

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Draft

Tuesday, September 20, 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*

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A. PLEDGE TO THE FLAG

Charlotte Lesser led the Pledge of Allegiance.

B. ROLL CALL

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

C. CEREMONIAL CALENDAR

1. Presentation of a Commendation to Police Officer Stephanie Martin in Recognition of her 28 Years of Dedicated Service to the City of Manhattan Beach.

PRESENT

Mayor D'Errico, on behalf of the City Council, recognized Police Officer Stephanie Martin.

D. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

City Clerk Liza Tamura confirmed that the meeting had been properly posted.

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

Councilmember Burton pulled Item No.4 Agreement for Special Services with Liebert, Cassidy and Whitmore to Provide Representational and Legal Services Pertaining to Employment Relations Matters and requested to be heard as the last item of New Business. (After Item No. 11)

Councilmember Powell noted a correction to be made in Item No. 2 Adopt Resolution No. 16-0048 Approving the 2017 Conflict of Interest Code for the City of Manhattan Beach - Economic Development Manager should be changed to Economic Vitality Manager.

A motion was made by Mayor Pro Tem Lesser, seconded by Councilmember Burton, to approve the agenda moving Item No. 4 as the last item of New Business and make the change in the title of Item No.2. 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)

The following individuals provided community announcements:

John Roberts, From the Roundhouse Aquarium, announced a fundraiser on Tuesday, October 25, 2016, at the Manhattan Beach Country Club.

Charlotte Lesser invited the community to join the annual 10 K run, at 7:30 AM on October 1, 2016.

Lauren Nakano, Director of Blue Zones Projects at Beach Cities Health District, announced a "Safe Streets for All" campaign in October.

Melissa McCullum, Librarian reported on upcoming Library events and that the month of September is "Library Card" sign-up month.

Councilmember Powell announced that the annual Hometown Fair will be October 1-2, 2016.

G. CITY MANAGER REPORT

City Manager Mark Danaj presented Police Chief Eve Irvine who introduced Sgt. Tim Zins as the new Community Affairs Officer.

Chief Irvine promoted the breast cancer awareness t-shirts and the Pink Patch Project.

City Manager Danaj noted that employees will have a chance to purchase the t-shirts and in October employees can wear as uniform on Thursdays.

City Manager Danaj introduced Information Technology Director Sanford Taylor and Economic Vitality Manager Andy Swyak who spoke on the Frontier outages.

Randy Campbell, Area General Manager for Frontier Communications apologized for the August 28th intermittent service interruptions.

H. CITY ATTORNEY REPORT

None.

Councilmember Burton asked for a Manhattan Beach Mall trial date and City Attorney Barrow responded that the trial date is November 2, 2016.

I. PUBLIC COMMENTS (3 MINUTES PER PERSON FOR ONE ITEM, A MAXIMUM OF 6 MINUTES IF A SPEAKER WANTS TO COMMENT ON MORE THAN ONE ITEM)

The following individuals provided public comment:

Chris Cagle, Southbay Workforce Investment Board, distributed the 4th Quarterly Report to the City Council and reported on various job opportunities available in the region.

Robert Schumann spoke about abandoned property ordinance/abatement, noting that he doesn't think that his property should be considered abandoned.

Steve Packwood, asked about outside contractors, about the bidding process, term limits and the Manhattan Village Mall lawsuit.

Paul Barkopoulos, spoke about the White Day Mortuary property being changed into an Urgent Care Facility.

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

None.

K. CONSENT CALENDAR (APPROVE)

A motion was made by Councilmember Burton, seconded by Councilmember Powell to approve the Consent Calendar as amended with the following changes: to move Item No. 4 (Agreement for Special Services with Liebert, Cassidy and Whitmore to Provide Representational and Legal Services Pertaining to Employment Relations Matters) and requested this item to be heard after Item No. 10 New Business.(Previously moving after Item No. 11) and a correction to be made in Item No. 2 (Adopt Resolution No. 16-0048 Approving the 2017 Conflict of Interest Code for the City of Manhattan Beach - Economic Development Manager should be changed to Economic Vitality Manager). The motion carried by the following vote:

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

2. Adopt Resolution No. 16-0048 Approving the 2017 Conflict of Interest Code for the City of Manhattan Beach (City Clerk Tamura).

ADOPT RESOLUTION NO. 16-0048

The recommendation for this item was approved on the Consent Calendar with the following change: Economic Development Manager should be changed to Economic Vitality Manager.

3. Second Reading of Ordinance No. 16-0016 Amending Speed Limits on Ardmore Avenue (Community Development Director Lundstedt).

ADOPT ORDINANCE NO. 16-0016

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

4. Agreement for Special Services with Liebert, Cassidy and Whitmore to Provide Representational and Legal Services Pertaining to Employment Relations Matters (Human Resources Director Zadroga-Haase).

APPROVE

This item was moved to Section N. New Business and heard after Item No. 10.

