

# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266



## Meeting Minutes - Draft

Tuesday, June 3, 2014

5:00 PM

Regular Meeting

City Council Chambers

4:30 PM Adjourned Regular Meeting - Closed Session

### City Council

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

**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. FOR A COMPLETE RECORD OF THIS CITY COUNCIL MEETING, PLEASE 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**

*Mayor Howorth led the Pledge of Allegiance.*

#### **B. ROLL CALL**

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

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

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

#### **D. APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES**

*Acting City Manager Bruce Moe asked the City Council to add for consideration to the Agenda placing the Kings banner on the roof at the Manhattan Beach Pier.*

*City Attorney Quinn Barrow summarized the three reasons for adding an item to an agenda at the meeting: 1) An emergency item 2) Item came up 72 hours in advance of the meeting 3) Item came to City's attention after the posting of the Agenda, but requires action before the next City Council Meeting. It requires a 4/5 vote.*

**A motion was made by Mayor Howorth, seconded by Mayor Pro Tem Powell, that the item regarding adding the request from the Kings to place a banner on the Roundhouse of the Manhattan Beach Pier be added to the Agenda after Item 19. The motion failed by the following vote (needed 4/5 vote to pass):**

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

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

**Councilmember Burton made a motion to continue Item 4: Approve the Removal of Parking on the East Side of Sepulveda Boulevard between Tennyson Street and Longfellow Drive as Recommended by the Parking and Public Improvements Commission**

*After City Council discussion Councilmember Burton withdrew his motion.*

**A motion was made by Councilmember Lesser, seconded by Councilmember Burton to approve the agenda and waive full reading of ordinances. The motion carried by the following vote:**

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

## **E. CEREMONIAL CALENDAR**

1. Certificate of Recognition to Casey Sublette for his Offer of Appointment to the United States Naval Academy. **14-0256**

### **PRESENT**

*Mayor Howorth, on behalf of the City Council, and Cynthia Strand, United States Naval Academy Blue & Gold Officer, presented a Certificate of Recognition to Casey Sublette for his Offer of Appointment to the United States Naval Academy.*

2. Presentation of a \$6,000 Donation from the Manhattan Beach Rotary Club to The Manhattan Beach Fire Department. **14-0257**

### **ACCEPT**

*The Manhattan Beach Rotary presented Fire Chief Robert Espinosa with a check for \$6,000 to purchase two more AED's (Automated External Defibrillators) for the City of Manhattan Beach.*

## **F. CITY MANAGER REPORT**

*Acting City Manager Moe reported that a new Shade Hotel Use Permit Amendment was unanimously approved by the Planning Commission with 40 conditions and restrictions to mitigate noise, better define operations and insure that all conditions are complied with in a timely manner. It was agreed to by the Shade Hotel owner Mike Zislis and Nate Hubbard (the neighborhood representative). There is a 15 day appeal period in which anyone can file an appeal to the City Council. If an appeal is not filed, the item will be placed on the Consent Calendar at the June 17, 2014, City Council Meeting.*

*Acting City Manager Moe also reported on the 900 Club Use Permit Hearing that was appealed last week. The majority of the restrictions are being complied with, and the City has not received any further complaints. The code requires that a hearing be held within 30 days, however the earliest date for all parties to be available was August 5, 2014, and a Public Hearing has been tentatively scheduled for that date.*

*Acting City Manager Moe gave an update on the Street Sweeping Claims paid and pending in the amount of \$622,500. He further noted an upcoming Earthquake Seminar on June 4, 2014, a Sidewalk CPR Day coming up June 5, 2014, in Downtown Manhattan Beach, and on June 5, 2014, a Downtown Visioning Forum will be held in the City Council Chambers to build enthusiasm for the Downtown Specific Plan.*

## **G. CITY ATTORNEY REPORT**

*None.*

## H. CITY COUNCIL ANNOUNCEMENTS AND REPORTS

*Mayor Pro Tem Powell reiterated Acting City Manager Moe's comments on the June 4, 2014, Earthquake Seminar and announced for the Older Adults, the Dial-A-Ride bus will leave the Joslyn Community Center at 10:00 AM on June 16, 2014, to go to the Pathway to the Sea.*

