

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Final

Wednesday, March 6, 2013

6:00 PM

Regular Meeting

City Council Chambers

City Council

Mayor David J. Lesser

Mayor Pro Tem Amy Howorth

Councilmember Richard P. Montgomery

Councilmember Nicholas W. Tell, Jr.

Councilmember Wayne Powell

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, a senior from Mira Costa High School, led the Pledge of Allegiance.

B. ROLL CALL

Present: 5 - Mayor Lesser, Mayor Pro Tem Howorth, Councilmember Montgomery, Councilmember Tell and Councilmember Powell

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 earlier this evening to discuss a conference with Legal Counsel on the litigation matter of Sanders versus City of Manhattan Beach. The City Council gave direction to Special Counsel and no other actions were taken.

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. Recognition of Jean McMillan for Her Outstanding Community Service [13-0115](#)
PRESENT

The City Council recognized Jean McMillan for her outstanding community service.

G. COMMUNITY ANNOUNCEMENTS (One Minute Per Person)

Don McPherson thanked City Clerk Tamura and her staff for a successful election.

Don Gould Manhattan Beach Library Manager, spoke about upcoming library events.

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

Robert Bush spoke about the service of our military veterans and his disappointment with the low election turnout.

Councilmember Powell spoke of the upcoming Community Emergency Response Team Class and Graduation, the Seniors Teaching Seniors Program; thanked everyone for the congratulatory e-mails on his election win; and recognized the two Councilmembers elect Mark Burton and Tony D'Errico who were in attendance.

Mayor Lesser spoke about several upcoming public meetings.

H. AUDIENCE PARTICIPATION (Three Minutes Per Person)

Nate Hubbard, 1300 Block of Ardmore Avenue spoke about the 2010 Shade Conditional Use Permit (CUP).

Don McPherson spoke about the 2010 Shade CUP.

Peter Goodwin spoke about voting and distributed a letter to the City Council, City Attorney Barrow and City Manager Carmany regarding the possible removal of a public parking space adjacent to 217 4th Place.

Robert Bush spoke about utility undergrounding.

Kathy McCune from Metro spoke about the new Metro Express Lanes 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.

Public Works Director Jim Arndt verified that the City is not currently taking applications for any new utility undergrounding districts.

City Attorney Barrow responded that there is nothing that should prevent the City Council from considering the labor negotiations on tonight's agenda and that there is no merit to the alleged election fraud mentioned.

I. CONSENT CALENDAR

A motion was made by Mayor Prop Tem Howorth, seconded by Councilmember Montgomery, that this item be approved, with the exception of Item No. 7 (Update of Strategic Plan Goals and Objectives), which will be considered under Items Removed From the Consent Calendar. The motion carried by the following vote:

Aye: 5 - Tell, Montgomery, Howorth, Lesser and Powell

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

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

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

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

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

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

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

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

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

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

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**

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

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**

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

J. PUBLIC HEARINGS

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

Mayor Lesser opened the Public Hearing

The following representatives spoke on this item:

Leonard Armato, Esq on behalf of the Appellant

*Applicant Joe Paunovich
Fred Gaines, Gaines & Stacy, LLP (Applicant's Attorney)*

In addition, the following persons spoke:

*Marty Lang
David Quick
Tom Sturgess
Sam Sturgess
Stephanie (last name inaudible)
Diane (last name inaudible)
Teddy Sears
Mark Abramson
Tim Price
Thomas Sturgess
Louis Scaduto
Ellie Armato
Crystal Armato
Jack Alloc
Holly McPeak
Antonina Armato
Bunny Srour
Tom Courtney
Shawn (last name inaudible)
Nancy Armado
Bruce Bolander
Dr. Rosario Armado
Karol Wahlberg
Anthony Armado
Mark (last name inaudible)
Nora Fong*

The Mayor provided an opportunity for rebuttal to Leonard Armato and John Franklin, Geo Soils also spoke on behalf of the appeal.

The Mayor provided an opportunity for Applicant Joe Paunovich and Fred Gaines, Applicant's Attorney to speak.