5. Designation of Voting Delegate and Alternate to the 2016 League of California Cities Annual Conference and Authorize Delegate and Alternate Voting Authority on Proposed Resolution Being Considered at the Conference (City Clerk Tamura).

APPROVE VOTING DELEGATE AND AUTHORIZE VOTING AUTHORITY

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

6. Financial Report:
- a) Schedule of Demands: August 18, 2016
 - b) Investment Portfolio for the Month Ending July 31, 2016
 - c) Month End Report for July 31, 2016
(Finance Director Moe).

ACCEPT REPORT AND DEMANDS

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

7. City Council Minutes:
- This Item Contains Minutes of the following City Council Meeting:
- a) City Council Regular Meeting Minutes of September 6, 2016
 - b) Special City Council Meeting - Closed Session Minutes of
September 9, 2016
(Clerk Tamura).

APPROVE

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

L. PUBLIC HEARINGS (2 MINUTES PER PERSON)

None.

M. OLD BUSINESS

8. Award a Construction Contract to Salix Development Company for the Marine Avenue Park Skate Spot Project in an Amount Not-to-Exceed \$359,066; and Appropriate \$170,000 from the Capital Improvement Fund (Interim Public Works Director Saenz/Parks and Recreation Director Leyman).

APPROVE AND APPROPRIATE FUNDS

Mayor D'Errico introduced Parks and Recreation Director Mark Leyman who provided the staff presentation along with City Engineer Prem Kumar.

Parks and Recreation Director Leyman and City Engineer Kumar responded to City Council questions.

Mayor D'Errico opened the floor to public comment.

Seeing no requests to speak, Mayor D'Errico closed the floor to public comment.

Councilmember Howorth supports the project, noting the length of time it has taken to get to this point, receiving the \$300,000 grant and that there is \$170,000 available in the CIP (Capital Improvement Plan) Fund.

Mayor Pro Tem Lesser echoes Councilmember Howorth's comments and the City is very fortunate to get the grant from Supervisor Knabe and he supports moving forward.

Councilmember Powell concurs with his colleagues and also thanked Supervisor Knabe for the \$300,000 grant and agrees that the necessary money should come from the CIP Fund.

Councilmember Burton thanked Director Leyman for reaching out to Supervisor Knabe and getting the grant. He further added that he is disappointed that costs went up, but doesn't want to take from the CIP Fund. He suggested taking \$100,000 from the City Council Contingency Fund.

Mayor D'Errico stated that while he supports the skate park, numerous discussions favored not using tax payers money. CIP money could be used for aging infrastructure. It's troubling to be fair to colleagues and the community who worked tirelessly to get this skate park approved. He further added that he cannot support taking the money from the CIP Fund.

Councilmember Burton emphasized that he supported this because it had no tax payers dollars and now doesn't want to use CIP Funds.

City Manager Danaj responded to City Council questions and confirmed that there is \$100,000 in the City Council Contingency Fund.

A motion was made by Councilmember Howorth, seconded by Mayor Pro Tem Lesser, to award a construction contract to Salix Development Company for the Marine Avenue Park Skate Spot Project in an amount not-to-exceed \$359,066; and appropriate \$170,000 from the Capital Improvement Fund. The motion carried by the following vote:

Aye: 3 - Lesser, Howorth and Powell

Nay: 2 - D'Errico and Burton

At 7:29 PM City Council recessed and reconvened at 7:39 PM with all Councilmembers present.

9. Adopt Resolution No. 16-0052 to Amend the Contract Between the Board of Administration California Public Employees Retirement System and the City of Manhattan Beach to Provide Provisions of Retirement Law Section 20516 - Employee Cost Sharing (Human Resources Director Zadroga-Haase).

ADOPT RESOLUTION NO. 16-0052

Mayor D'Errico introduced Human Resources Director Teresia Zadroga-Haase who provided the staff presentation.

Human Resources Director Zadroga-Haase responded to City Council questions.

Mayor D'Errico opened the floor to public comment.

The following individual provided public comment:

Steve Packwood questioned the compensation.

Seeing no further requests to speak, Mayor D'Errico closed the floor to public comment.

A motion was made by Councilmember Burton, seconded by Councilmember Powell, to adopt Resolution No. 16-0052 to amend the Contract Between the Board of Administration California Public Employees Retirement System and the City of Manhattan Beach to provide provisions of Retirement Law Section 20516 - Employee Cost Sharing. The motion carried by the following vote:

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

N. NEW BUSINESS

10. Risk Pooling Analysis and Options (Human Resources Director Zadroga-Haase).

RECEIVE REPORT AND PROVIDE DIRECTION

Mayor D'Errico introduced Human Resource Director Teresia Zadroga-Haase who provided the PowerPoint presentation.

Human Resources Director Zadroga-Haase and Risk Manager Greg Barboa responded to City Council questions.

Mayor D'Errico opened the floor to public comment.

Seeing no requests to speak, Mayor D'Errico closed the floor to public comment.