*Councilmember Burton attended the 46th Annual Meeting of the League of Women Voters for the Beach Cities.*

*Mayor Howorth announced that the Mira Costa High School Drama Department Group of Pirates were invited to perform at the Pantages Theatre where they won "Best Musical Performance" out of 32 High Schools.*

*Mayor Howorth also wanted to clarify the adding of last minute items on the agenda. Councilmembers Burton and D'Errico stated that "the process" and the Brown Act were their reasons for not adding the item to the agenda. It was not "the item".*

3. Consideration to Cancel the August 5, 2014 City Council Meeting (City Clerk Tamura). **14-0265**  
**APPROVE**

*Mayor Howrth opened the public comment.*

*Don McPherson, appellant for 900 Club, stated that staff had requested moving the public hearing from July 15, 2014, to August 5, 2014, and now it is being proposed to cancel. He further added that he would be appealing the Shade Hotel and that it creates a problem with scheduling because of fewer meetings.*

*Viet Ngo stated that only 3 Councilmembers were needed for a quorum, that Councilmembers should devote their time to the City and alleged falsification of reimbursement records.*

*Seeing no further requests to speak, Mayor Howorth closed the public comment.*

**A motion was made by Mayor Pro Tem Powell, seconded by Councilmember Burton, that the August 5, 2014 City Council Meeting be continued to August 12, 2014. The motion carried by the following vote:**

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

## I. COMMUNITY ANNOUNCEMENTS REGARDING UPCOMING EVENTS

*Don Gould, Manhattan Beach Library, announced summer Reading Programs beginning on June 2, 2014, and a program called SNAP to register for emergency purposes.*

*Viet Ngo stated the Anti-corruption Advocacy would be holding a meeting on June 7, 2014, at the Manhattan Beach Pier.*

## J. PUBLIC COMMENT ON NON-AGENDA ITEMS

*Robert Bush spoke about Memorial Day, June 3, 2014, Election Day (when only 20% voted), June 6, D-Day, WWII casualties, Nobel Peace Prize and in favor of putting up a King's Banner.*

*Don McPherson spoke about Title 9 and City Building Codes not conforming to state codes, and also stated that he doesn't want the appeal hearing moved to August 12, 2014.*

*Viet Ngo alleged Mayor Howorth violated the Hatch Act and other violations regarding her State Senate Candidacy.*

*Tom Nordberg, Manhattan Beach resident, emphasized the dangers of the 38th Street intersection and related that he had a petition signed by the business owners in the neighborhood.*

*Steve Morillo, local business owner, agreed with the previous speaker and stressed the need for a crosswalk at 38th Street.*

*Steve Packwood, Manhattan Beach resident, asked questions about the timeline for the adoption of the budget stating that he would like the new City Manager to look at the budget he will be dealing with.*

*Unknown resident from Manhattan Beach Senior Villas asked when Manhattan Beach will become a complete nonsmoking town. (Mayor Howorth responded that this is an item on tonight's agenda).*

## K. CONSENT CALENDAR

*Viet Ngo pulled Item Nos. 6, 8, 13, & 15.*

*Mark Neuman pulled Item No. 16j*

*Councilmember Burton pulled Item Nos. 4 and 10. and reiterated that the action minutes reference the video.*

*Councilmember D'Errico pulled Item No. 14.*

**A motion was made by Mayor Pro Tem Powell, seconded by Councilmember Lesser, that the Consent Calendar be approved with the exception of Item #s 4, 6, 8, 10, 13, 14, 15, and 16j. The motion carried by the following vote:**

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

5. Donation of One Surplus 2001 Ford F150 Truck to the El Camino College Fire Academy (Acting City Manager Moe). **14-0219**  
**APPROVE**

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

7. Declare Vacant Board of Building Appeals Seat No. 4 and Ratify Manhattan Beach Unified School District Nominee Seat No. 2 to the Parks and Recreation Commission (City Clerk Tamura). **14-0241**  
**DECLARE VACANCY AND RATIFY PARKS AND RECREATION NOMINEE**

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

9. Designation of Voting Delegate and Alternates to the 2014 League of **14-0243**

California Cities Annual Conference (Senior Management Analyst Biggs).