Mayor Lesser closed the Public Hearing

A motion was made by Councilmember Montgomery, seconded by Mayor Powell, uphold the decision of the Planning Commission and deny the appeal. The motion carried by the following vote:

Aye: 3 - Montgomery, Lesser and Powell

Nay: 2 - Tell and Howorth

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

Mayor Lesser opened the Public Hearing

The following individuals spoke on this item:

Applicant Peter Goodwin

Whitney Greeves

Larry Shoenfeld

Mrs. Shoenfeld

Robin Michael

Rita Michael

Mayor Lesser closed the Public Hearing

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

Aye: 5 - Tell, Montgomery, Howorth, Lesser and Powell

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

The following individual spoke on this item:

Gerry O'Connor

A motion was made by Councilmember Tell, seconded by Mayor Pro Tem Howorth, that that Resolution No. 13-0017 be adopted. The motion carried by the following vote:

Aye: 5 - Tell, Montgomery, Howorth, Lesser and Powell

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.

APPROVE, ADOPT RESOLUTION NO. 13-0018

[RES 13-0018](#)

There were no requests to speak from the public to speak on this item.

A motion was made by Councilmember Powell, seconded by Mayor Pro Tem Howorth, that Resolution No. 13-0018 be adopted. The motion carried by the following vote:

Aye: 5 - Tell, Montgomery, Howorth, Lesser and Powell

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.

ADOPT RESOLUTION NO. 13-0019

[RES 13-0019](#)

There were no requests to speak from the public to speak on this item.

A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Powell, that Resolution No. 13-0019 be adopted. The motion carried by the following vote:

Aye: 5 - Tell, Montgomery, Howorth, Lesser and Powell

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.

ADOPT RESOLUTION NO. 13-0020

[RES 13-0020](#)

There were no requests to speak from the public to speak on this item.

A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Powell, that Resolution No. 13-0020 be adopted. The motion carried by the following vote:

Aye: 5 - Powell, Lesser, Howorth, Montgomery and Tell

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)

ADOPT RESOLUTION NO. 13-0021

[RES 13-0021](#)

There were no requests to speak from the public to speak on this item.

A motion was made by Councilmember Powell, seconded by Councilmember Tell, that Resolution No. 13-0021 be adopted. The motion carried by the following vote:

Aye: 5 - Powell, Lesser, Howorth, Montgomery and Tell

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

The following individual spoke on this item:

Ross Kay, American Youth Soccer Organization Commissioner

A motion was made by Councilmember Tell, seconded by Mayor Pro Tem Howorth, that this item be approved. The motion carried by the following vote:

Aye: 5 - Tell, Montgomery, Howorth, Lesser and Powell

L. ITEMS REMOVED FROM THE CONSENT CALENDAR

7. Update of Strategic Plan Goals and Objectives. [13-0113](#)
RECEIVE AND FILE

The following individual spoke on this item:

Gerry O'Connor

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

Aye: 5 - Tell, Montgomery, Howorth, Lesser and Powell

M. CITY MANAGER REPORT(S)

City Manager Carmany provided an update on the Shade Hotel conditional use permit, announced the Volunteer Recognition dinner is this Friday, March 8th, reported that Police Chief Eve Irvine recently attended the annual California Police Chiefs' Association annual training conference, and noted that a press release outlining increased enforcement of Strand and Bike Path violations. City Manager Carmany also stated that he will provide a status report on the Rite Aid store and the Chalk School at the next City Council meeting.

N. OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

Mayor Lesser reported that he attended the South Bay Council of Governments' General Assembly on February 22nd and that he received a letter urging City Council action regarding the Proposition 8 case currently under review by the U.S. Supreme Court.

18. City-School Cooperative Agreement Update.

[13-0118](#)

RECEIVE AND FILE

Councilmember Tell provided an update on the draft City/School Cooperative Agreement attached to the agenda. The City Council directed staff to schedule a joint public meeting with the City Council and the school board to discuss the draft agreement, with April 15th mentioned as a possible date.

The following individual spoke on this item:

Gerry O'Conner

O. ADJOURNMENT

At 12:05 am the Regular City Council Meeting of March 6, 2013, was duly adjourned to the City Council Closed Session Meeting at 4:30 p.m. on March 19, 2013 in the City Council Chambers.