A motion was made by Councilmember Burton, seconded by Councilmember Powell, to receive the report and direct the City Manager and Staff to initiate the process of applying for membership in the California State Association of Counties-Excess Insurance Authority (CSAC-EIA) . The motion carried by the following vote:

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

4. Agreement for Special Services with Liebert, Cassidy and Whitmore to Provide Representational and Legal Services Pertaining to Employment Relations Matters (Human Resources Director Zadroga-Haase).

APPROVE

Item No.4 was taken out of order.

Mayor D'Errico introduced Human Resources Director Teresia Zadroga-Haase who responded to City Council questions.

Mayor D'Errico opened the floor to public comment.

Seeing no requests to speak, Mayor D'Errico closed the floor to public comment.

A motion was made by Councilmember Burton, seconded by Councilmember Powell, to approve the agreement for Special Services with Liebert, Cassidy and Whitmore to Provide Representational and Legal Services Pertaining to Employment Relations Matters. The motion carried by the following vote:

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

11. Review Southern California Edison (SCE) Streetlight Valuation and Acquisition Process, and Discuss Option to Retrofit SCE-Owned Street Lights (Interim Public Works Director Saenz and Information Technology Director Taylor).

DISCUSS AND PROVIDE DIRECTION

Mayor D'Errico introduced Environmental Programs Manager Sona Coffee provided the PowerPoint presentation

Environmental Programs Manager Coffee, Finance Director Bruce Moe, City Manager Mark Danaj and Facilities Manager Keith Darling responded to City Council questions

Information Technology Director Sanford Taylor also responded to City Council questions.

Mayor D'Errico opened the floor to public comment.

Seeing no requests to speak, Mayor D'Errico closed the floor to public comment.

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Lesser, to explore the three options:

- 1. Purchase eligible SCE-owned streetlights (approximately 800-900);**
- 2. Retrofit eligible streetlights to LED technology; and**
- 3. Participate in SCE's Option-E financing to retrofit non-sellable SCE-owned streetlights to LEDs (approximately 900).**

and further direct Staff to come back and discuss the energy savings as a part of these 3 options when they are discussing the energy audit and for someone from SCE (Southern California Edison) to return with information as well. A friendly amendment, accepted by the maker, to keep the revenue generation and communications technology information in mind when Staff brings the report back. The motion 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

Councilmember Burton reported that the Hermosa Beach Fire Association supported the move to the county. He further noted his concerns with the loop project and wants a copy of the EIR (Environmental Impact Report) and also wants to make sure that the City has a representative from the gas company to answer all of the City's concerns and questions.

Mayor ProTem Lesser stated that he is the alternate delegate to the Los Angeles Sanitation District and he has requested the district to agendize what would be involved to increase productivity of purple pipe and recycled water at the Carson Facility, the financial costs for increasing capacity, the infrastructure costs and how to pipe it to get it out to the other regions.

Councilmember Powell pointed out that he serves as the liaison to the ICA (Independent Cities Association) and wants to agendize this item and also wants to be relieved of being the liaison.

City Attorney Barrow clarified that it could be put on an agenda in two weeks, with no staff report needed and placed under "Other Council Business".

12. City Council Retreat Documents INFORMATION ONLY

No action taken.

P. FORECAST AGENDA AND FUTURE DISCUSSION ITEMS

13. Agenda Forecast (City Clerk Tamura). DISCUSS AND PROVIDE DIRECTION

Mayor D'Errico noted that the ICA (Independent Cities Association) item would be agendized.

Mayor Pro Tem Lesser requested that Item No. 2 (Award of contract to PEGasus Studios for broadcast Contract Services with an estimated annual value of \$59,080) be moved from the Consent Calendar.

Councilmember Powell asked when the Downtown Specific Plan would be returning. Councilmember Powell also asked about the initiatives on marijuana on the November ballot.

City Attorney Quinn Barrow responded to City Council questions and the City Council concurred that it would be discussed after the November Election.

Q. INFORMATIONAL ITEMS

None.

R. CLOSED SESSION

I. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION

City Attorney Quinn Barrow read into the record that pursuant to Government Code Section 54956.9(d)(2) the City Council will recess into Closed Session to discuss anticipated litigation with Legal Counsel.

II. RECESS INTO CLOSED SESSION

At 9:35 PM the City Council recessed into Closed Session.

CONFERENCE WITH LEGAL COUNSEL (ANTICIPATED LITIGATION) (Government Code Section 54956.9(d)(2))

A point has been reached where, in the opinion of the City Council on the advice of the City Attorney, based upon existing facts and circumstances, there is a significant exposure to litigation against the City.

Number of Cases: 1 potential case

III. RECONVENE INTO OPEN SESSION

At 9:46 PM the City Council reconvened into Open Session.

IV. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION

City Attorney Quinn Barrow announced that the City Council discussed the item with no reportable action taken

S. ADJOURNMENT

At 9:47 PM Mayor D'Errico adjourned the City Council Meeting.

Martha Alvarez
Recording Secretary

Tony D'Errico
Mayor

ATTEST:

Liza Tamura
City Clerk