**APPROVE**

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

11. Final Payment in the Net Amount of \$25,000.00 to STL Landscape, Inc.; Formally Accept the Pathway to the Sea Project as Complete; Authorize Filing of the Appropriate Notice of Completion; Release Retention in the Amount of \$1,250.00 (Public Works Director Olmos). **14-0252**

**APPROVE**

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

12. Resolution of Intention to Provide for Annual Levy and Collection of Assessments for the Downtown Business Improvement District and Setting July 15, 2014 for a Public Hearing (Acting City Manager Moe). **RES 14-0017**

**a) ADOPT RESOLUTION NO. 14-0017**

**b) SET PUBLIC HEARING FOR JULY 15, 2014**

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

16. Minutes: **14-0233**

This item contain minutes of City Council meetings which are presented for approval. Staff recommends that the City Council, by motion, take action to approve the minutes of the:

- a) City Council Adjourned Regular Meeting-Closed Session of March 18, 2014
- b) City Council Regular Meeting of March 18, 2014
- c) City Council Adjourned Regular Meeting-Closed Session of April 1, 2014
- d) City Council Regular Meeting of April 1, 2014
- e) City Council Adjourned Regular Meeting-Closed Session of April 7, 2014
- f) City Council Adjourned Regular Meeting-Closed Session of April 15, 2014
- g) City Council Regular Meeting of April 15, 2014
- h) City Council Adjourned Regular Meeting-Boards and Commission Interviews of April 22, 2014
- i) City Council Adjourned Regular Meeting-Closed Session of April 28, 2014
- j) City Council Adjourned Regular Meeting-Manhattan Village Mall of April 29, 2014
- k) City Council Adjourned Regular Meeting-Closed Session of May 3, 2014
- l) City Council Adjourned Regular Meeting-Closed Session of May 4, 2014
- m) City Council Adjourned Regular Meeting-Closed Session of May 6, 2014

- n) City Council Regular Meeting of May 6, 2014  
o) City Council Adjourned Regular Meeting-Closed Session of May 9, 2014  
p) City Council Adjourned Regular Meeting-Closed Session of May 12, 2014  
(City Clerk Liza Tamura).

**APPROVE**

*The recommendation for this item was approved on the Consent Calendar with the exception of item (j) which was heard later under Items Removed From the Consent Calendar. The recommendation for item 16 j was to bring back to Council as summary minutes.*

**L. PUBLIC HEARINGS**

*None.*

**M. GENERAL BUSINESS**

17. Introduce Ordinance No. 14-0008 Prohibiting Smoking in Public Places, Make a Finding of Exemption under CEQA, and Appropriate \$20,000 from the General Fund for an Outreach Platform Promoting a Smoke-Free City Campaign (Public Works Director Olmos).

**ORD 14-0008****INTRODUCE ORDINANCE NO. 14-0008; AND APPROPRIATE FUNDS**

*Mayor Howorth introduced Environmental Programs Manager Sona Coffee who presented the PowerPoint presentation, referenced into the record an informational brochure regarding e-cigarettes and announced that the brochures are available in the City Hall lobby.*

*In response to Councilmember Lesser, City Attorney Barrow clarified the law regarding the definition of "Self Enforcing".*

*Mayor Howorth opened the public comment.*

*Doug Hughes, owner of Lucky Deuces, spoke in favor of banning smoking everywhere, but not in support of coupling in electronic cigarettes.*

*Ian Keegan, Vapor Inhalation Products, stated that he is worried about the ordinance affecting his business and including electronic cigarettes.*

*Patrick McBride remarked about a study done on cigarettes and per his research electronic cigarettes don't pose a problem like regular cigarettes.*

*Phil Reimert voiced his opposition to this ordinance, stating that the City should not restrict the rights of individuals and doesn't see the benefit of spending \$20,000 on this campaign.*

