caprielian
Viet Ngo*

The City Council concurred to receive and file this report.

RECESS AND RECONVENE

At 8:55 p.m. the City Council recessed and reconvened at 9:05 p.m. with Councilmembers D'Errico, Burton, Powell and Mayor Lesser present.

14. Award of Contract for Three-Year Citywide Street Tree Inventory Services and Tree Trimming to West Coast Arborists (WCA), Inc. in the Amount Not-to-Exceed \$390,000 (Estimated \$130,000 Annually).
APPROVE

[13-0129](#)

The following individual spoke on this item:

Gerry O'Conner

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

Aye: 4 - Powell, D'Errico, Burton and Lesser

Absent: 1 - Howorth

15. Update of Strategic Plan Goals and Objectives.
RECEIVE AND FILE

[13-0153](#)

The following individuals spoke on this item:

*Craig Cadwallader
Ed Caprielian
Gerry O'Conner*

The City Council concurred to receive and file this report.

L. ITEMS REMOVED FROM THE CONSENT CALENDAR

5. Purchase of One Replacement Dial-A-Ride Paratransit Vehicle from
Hoglund Bus Company in the Amount of \$69,240; Transfer of \$75,000
from Unreserved Measure R Fund Balance to Proposition A Fund;
Appropriate \$75,000 from Proposition A Fund.

[13-0123](#)

APPROVE; TRANSFER; APPROPRIATE

Mayor Lesser explained that he pulled this item to get a better understanding of how the City is financing the purchase of this new Dial-A-Ride bus.

Finance Director Moe addressed the deficit in the City's Proposition A Funds. He also explained that Measure R Funds were used because of their broad use for various transportation needs and pointed out that there was additional money put aside in the Measure R account for a trolley, which has now been cancelled.

The following individual spoke on this item:

Gerry O'Conner

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

Aye: 4 - Powell, D'Errico, Burton and Lesser

Absent: 1 - Howorth

8. Financial Reports: [13-0164](#)
- a) Schedule of Demands: March 12, 2013.
RATIFY
- b) Payroll Register: March 14, 2013.
RATIFY
- c) Investment Portfolio for the Month Ending February 28, 2013.
RECEIVE AND FILE
- d) Financial Reports for the Month Ending February 28, 2013.
RECEIVE AND FILE

The following individual spoke on this item:

Ed Caprielian

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

Aye: 4 - Powell, D'Errico, Burton and Lesser

Absent: 1 - Howorth

10. Minutes [13-0150](#)
- 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 Closed Session Minutes of March 6, 2013.
APPROVE
- b) City Council Minutes of March 6, 2013.
APPROVE
- c) Draft Finance Subcommittee Minutes of March 15, 2013.
RECEIVE AND FILE
- d) Planning Commission Meeting of March 27, 2013.
RECEIVE AND FILE

The individual who pulled this item was no longer present at the meeting. Seeing no further requests to speak, the following motion was made:

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

Aye: 4 - Powell, D'Errico, Burton and Lesser

Absent: 1 - Howorth

M. CITY MANAGER REPORT(S)

City Manager Carmany spoke of a Task Force of City Managers within the Independent Cities Risk Management Authority that will be presenting some strong recommendations that will fundamentally change the way the organization conducts its business. He reported that the Chevron Coker Drum Project was a great success and thanked the City team; he stated that the City's Community Emergency Response Team recently trained 21 new members; and that the Tsunami Town Hall meeting offered some very valuable advice and was attended by 81 people.

N. OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

Councilmember Powell commented that the Town Hall meeting was outstanding and commended Fire Chief Espinosa and the expert speaker.

Mayor Lesser inquired whether there was support from his City Council colleagues to agendize a discussion on public sidewalks at the July 2, 2013 City Council Meeting. The Council concurred to agendize it.

Mayor Lesser also inquired and gained support to make public a memo regarding the standards for addressing disruptive speakers.

Councilmember Powell asked that the rules of decorum and professional conduct also be addressed. The Council concurred to agendize this on the May 21, 2013 City Council agenda.

Mayor Lesser also inquired about possibility of agendizing a discussion regarding the Independent Cities Risk Management Authority to which City Manager Carmany stated that, due to the timing of their next board meeting, he would be happy to answer any questions "off line".

O. ADJOURNMENT

A motion was made by Councilmember Burton, seconded by Councilmember Powell, to extend the City Council Meeting past the 11:00 pm cutoff. The motion carried by the following vote:

Aye: 4 - Powell, D'Errico, Burton and Lesser

Absent: 1 - Howorth

At 10:50 pm the Regular City Council Meeting of April 3, 2013, was recessed into Closed Session.

At 11:35 City Attorney Barrow announced that by a 4-0 vote, the City Council authorized the City Attorney to defend the Armato v City of Manhattan Beach lawsuit.

At 11:36 pm the City Council Closed Session Meeting of April 3, 2013, was duly adjourned to the 4:30 pm Closed Session on April 16, 2013 in the City Council Chambers.