

City Council

Regular Meeting

Wednesday, March 6, 2013

6:00 PM

City Council Chambers



Mayor David J. Lesser

Mayor Pro Tem Amy Howorth

Councilmember Richard P. Montgomery

Councilmember Nicholas W. Tell, Jr.

Councilmember Wayne Powell

Executive Team

David N. Carmany, City Manager

Quinn Barrow, City Attorney

Robert Espinosa, Fire Chief
Cathy Hanson, Human Resources Director
Eve R. Irvine, Police Chief
Mark Leyman, Parks & Recreation Director

Bruce Moe, Finance Director
Tony Olmos, Public Works Director
Liza Tamura, City Clerk
Richard Thompson, Community
Development Director

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.

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

JP Rivas, Senior, Mira Costa High School led the Pledge of Allegiance.

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, March 1, 2013, on the City's Website and on the bulletin boards of the City Hall and the Library.

Date: 3/1/2013 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. Recognition of Jean McMillan for Her Outstanding Community Service
PRESENT

[13-0115](#)

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!

Don McPherson spoke about the successful municipal election.

Don Gould, Manhattan Beach Library Manager, suggested people visit the library's website for upcoming events. He also spoke about the March 7th Coffee and Classics movie screening, a Spring Art Activity on March 14th, and Jim Gamble's Marionette Show on March 21st.

Viet Ngo spoke about alleged public corruption and alleged election fraud.

Robert Busch spoke about the service of our military veterans.

Councilmember Powell announced the next Manhattan Beach Community Emergency Response Team (CERT) training class scheduled for March 8th-10th, and encouraged interested parties to visit their website at www.MBCERTA.org. He also announced the next Seniors Teaching Seniors program on Wednesday, March 13th, at Mira Costa High School from 3:00 p.m. to 5:00 p.m. RSVPs are requested and can be made by calling (310) 802-5447 and Dial-A-Ride transportation service is available.

Mayor Lesser announced several upcoming public meetings including the first of three upcoming workshops for Veterans Parkway Landscape Planning on Monday, March 11th, at 6:00 p.m. in the Police/Fire Conference Room, the Library Commission meeting on Monday, March 11th, at 6:30 p.m. in the Council Chambers, and the Ad Hoc Open Government Subcommittee meeting on Tuesday, March 12th, at 6:30 p.m. in the Council Chambers.

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!

Nate Hubbard spoke about the Shade Hotel Conditional Use Permit.

Don McPherson spoke about the Shade Hotel Conditional Use Permit.

Peter Goodwin spoke about audience participation, voting, and the PPIC appeal regarding removal of a public parking space adjacent to 217 4th Place.

Robert Busch spoke about utility undergrounding.

Kathy McCune from Metro spoke about the new Metro ExpressLanes on the I-10 and I-110 freeways.

Bill Fahey spoke about the benefits of the proposed Marine Avenue Park Synthetic Turf Installation Project.

Viet Ngo spoke about alleged public corruption and alleged election fraud.

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.

2. Audited Financial Statements and Management Report of the South Bay Regional Public Communications Authority for the Year Ended June 30, 2012.

[13-0066](#)

RECEIVE AND FILE

Attachments: [Attachment 1 - SBRPCA Annual Financial Report](#)
[Attachment 2 - SBRPCA Management Report](#)

3. Planning Commission Approval of a Use Permit for an Eating and Drinking Establishment / Restaurant (Leafy Greens) at 308 Manhattan Beach Boulevard.

[13-0094](#)

RECEIVE AND FILE

Attachments: [Attachment 1 - Planning Commission Resolution PC 13-01](#)
[Attachment 2 - Planning Commission Staff Report and Attachments of February](#)
[Attachment 3 - Planning Commission Minutes of February 13, 2013](#)
[Attachment 4 - Applicant's Presentation](#)

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4. Award of Construction Contract to Ramona, Inc. (\$307,830) for the FY2012-2013 Gravity Sewer Main Rehabilitation Project Including Sewer Spot Repairs at 34 locations in Areas 1, 2, and 3 (bounded by Manhattan Beach Boulevard, Ardmore Avenue, Aviation Boulevard and the Southerly City Limit) and Sewer Main Replacement in 11th Place from Ardmore Avenue to Highview Avenue; and Approve an Agreement with Willdan Engineering (\$105,888) for Construction Inspection Services. [13-0111](#)
APPROVE

Attachments: [Attachment 1 - Funding, Anticipated Expenditures, Bids](#)
 [Attachment 2 - Project Map FY2012-2013 Gravity Sewer Main Rehabilitation Pr](#)
 [Attachment 3 - Construction Contract with Ramona Inc.](#)
 [Attachment 4 - Professional Engineering Services Agreement with Willdan Engir](#)
5. Plans and Specifications for the Section 1 (Manhattan Beach Boulevard to Boundary Place, Ardmore Avenue to Sepulveda Boulevard) Concrete Repair Project. [13-0107](#)
APPROVE