*Ramona, non-smoker, supports ordinance but she is a proponent for anything that will help someone stop smoking and cited how electronic cigarettes have helped her family.*

*Robert Bush, opposed to smoking, supports citywide ban on smoking, and wants to include electronic cigarettes.*

*Holly Maines pointed out that electronic cigarettes had not been FDA approved and is opposed to the devices.*

*Joe Galliani, 350 Action Group, related personal losses from lung cancer, the rights of people under the constitution and how the right to smoke impacts peoples rights to breathe clean air.*

*Stan Sanders, Vapor Inhallation, clarified about misinformation about electronic cigarettes and feels the outright banning of electronic cigarettes in public places is wrong.*

*Michael Colbert wants the ban on smoking, but is in favor of electronic cigarettes.*

*Craig Cadwalder, Representing the Surfrider Foundation, encouraged efforts to improve quality of life and reduce the amount of trash in the ocean, and is also in favor of prohibiting smoking in multi-family housing.*

*Lisa Santora, Beach Cities Health District, commended the City's leadership on health issues and feels a precautionary approach is best with regards to electronic cigarettes.*

*Charles Keegan, father of Ian Keegan, Vapor Shop owner, noted that he doesn't want the City to jump the gun regarding electronic cigarettes.*

*Don McPherson, owner of multi-family housing, reported on the financial incentives to rent to non-smokers, but doesn't think the City should regulate smoking in multi-family housing.*

*Viet Ngo spoke of the \$20,000 to be appropriated for this ordinance and alleged illegal use of this money.*

*Faith Lyons doesn't believe in a self-enforcing ordinance and stated there is always someone violating a quality of life ordinance and wants to see proactive and well-defined enforcement.*

*Seeing no further requests to speak, Mayor Howorth closed the public comments*

*After a lengthy discussion with Environmental Programs Manager Coffee, Director of Public Works Tony Olmos and City Attorney Quinn Barrow who responded to Councilmembers' questions the following motion was made:*

**Mayor Howorth made a motion, seconded by Mayor Pro Tem Powell to introduce Ordinance No. 14-0008 Prohibiting Smoking in Public Places and Regulating Electronic Cigarettes with a friendly amendment by Councilmember Burton to include stormwater issues and to add electronic cigarette recitals as explained by City Attorney Barrow.**

*City Council discussion continued and Mayor Howorth requested a one year review of enforcement. Councilmember Burton asked Staff to report back in six months with a follow-up to include multi-family housing. Councilmember Lesser asked to include policies of other cities.*

*City Attorney Barrow read the title of Ordinance No. 14-0008 into the record.*

**Mayor Howorth made a motion, seconded by Mayor Pro Tem Powell to**



introduce Ordinance No. 14-0008 Prohibiting Smoking in Public Places and Regulating Electronic Cigarettes with a friendly amendment by Councilmember Burton to include stormwater issues and to add electronic cigarette recitals as explained by City Attorney Barrow. The motion carried by the following vote:

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

*At 7:45 PM the City Council recessed and reconvened at 8:00 PM with Mayor Howorth absent.*

**18. Fiscal Year 2014-2015 Budget (Acting City Manager Moe). 14-0261**  
**DISCUSS AND PROVIDE DIRECTION**

*Acting City Manager Bruce Moe presented an overview of this item.*

*Mayor Pro Tem Powell opened the public comment.*

*Steve Packwood, asked about the reduction in the reserve account and felt that there was a lack of a strategic planning process.*

*Gerry O'Connor, stated that 73% of the General Fund is spent on Salaries and Benefits and to properly manage staff, annual performance appraisals are needed.*

*Seeing no further requests to speak, Mayor Pro Tem Powell closed the public comment.*

*Councilmembers gave their comments and feedback to staff on the Fiscal Year 2014-2015 Budget.*

*Acting City Manager Moe responded to City Council questions and received direction for bringing the budget back for adoption at the June 17, 2014, meeting .*

*Public Works Director Tony Olmos responded to City Council questions on the CIP .*

