

City Council

Regular City Council Meeting

Tuesday, October 1, 2013

6:00 PM

City Council Chambers

5:00 PM Adjourned Regular City Council Meeting - Closed Session



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

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.

MANHATTAN BEACH'S CITY COUNCIL WELCOMES YOU!

Your presence and participation contribute to good city government.

By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for citizen comments on the agenda under "Audience Participation," at which time 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, with each speaker limited to three minutes.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City's website at www.citymb.info, the Police Department located at 420 15th Street, and are also on file in the Office of the City Clerk for public inspection. Any person who has any question concerning any agenda item may call the City Clerk's office at (310) 802-5056 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Office of the City Clerk at (310) 802-5056 (voice) or (310) 546-3501 (TDD). Notification 36 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

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**

5 MINUTES

Meadows Elementary School

B. ROLL CALL

1 MINUTE

C. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

1 MINUTE

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, September 27, 2013, on the City's Website and on the bulletin boards of City Hall, Joslyn Community Center and Manhattan Heights.

D. CLOSED SESSION ANNOUNCEMENT

1 MINUTE

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

5 MINUTES

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

15 MINUTES

1. Presentation of a Commendation to the Los Angeles County Junior Lifeguard Program & Recognition to A.J. Wilson for his heroic efforts during a recent rescue.

[13-0509](#)

PRESENT

G. COMMUNITY ANNOUNCEMENTS

1 MINUTE PER PERSON

This portion of the meeting is to provide an opportunity for citizens to address the City Council regarding upcoming events. 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!

H. AUDIENCE PARTICIPATION

3 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!

I. CITY MANAGER REPORT(S)

5 MINUTES

J. CONSENT CALENDAR

5 MINUTES

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.

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2. Second reading of Ordinance No. 13-0020 amending the City's Municipal Code regarding banners and decorations in the Public Right-of-Way and adoption of banner policy (*Continued from September 17, 2013, City Council Meeting*). [ORD 13-0020](#)
WAIVE FURTHER READING; ADOPT ORDINANCE 13-0020
Attachments: [Existing Manhattan Beach Municipal Code Chapter 9.60](#)
[Proposed Ordinance No. 13-0020](#)
[Proposed Banner Policy 7/26/2013](#)
3. Annual Report from Oceanographic Teaching Stations, Inc. as required by the Occupancy Agreement for use of the Roundhouse Facility on the Manhattan Beach Pier. [13-0511](#)
RECEIVE AND FILE
Attachments: [OTS Inc. IRS Form 990](#)
[OTS Inc. Annual Report](#)
4. Award of Bid for the Budgeted Purchase of Two Toyota Camry Hybrid Replacement Vehicles for the Public Works and Parks & Recreation Departments from Penske Toyota in the Amount of \$53,711.90. [13-0397](#)
APPROVE
Attachments: [Bid #940-13 Comparison for Toyota Camry Hybrid \(2\)](#)
5. Progress Payment No. 2 in the Net Amount of \$100,605.00 to Miramontes Construction Co, Inc. for the 2012-2015 Rehabilitation of Sewer Manholes Project. [13-0499](#)
APPROVE
Attachments: [Tables 1 and 2 - Budget, Expenditures and Contract Payments](#)
[Map of FY 2012-2015 Rehabilitation of Sewer Manhole Project](#)
6. Report On Current Maintenance Practices In Downtown Streetscape. [13-0500](#)
RECEIVE AND FILE
Attachments: [Lighting District 1 Streetscape](#)
[Downtown Power Washing Schedule](#)
[Sweep Times Streetscape Only](#)
[Sweep Times Downtown](#)
7. Financial Reports: Schedule of Demands: September 12, 2013. [13-0506](#)
RECEIVE AND FILE
Attachments: [Warrant Register for September 12, 2013](#)

8. Minutes[13-0523](#)

This item contains minutes of City Council meetings which are presented for approval and minutes from City Commissions 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) Joint City Council/Planning Commission Meeting of April 30, 2013.

APPROVE

b) City Council Special Closed Session Meeting of May 30, 2013.

APPROVE

c) City Council Special Closed Session Meeting of June 3, 2013.

APPROVE

d) City Council Regular Meeting of July 2, 2013.

APPROVE

e) City Council Adjourned Regular Meeting (Strategic Plan Community Town Hall) of July 9, 2013.

APPROVE

f) City Council Adjourned Regular Meeting (10:00 a.m. Closed Session) of September 3, 2013.