Attachments: [Attachment 1 - Plans and Specifications for Section 1 Concrete Repair Project](#)
 [Attachment 2 - Area Map Section 1 Concrete Repair Project.pdf](#)
 [PSA Wallace Associates Section 1 Sidewalk 2013 V2.docx](#)
6. Award of Construction Contract to T.E. Roberts, Inc. (\$982,785) 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). [13-0108](#)
APPROVE

Attachments: [Attachment 1 - Tables 1, 2 and 3 Appropriations, Expenditures and Project Loca](#)
 [Attachment 2 - 2011-12 WaterMain Phase 1-map](#)
 [Attachment 3 - 2011-12 WaterMain Phase 2-map](#)
 [Attachment 4 - Bid Results](#)
 [Attachment 5 - Construction Contract TE Roberts.pdf](#)
7. Update of Strategic Plan Goals and Objectives. [13-0113](#)
RECEIVE AND FILE

Attachments: [Attachment 1 - Strategic Plan Monitoring Matrix of 03/06/2013](#)
 [Attachment 2 - Review of the Previous 6-mo Strategic Plan Objectives](#)

8. Financial Reports: [13-0095](#)

a) Ratification of Demands: February 12, 2013.

RATIFY

b) Payroll Register: February 14, 2013.

RATIFY

c) Investment Portfolio for the Month Ending January 31, 2013.

RECEIVE AND FILE

d) Financial Reports for the Month Ending January 31, 2013.

RECEIVE AND FILE

Attachments: [Attachment 1 - Warrant Register for February 12, 2013](#)
 [Attachment 2 - Payroll Register for February 14, 2013](#)
 [Attachment 3 - Investment Portfolio for the Month Ending January 31, 2013](#)
 [Attachment 4 - Financial Reports for the Month Ending January 31, 2013](#)

9. Minutes [13-0096](#)

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

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

APPROVE

b) Cultural Arts Commission Meeting of November 13, 2012.

REVEIVE AND FILE

c) Cultural Arts Commission Meeting of November 13, 2012.

REVEIVE AND FILE

d) Planning Commission Meeting of February 27, 2013.

REVEIVE AND FILE

Attachments: [Attachment 1 - City Council Meeting of February 19, 2013](#)
 [Attachment 2 - Cultural Arts Commission Meeting of November 13, 2012](#)
 [Attachment 3 - Cultural Arts Commission Meeting of November 14, 2012](#)
 [Attachment 4 - Planning Commission Meeting of February 27, 2013](#)

J. PUBLIC HEARINGS

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10. Appeal of Planning Commission's Decision of a Height Determination for a Coastal Permit (CA 12-25) for a New Single Family Residence at 301/303 25th Street [13-0099](#)

CONDUCT PUBLIC HEARING, DISCUSS AND PROVIDE DIRECTION

Attachments: [Attachment 1 - Planning Commission Documents from February 13, 2013](#)
[Attachment 2 - Appellant's Appeal dated February 20, 2013](#)
[Attachment 3 - Property Owner's Documentation February 26, 2013](#)
[Attachment 4 - Letters of support and petitions](#)
[Attachment 5 - Building Plans](#)

11. Appeal of the Parking and Public Improvements Commission Decision to Deny the Request to Remove One Public On-Street Parking Space Adjacent to 217 4th Place [13-0069](#)

HOLD PUBLIC HEARING, DISCUSS AND PROVIDE DIRECTION

Attachments: [Attachment 1 - 2/12/04 Work Order](#)
[Attachment 2 - 3/31/04 Work Order](#)
[Attachment 3 - PPIC Staff Report for 217 4th PI Appeal including Exhibits A-C](#)
[Attachment 4 - Draft Minutes Excerpt for 12/6/12 PPIC Meeting](#)
[Attachment 5 - Additional Information Provided by Appellant on 12/6/12 - 15 pag](#)
[Attachment 6 - Aerial Map](#)
[Attachment 7 - Existing Conditions Aerial](#)
[Attachment 8 - Petition to Remove and/or Relocate Space](#)
[Attachment 9 - Mailed Public Hearing Notice](#)

K. GENERAL BUSINESS

12. Memoranda of Understanding with the Manhattan Beach Police Officers' Association, California Teamsters Local 911, and the Manhattan Beach Firefighters' Association. [RES 13-0017](#)

APPROVE, ADOPT RESOLUTION NO. 13-0017

Attachments: [Attachment 1 - Fiscal Implications Breakdown by Fiscal Year and Category](#)
[Attachment 2 - MOU with MB Police Officers Association](#)
[Attachment 3 - MOU with California Teamsters Local 911](#)
[Attachment 4 - MOU with MB Firefighters Association](#)
[Attachment 5 - Resolution No. 13-0017](#)