**19. Ballot Measure to Establish a Two-Term Limit for Elected Officials (City Attorney Barrow). 14-0232**  
**DISCUSS**

*Councilmember Burton wants the 2005 ballot measure on the next staff report and he is proposing to add it to the March 2015 ballot*

*Councilmember Lesser said that he is not supportive of this in any factor. It's not a pressing issue for our city. He doesn't see this as a pressing issue for our city even with no additional cost.*

*Mayor Pro Tem Powell opened the floor for public comment.*

*Don McPherson read into the record a letter about the 2005 Ballot Measure and distributed it to council.*

*Faith Lyon applauded Councilmember Burton for bringing up this issue, it's one that needs to be clarified and there is an abundance of talented people in this City.*

*Gerry O'Connor, believes it's a pressing issue for a lot of reasons, would very much*

support it moving forward and asked for City Attorney Barrow's interpretation of state code and whether it applies to past officials, to limit past office holders to a true two term limit.

Seeing no further requests to speak, Mayor Pro Tem Powell closed the public comments.

Councilmember Burton stated this isn't real term limits and he is proposing to add it to the March 2015 ballot.

Mayor Pro Tem Powell reported when he campaigned he also got feedback, but would like the item on the November Ballot.

City Attorney Barrow clarified that term limits could only be applied prospectively and any past Councilmember would be allowed to run in the future.

Councilmember D'Errico stressed that the language should be fair and impartial to make the measure clear.

Council decided to bring the item back at the June 17, 2014, meeting.

At 9:37 City Council recessed and reconvened at 9:47 with Mayor Howorth absent.

City Attorney Barrow stated new language for the Ballot Measure adding "after the March 2015 Election" and added that the measure only applies "prospectively".

**Councilmember Burton made a motion to reconsider the item, seconded by Mayor Pro Tem Powell. The motion carried by the following vote:**

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

**Nay:** 2 - Powell and Lesser

**Absent:** 1 - Howorth

**Councilmember Burton made a motion, seconded by Councilmember D'Errico to adopt all three resolutions related to the election, call for an Election on November 4, 2014, consolidate with the County, and provide direct arguments and impartial analysis. The motion carried by the following vote:**

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

**Nay:** 1 - Lesser

**Absent:** 1 - Howorth

Discussion continued and City Attorney Barrow responded to Councilmembers' questions.

Mayor Pro Tem Powell opened the public comment.

Gerry O' Connor commented that he would like the word "future" inserted, and also stated that he would have liked public comment to be opened before the motion was considered and voted on.

Seeing no further requests to speak, Mayor Pro Tem Powell closed the public comments.

Mayor Pro Tem Powell had some issues with inserting the word "future" and City

*Attorney Barrow agreed.*

**Councilmember Burton made a motion, seconded by Councilmember D'Errico to use the alternate language to allow all Councilmembers to file written arguments in favor or against the ballot measure (It authorizes all but does not require all). The motion passed by the following vote:**

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

**Nay:** 1 - Lesser

**Absent:** 1 - Howorth

## **N. ITEMS REMOVED FROM THE CONSENT CALENDAR**

- 4.** Approve the Removal of Parking on the East Side of Sepulveda Boulevard between Tennyson Street and Longfellow Drive as Recommended by the Parking and Public Improvements Commission (Community Development Director Thompson). **14-0178**

### **APPROVE**

*Councilmember Burton pulled this item and requested to continue this item because of the 18 page document received before the City Council Meeting.*

*Mayor Pro Tem Powell opened the public comments.*

*Unknown speaker asked, if he had questions about this item, could he submit them in writing.*

*Unknown speaker stated that back in 1989 the City Council voted on this same issue.*

*Seeing no further requests to speak, Mayor Pro Tem Powell closed the public comment.*

*After City Council discussion the item was continued to the July 15, 2014, City Council Meeting.*

**A motion was made by Councilmember Burton, seconded by Councilmember D'Errico, that this item be continued to a future meeting. The motion carried by the following vote:**