APPROVE

g) City Council Adjourned Regular Meeting (4:00 p.m. Closed Session) of September 3, 2013.

APPROVE

h) City Council Adjourned Regular Meeting (Closed Session) of September 11, 2013.

APPROVE

i) City Council Adjourned Regular Meeting (Closed Session) of September 17, 2013.

APPROVE

j) City Council Adjourned Regular Meeting (Closed Session) of September 24, 2013.

APPROVE

k) Parks and Recreation Commission Meeting of August 26, 2013.

RECEIVE AND FILE

l) Special Parks and Recreation Commission Meeting of September 09, 2013.

RECEIVE AND FILE

m) Library Commission Meeting of August 12, 2013.

RECEIVE AND FILE

n) Cultural Arts Commission Meeting of August 13, 2013.

RECEIVE AND FILE

o) Cultural Arts Commission Meeting of September 12, 2013.

RECEIVE AND FILE

Attachments: [Joint City Council/Planning Commission Meeting of April 30, 2013](#)
[City Council Special Closed Session Meeting of May 30, 2013](#)
[City Council Special Closed Session Meeting of June 3, 2013](#)
[City Council Regular Meeting of July 2, 2013](#)
[City Council Adjourned Regular Meeting \(Strategic Plan Community Town Hall\)](#)
[City Council Adjourned Regular Meeting \(10:00 a.m. Closed Session\) of September 10, 2013](#)
[City Council Adjourned Regular Meeting \(4:00 p.m. Closed Session\) of September 10, 2013](#)
[City Council Adjourned Regular Meeting \(Closed Session\) of September 11, 2013](#)
[City Council Adjourned Regular Meeting \(Closed Session\) of September 17, 2013](#)
[City Council Adjourned Regular Meeting \(Closed Session\) of September 24, 2013](#)
[Parks and Recreation Commission Meeting of August 26, 2013](#)
[Special Parks and Recreation Commission Meeting of September 09, 2013](#)
[Library Commission Meeting of August 12, 2013](#)
[Cultural Arts Commission Meeting of August 13, 2013](#)
[Cultural Arts Commission Meeting of September 12, 2013](#)

K. PUBLIC HEARINGS

30 MINUTES PER ITEM

L. GENERAL BUSINESS

30 MINUTES PER ITEM

9. Strategic Plan Update (*Continued from September 17, 2013, City Council Meeting*). [13-0470](#)

RECEIVE AND FILE

Attachments: [Strategic Plan Update 09172013](#)

10. Meeting Management - Rules of Order for City Council Meetings [RES 13-0066](#)
ADOPT A RESOLUTION AMENDING AND RESTATING THE RULES OF ORDER FOR THE CONDUCT OF CITY COUNCIL MEETINGS

Attachments: [Draft Resolution No. 13-0066](#)
[Redlined version of Draft Resolution indicating suggested changes to Resolution](#)
[Draft Excerpt of Discussion from August 13, 2013 City Council Meeting](#)
[May 21, 2013 and August 13, 2013 City Council Agenda Staff Reports](#)
[Resolution No. 12-6411](#)

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11. Report Regarding Condition of City Facilities (Facilities Assessment Study).

[13-0464](#)

RECEIVE AND PROVIDE DIRECTION

Attachments: [Facility Condition Assessment Report - Executive Summary Rev B \(hard copy\)](#)
[City of Manhattan Beach Parking Structures Report Abbreviated \(hard copy\)](#)
[Facility Condition Assessment Report - City Hall Annex Rev A \(CD\)](#)
[Facility Condition Assessment Report - City Hall Rev A \(CD\)](#)
[Facility Condition Assessment Report - Creative Arts Center Rev A \(CD\)](#)
[Facility Condition Assessment Report - Fire Station 2 Rev A \(CD\)](#)
[Facility Condition Assessment Report - Josyln Community Center Rev A \(CD\)](#)
[Facility Condition Assessment Report - Live Oak Park Rev A \(CD\)](#)
[Facility Condition Assessment Report - Manhattan Heights Park \(CD\)](#)
[Facility Condition Assessment Report - Manhattan Village Soccer Field Rev A \(CD\)](#)
[Facility Condition Assessment Report - Marine Avenue Park Rev A \(CD\)](#)
[Facility Condition Assessment Report - Marine Avenue Sports Complex \(CD\)](#)
[Facility Condition Assessment Report - Pier Roundhouse Comfort Station Rev A \(CD\)](#)
[Facility Condition Assessment Report - Polliwog Park Rev A \(CD\)](#)
[Facility Condition Assessment Report - Premier Baseball Field \(CD\)](#)
[Facility Condition Assessment Report - Public Safety Building Fire Station No. 1 Rev A \(CD\)](#)
[Facility Condition Assessment Report - Public Works Rev A \(CD\)](#)
[Facility Condition Assessment Report - Sand Dune Park Rev A \(CD\)](#)
[City of Manhattan Beach Parking Structures Report \(CD\)](#)