13. Resolution No. 13-0018 Amending Resolution 6066 to Eliminate the reporting of the value of Employer Paid Member Contributions for the Manhattan Beach Police Officers' Association effective March 9, 2013. [RES 13-0018](#)

APPROVE, ADOPT RESOLUTION NO. 13-0018

Attachments: [Attachment 1 - Resolution No. 13-0018](#)

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14. Resolution No. 13-0019 Amending Resolution 6067 to Eliminate the reporting of the value of Employer Paid Member Contributions for the California Teamsters Local 911 effective March 9, 2013. [RES 13-0019](#)
ADOPT RESOLUTION NO. 13-0019
Attachments: [Attachment 1 - Resolution No. 13-0019](#)
15. Resolution No. 13-0020 Amending Resolution 6065 to Eliminate the reporting of the value of Employer Paid Member Contributions for the Manhattan Beach Firefighters' Association effective March 23, 2013. [RES 13-0020](#)
ADOPT RESOLUTION NO. 13-0020
Attachments: [Attachment 1 - Resolution No. 13-0020](#)
16. Resolution No. 13-0021 Allowing Employee Paid Member Pension Contributions to be Processed on a Pre-Tax Basis in Accordance with Internal Revenue Code Section 414(h)(2) [RES 13-0021](#)
ADOPT RESOLUTION NO. 13-0021
Attachments: [Attachment 1 - Resolution No. 13-0021](#)
17. Plans and Specifications for the Marine Avenue Park Synthetic Turf Installation Project and Appropriation of \$1,353,000 from the Unappropriated General Fund CIP Fund Balance [13-0015](#)
APPROVE, APPROPRIATE
Attachments: [Attachment 1 - Memorandum of Understanding with the American Youth Soccer](#)
[Attachment 2 - Project cost estimate](#)
[Attachment 3 - Manhattan Beach Sand and Surf letter of field usage](#)
[Attachment 4 - Vistamar letter of field usage](#)

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

18. City-School Cooperative Agreement Update. [13-0118](#)
RECEIVE AND FILE
Attachments: [Attachment 1 - Draft MBUSD Master Use Agreement](#)

O. ADJOURNMENT

P. FUTURE MEETINGS

CITY COUNCIL MEETINGS

Mar. 12, 2013 – Tuesday – 6:30 PM – Ad Hoc Open Government Subcommittee Meeting
Mar. 19, 2013 – Tuesday – 6:00 PM – City Council Meeting
Mar. 21, 2013 – Thursday – 8:30 AM – City Council Teambuilding Meeting
Apr. 2, 2013 – Tuesday – 6:00 PM – City Council Meeting
Apr. 16, 2013 – Tuesday – 6:00 PM – City Council Meeting
Apr. 23, 2013 – Tuesday – X:00 – Board & Commission Interviews
Apr. 30, 2013 – Tuesday – X:00 – City Council Study Session
May. 7, 2013 – Tuesday – 6:00 PM – City Council Meeting
May. 9, 2013 – Thursday – 6:00 PM – City Council Budget Study Session #1 (Tentative)
May. 14, 2013 – Tuesday – 6:00 PM – City Council Budget Study Session #2 (Tentative)
May. 16, 2013 – Thursday – 6:00 PM – City Council Budget Study Session #3 (Tentative)
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. 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

BOARDS, COMMISSIONS AND COMMITTEE MEETINGS

Mar. 11, 2013 – Monday – 6:30 PM – Library Commission
Mar. 12, 2013 – Tuesday – 6:00 PM – Cultural Arts Commission
Mar. 13, 2013 – Wednesday – 6:30 PM – Planning Commission
Mar. 25, 2013 – Monday – 6:30 PM – Parks & Recreation Commission
Mar. 27, 2013 – Wednesday – 6:30 PM – Planning Commission
Mar. 28, 2013 – Thursday – 6:30 PM – Parking & Public Improvements Commission
Apr. 3, 2013 – Wednesday – 6:00 PM – North Manhattan Beach Business Improvement District
Apr. 8, 2013 – Monday – 6:30 PM – Library Commission
Apr. 9, 2013 – Tuesday – 6:00 PM – Cultural Arts Commission
Apr. 10, 2013 – Wednesday – 6:30 PM – Planning Commission
Apr. 22, 2013 – Monday – 6:30 PM – Parks & Recreation Commission
Apr. 24, 2013 – Wednesday – 6:30 PM – Planning Commission
Apr. 25, 2013 – Thursday – 6:30 PM – Parking & Public Improvements Commission
May. 1, 2013 – Wednesday – 6:00 PM – North Manhattan Beach Business Improvement District
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

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, MARCH 6, 2013 - 4:30 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. CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION)

(Government Code Section 54956.9)

**Sanders v. City of Manhattan Beach, Los Angeles Superior Court Case Number
YC067811**

E. RECESS INTO CLOSED SESSION

F. RECONVENE INTO OPEN SESSION

G. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION

H. ADJOURNMENT