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

**Absent:** 1 - Howorth

- 6.** Final Payment in the net amount of \$23,026.17 to Taylor Tennis Court Inc.; Formally Accept the Live Oak Park, Manhattan Heights, Mira Costa Tennis Courts and Marine Avenue Park Basketball Courts Resurfacing and Restriping Project as Complete; and Authorize Filing of the Appropriate Notice of Completion and Release Retention in the Amount of \$1,211.90 (Public Works Director Olmos). **14-0234**

### **APPROVE**

*Mayor Pro Tem Powell opened the public comment.*

*Seeing no request to speak, Mayor Pro Tem Powell closed the public comment.*

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

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

**Absent:** 1 - Howorth

8. Appropriate Supplemental Law Enforcement Services (SLES) Grant Funds for the Purchase of 89 Handguns from All State Police Equipment in the Amount of \$31,701.05, and Law Enforcement Software and Equipment with Remaining Grants Funds and Accrued Interest (\$70,298.95) (Acting City Manager Moe). **14-0242**

**APPROVE, APPROPRIATE**

*Mayor Pro Tem Powell opened the public comment.*

*Viet Ngo alleged that it is illegal to put public money in the General Fund.*

*Seeing no further requests to speak, Mayor Pro Tem Powell closed the public comments.*

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

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

**Absent:** 1 - Howorth

10. Approve Pedestrian Enhancements at the Intersection of Ardmore Avenue and Flournoy Road as Recommended by the Parking and Public Improvements Commission (Community Development Director Thompson). **14-0247**

**APPROVE**

*Councilmember Burton requested that Council continue this item*

*Community Development Director Richard Thompson responded to Councilmember Lesser's and Mayor Pro Tem Powell's questions regarding the Mobility Plan.*

*Mayor Pro Tem Powell opened the floor for public comments.*

*Seeing no requests to speak, Mayor Pro Tem Powell closed the public comment.*

A motion was made by Councilmember Burton, seconded by Councilmember D'Errico, that this item be continued to a future meeting until after a briefing on the Mobility Plan and direct staff to notify the appellant.. The motion failed by the following vote:

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

**Nay:** 2 - Powell and Lesser

**Absent:** 1 - Howorth

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*Mayor Pro Tem Powell continued this matter to the June 17, 2014, City Council Meeting by order of the Chair.*

- 13.** Planning Commission approval of a Use Permit Amendment, Variance (Building Height) and Sign Exception Amendment, and denial of a Variance for landscaping, to construct an addition to an existing two-story commercial building and other site improvements located at 1500 North Sepulveda Boulevard, for Manhattan Beach Toyota/Scion (Community Development Director Thompson). **14-0250**

**RECEIVE REPORT**

*Mayor Pro Tem Powell opened the public comment.*

*Gerry O'Connor commented on the temporary signs that are in blatant disregard to the sign ordinance.*

*Seeing no further requests to speak, Mayor Pro Tem Powell closed the public comment.*

**A motion was made by Councilmember Burton, seconded by Councilmember D'Errico, that this item be received and filed. The motion carried by the following vote:**

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

**Absent:** 1 - Howorth

- 14.** Ordinance Amending Municipal Code Section 14.44.080 Regarding Taxicab Stands and Update on Possible Taxicab Stand Locations (City Attorney Barrow). **ORD 14-0005**

**ADOPT ORDINANCE NO. 14-0005**

*Councilmember D'Errico pulled this item because of issues with the possible taxicab stand locations.*

*Police Chief Eve Irvine and Traffic Engineer Eric Zandvliet answered City Council questions regarding the wording of the ordinance.*

*Councilmember Lesser suggested amending the ordinance and having it brought back to City Council.*

*Police Chief Irvine reminded City Council that this would prolong the process as there would need to be a first and second reading, if amended.*

*City Attorney Barrow reported that first reading could occur at this meeting.*

*Discussion continued between City Attorney Barrow, City Council, Traffic Engineer Zandvliet and Police Chief Irvine.*

*City Attorney Quinn Barrow provided some alternative language to amend the ordinance as understood to be desired by City Council.*

*Mayor Pro Tem Powell opened the floor for public comment.*

*Patrick Mc Bride remarked that parking after 9 PM is miniscule and thinks the issue is much ado about nothing.*