12. Remaining Open Government Initiatives; Authorization for the City Manager to Adopt the Public Records Act Protocol; and Direction on Future Open Government Initiatives. [13-0525](#)

RECEIVE PUBLIC INPUT AND TAKE ACTION ON OPEN GOVERNMENT INITIATIVES

Attachments: [August 13, 2013 City Council Agenda Report](#)
[Excerpt of Draft Minutes of August 13, 2013](#)
[May 21, 2013 City Council Agenda Report from the Ad Hoc Open Government](#)
[Open Government Initiatives Matrix](#)
[McKee Settlement Agreement](#)
[Public Records Act Protocol](#)
[Public Records Act Log, February 25, 2013](#)
[Public Records Act Log, September 19, 2013](#)
[March 12, 2013 Ad Hoc Open Government Subcommittee Agenda, Staff Report](#)
[William Victor \(MB Property Owner\) Letter](#)
[William Victor \(MB Property Owner\) Letter 2](#)

13. Meeting Management - Consent Calendar [RES 13-0065](#)
DISCUSS AND CONSIDER ADOPTING A RESOLUTION OUTLINING THE SCOPE OF THE CITY COUNCIL'S CONSENT CALENDAR

Attachments: [Samples of Other Cities' Consent Calendars \(Beverly Hills, Hermosa Beach, Re](#)
[Draft Excerpt of August 13, 2013 City Council meeting discussion regarding con](#)
[Draft Resolution No. 13-0065](#)

M. ITEMS REMOVED FROM THE CONSENT CALENDAR
(Continued Agenda Items Pulled from the September 17, 2013 Consent Calendar)

5 MINUTES PER ITEM

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.

14. Report on the 2013 International Surf Festival's Charlie Saikley Six-Man Beach Volleyball Tournament (*Continued from September 17, 2013, City Council Meeting*). [13-0432](#)

RECEIVE AND FILE

Attachments: [Six Man 2013 Operational Costs & 2014 Estimated Cost](#)

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15. Implementation of a Direct Invitation Process for the 2013-2014 Sculpture Garden; A One Year Extension of the Current Installation *Believe Green* and *Not a Step*; and Appropriation of \$5,000 from the Public Art Trust Fund for the Artists Stipend (*Continued from September 17, 2013, City Council Meeting*). [13-0452](#)
APPROVE AND APPROPRIATE
16. Financial Reports: [13-0495](#)
a) Schedule of Demands: August 29, 2013.
b) Investment Portfolio for the Month Ending July 31, 2013.
c) Financial Reports for the Month Ending July 31, 2013.
(*Continued from September 17, 2013, City Council Meeting*)
RECEIVE AND FILE
Attachments: [Warrant Register for August 29, 2013](#)
[Investment Portfolio for the Month Ending July 31, 2013](#)
[Financial Reports for the Month Ending July 31, 2013](#)
17. Minutes [13-0496](#)
This item contains minutes of City Council meetings which are presented for approval and minutes from a City commission which is 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 (*Continued from September 17, 2013, City Council Meeting*):
a) City Council Closed Session Meeting of May 14, 2013.
APPROVE
b) City Council Adjourned Regular Meeting (Strategic Plan Session) of July 10, 2013.
APPROVE
c) City Council Regular Meeting of August 6, 2013.
APPROVE
d) City Council Adjourned Regular Meeting (Closed Session) of August 14, 2013.
APPROVE
e) Cultural Arts Commission Meeting of August 13, 2013.
RECEIVE AND FILE
Attachments: [City Council Closed Session Meeting of May 14, 2013](#)
[City Council Adjourned Regular Meeting \(Strategic Plan Session\) of July 10, 2013](#)
[City Council Regular Meeting of August 6, 2013](#)
[City Council Adjourned Regular Meeting \(Closed Session\) of August 14, 2013](#)
[Cultural Arts Commission Meeting of August 13, 2013](#)

N. ITEMS REMOVED FROM THE CONSENT CALENDAR

(For any Agenda Item removed from this City Council Agenda for individual consideration)

5 MINUTES PER ITEM

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.

O. OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

5 MINUTES PER CITY COUNCILMEMBER FOR TOTAL OF 25 MINUTES

18. Supplemental Report on the Level of Service Provided By Southern California Edison (SCE). [13-0524](#)

DISCUSS AND PROVIDE DIRECTION, RECEIVE AND FILE

Attachments: [Staff Report dated August 20, 2013](#)

[Letter from City Manager David N. Carmany to PUC dated August 26, 2013](#)

[Letter from Senator Ted Lieu to Theodore F. Craver, Jr. of SCE dated September 13, 2013](#)

19. 2013 League of California Cities Annual Meeting. [13-0507](#)
DISCUSS

Attachments: [League of California Cities, 2013 Annual Conference, Sacramento, September 13-14, 2013](#)

P. ADJOURNMENT**Q. FUTURE MEETINGS****CITY COUNCIL MEETINGS**

Oct. 8, 2013 - Tuesday - 6:00 PM - Joint City Council/Cultural Arts Commission Meeting (Cancelled)

Oct. 8, 2013 - Tuesday - 6:00 PM - Adjourned City Council Meeting (Continued Public Hearing on Manhattan Village Mall)

Oct. 15, 2013 - Tuesday - 6:00 PM - City Council Meeting

Oct. 29, 2013 - Tuesday - 6:00 PM - Joint City Council/Library Commission Meeting

Nov. 5, 2013 - Tuesday - 6:00 PM - City Council Meeting

Nov. 12, 2013 - Tuesday - 6:00 PM - Joint City Council/Parking & Public Improvements Commission Meeting

Nov. 19, 2013 - Tuesday - 6:00 PM - City Council Meeting

Dec. 3, 2013 - Tuesday - 6:00 PM - City Council Meeting

Dec. 10, 2013 - Tuesday - 6:00 PM - Joint City Council/ Board of Building Appeals Meeting

Dec. 17, 2013 - Tuesday - 6:00 PM - City Council Meeting

BOARDS, COMMISSIONS AND COMMITTEE MEETINGS

Oct. 9, 2013 – Wednesday -- 6:30 PM – Planning Commission
Oct. 23, 2013 – Wednesday -- 6:30 PM – Planning Commission
Oct. 24, 2013 - Thursday -- 6:30 PM -- Parking & Public Improvements Commission
Oct. 29, 2013 - Tuesday - 6:00 PM - Joint City Council and Library Commission (Cancelled)
Nov. 12, 2013 - Tuesday - 6:00 PM - Joint City Council/Parking & Public Improvements Commission
Nov. 13, 2013 – Wednesday -- 6:30 PM – Planning Commission
Nov. 27, 2013 – Wednesday -- 6:30 PM – Planning Commission
Dec. 5, 2013 -- Thursday -- 6:30 PM -- Parking & Public Improvements Commission
Dec. 10, 2013 - Tuesday - 6:00 PM - Joint City Council/ Board of Building Appeals Meeting
Dec. 11, 2013 – Wednesday -- 6:30 PM – Planning Commission

R. CITY HOLIDAYS**CITY OFFICES CLOSED ON THE FOLLOWING DAYS:**

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
Jul. 4, 2014 - Friday - Independence Day
Sep. 1, 2014 – Monday – Labor Day

**CITY OF MANHATTAN BEACH
CLOSED SESSION AGENDA
TUESDAY, OCTOBER 1, 2013 - 5:00 PM
CITY COUNCIL CHAMBERS
1400 HIGHLAND AVENUE
MANHATTAN BEACH, CA 90266**

A. CALL MEETING THE ORDER

B. PLEDGE TO THE FLAG

C. ROLL CALL

D. CERTIFICATION OF MEETING 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, September, 27, 2013, on the City's Website and on the bulletin boards of City Hall, Joslyn Community Center and Manhattan Heights.

E. PUBLIC COMMENT ON CLOSED SESSION

3 MINUTES PER PERSON

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

1. CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION)

(Government Code Section 64986.9(a))

City of Agoura Hills, City of Manhattan Beach, et. al. v. County of Los Angeles et. al., Superior Court of California - County of Los Angeles Case No. BS1440871

G. RECESS INTO CLOSED SESSION

H. RECONVENE INTO OPEN SESSION

I. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION

J. ADJOURNMENT