*Michael Giler, United Independent Taxi, doesn't address independent operators, such as Uber and Uber X.*

*Seeing no further requests to speak, Mayor Pro Tem Powell closed the public comment.*

*City Attorney Barrow addressed concerns over Uber, and City Council questions.*

*Traffic Engineer Zandvliet provided alternatives to the language in the ordinance pursuant to direction of City Council.*

*Councilmember Lesser recommends examining similar ordinances from other cities, and having the ordinance brought back with changes as staff recommends.*

**A motion was made by Councilmember Lesser, seconded by Councilmember Burton, to bring this ordinance back for first reading at the July 1, 2014 City Council Meeting, for the ordinance amending Manhattan Beach Municipal Code Section 14-44.080 regarding taxi cab stands and update on possible taxi cab stand locations. The motion carried by the following vote:**

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

**Absent:** 1 - Howorth

- 15.** Five Year Concession Agreement with Erkan Isiktel and Helen Moon for Operation of a Food Concession on the Manhattan Beach Pier (Senior Management Analyst Biggs).

**CON 14-0027**

**APPROVE**

*This agenda item was pulled from the consent calendar for discussion by Viet Ngo.*

*Senior Management Analyst David Biggs presented the staff report.*

*Mayor Pro Tem Powell opened the floor for public comment.*

*Viet Ngo pointed out that the permit to run the roundhouse cafe had been previously given to Michael Zislis, owner of Rock n' Fish LLC, and alleged inconsistencies with the contract awarded to Mr. Zislis. He also alleges misconduct on the part of members of the City Council.*

*Mayor Pro Tem Powell clarified for the record that there has been no improprieties or misappropriation of funds and no reason for members of the City Council to abstain or recuse themselves from voting on this matter.*

*Seeing no further requests to speak, Mayor Pro Tem Powell closed the public comment.*

*Discussion arose regarding the proposals regarding the Pier Cafe Concession stand and the length of agreement.*

**A motion was made by Councilmember Burton, seconded by Councilmember D'Errico, that the contract be awarded to Two Guns for their Manhattan Beach Yacht Club with direction to add additional snack food offerings to their menu.**

*Discussion followed the making of the motion regarding the merits of the two proposals, and the length of the contract.*

*The motion carried by the following vote:*

**A motion was made by Councilmember Burton, seconded by Councilmember D'Errico, that the contract be awarded to Two Guns for their Manhattan Beach Yacht Club with direction to add additional snack food offerings to their menu. The motion carried by the following vote:**

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

**Nay:** 1 - Lesser

**Absent:** 1 - Howorth

**16. Minutes:**

**14-0233**

This item contain minutes of City Council meetings which are presented for approval. Staff recommends that the City Council, by motion, take action to approve the minutes of the:

- a) City Council Adjourned Regular Meeting-Closed Session of March 18, 2014
- b) City Council Regular Meeting of March 18, 2014
- c) City Council Adjourned Regular Meeting-Closed Session of April 1, 2014
- d) City Council Regular Meeting of April 1, 2014
- e) City Council Adjourned Regular Meeting-Closed Session of April 7, 2014
- f) City Council Adjourned Regular Meeting-Closed Session of April 15, 2014
- g) City Council Regular Meeting of April 15, 2014
- h) City Council Adjourned Regular Meeting-Boards and Commission Interviews of April 22, 2014
- i) City Council Adjourned Regular Meeting-Closed Session of April 28, 2014
- j) City Council Adjourned Regular Meeting-Manhattan Village Mall of April 29, 2014
- k) City Council Adjourned Regular Meeting-Closed Session of May 3, 2014
- l) City Council Adjourned Regular Meeting-Closed Session of May 4, 2014
- m) City Council Adjourned Regular Meeting-Closed Session of May 6, 2014
- n) City Council Regular Meeting of May 6, 2014
- o) City Council Adjourned Regular Meeting-Closed Session of May 9, 2014
- p) City Council Adjourned Regular Meeting-Closed Session of May 12, 2014

(City Clerk Liza Tamura).

**APPROVE**

*The recommendation for this item was approved on the Consent Calendar with the exception of 16j, which was pulled from the consent calendar for discussion by Mark Neumann.*

*Mr. Neumann believes the draft minutes provide insufficient detail. Request that more detailed minutes be drafted.*

*Mayor Pro Tem Powell opened the floor for public comment.*

*Seeing no further requests to speak, Mayor Pro Tem Powell closed the public comment.*

*Mayor Pro Tem Powell reminded those in attendance that the Minutes are action minutes, and that the official record is the recorded video.*

*City Attorney Barrow affirmed this and clarified his position as mistated by speaker.*

*City Attorney Barrow addressed a question posed by Councilmember Lesser regarding whether comorting the minutes with the requests of the speaker is necessary.*

*Discussion arose regarding the concern of how little or how much detail is appropriate for minutes and time coding on the online system.*

*Answering a question posed by Councilmember Lesser, City Attorney Barrow does not believe there is any reason to review any of the minutes. They are legally sufficient.*

**A motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Powell, to approve the minutes from the Tuesday, April 29, 2014 meeting with the notation to reference the video recording.**

*Councilmember Burton inquired the costs of preparing summary minutes for each of the mall expansion meetings.*

**A substitute motion was made by Councilmember Burton, seconded by Councilmember D'Errico to direct staff to prepare summary minutes for the mall expansion meetings, and to bring the summary minutes back to City Council.**

**The motion carried by the following vote:**

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

**Absent:** 1 - Howorth

## **O. OPTIONAL ADDITIONAL PUBLIC COMMENTS ON NON-AGENDA ITEMS**

*None.*

## **P. OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS, FUTURE DISCUSSION ITEMS**

*Councilmember D'Errico mentioned his desire to have a future discussion about what materials City Council needs for their deliberations, and the time frame those are available to both the City Council and the public.*

*Mayor Pro Tem Powell distinguished between items received from staff and items received from the public and voiced concerns over timing of distribution of items to City Council.*



## Q. RECEIVE AND FILE ITEMS

*Mayor Pro Tem Powell opened the floor for public comment.*

*Seeing no requests to speak, Mayor Pro Tem Powell closed the floor to public comment.*

**Hearing no objections, Mayor Pro Tem Powell ordered that item Nos. 20 and 21 be Received and Filed.**

**20. Financial Reports: 14-0197**

- a) Schedule of Demands: May 22, 2014
- b) Investment Portfolio for the Month Ending April 30, 2014
- c) Financial Reports for the Month Ending April 30, 2014  
(Acting City Manager Moe).

**RECEIVE AND FILE**

**21. Commission Minutes: 14-0263**

This item contain minutes of City Council subcommittees and 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 Receive and File the minutes of the:

- a) Planning Commission Meeting of April 9, 2014  
(Continued from the May 6, 2014, City Council Meeting)  
(Community Development Director Thompson)
- b) Planning Commission Meeting of May 14, 2014  
(Community Development Director Thompson)
- c) Cultural Arts Commission Meeting of January 14, 2014  
(Parks and Recreation Director Leyman)
- d) Cultural Arts Commission Meeting of February 11, 2014  
(Parks and Recreation Director Leyman)
- e) Cultural Arts Commission Meeting of March 11, 2014  
(Parks and Recreation Director Leyman)
- f) Cultural Arts Commission Meeting of April 8, 2014  
(Parks and Recreation Director Leyman)
- g) Library Commission Meeting of March 10, 2014  
(Parks and Recreation Director Leyman)
- h) Parks and Recreation Commission Meeting of April 28, 2014  
(Parks and Recreation Director Leyman)

**RECEIVE AND FILE**

*Mayor Pro Tem Powell brought up a change needed on page 787, that it should read "Planning Commission Action Minutes".*

**Hearing no objections, Mayor Pro Tem Powell ordered items Nos. 20 and 21 to be Received and Filed.**

## R. ADJOURNMENT

*At 12:01 AM, the June 03, 2014, the Regular City Council Meeting adjourned to the 5:00 PM Adjourned Regular Closed Session City Council Meeting on June 17, 2014 in the City Council Chambers.*