

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Final

Tuesday, August 2, 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

Lynne Gross , Oceanographic Teaching Station 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 Certificate of Recognition to Lynne Gross as Outgoing President of the Oceanographic Teaching Stations, Inc.
PRESENT

Mayor D'Errico, on behalf of the City Council, presented a Certificate of Recognition to Lynne Gross the outgoing President of the Oceanographic Teaching Station.

D. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

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

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

A motion was made by Mayor Pro Tem Lesser, seconded by Councilmember Howorth, to approve the agenda moving Item No. 11 Report on the Potential Impacts of Fire and Medical Services in Manhattan Beach If Hermosa Beach Contracts Fire Services with Los Angeles County Fire Department to the first item in Section N. New Business and to add the additional Use Permit finding "E. The proposed use would not impact parking availability, traffic, noise, pollution and public health, safety and welfare." condition to Item No. 2 on the Consent Calendar. The motion carried by the following vote:

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

**F. CITY COUNCIL AND COMMUNITY ORGANIZATION ANNOUNCEMENTS
OF UPCOMING EVENTS (1 MINUTE PER PERSON)**

Lynne Gross re Roundhouse Aquarium having a fundraiser Tuesday, October 25th at the Manhattan Beach Country Club from 7-9 PM.

Ellen Rosenberg, member of a new organization "Support Manhattan Beach Schools", which is supporting the campaign effort for the school bond and stated that there will be fundraisers in the future.

Melissa McCollum, Manhattan Beach Library, announced upcoming library events.

Councilmember Powell reported on the Medal of Valor event Thursday, August 4, 2016, at 6 PM. Also for the older adult community a technology training taught by Dale Eisenhower, at Joslyn Community Center on Thursday, August 11 and August 18, 2016, at 10 AM.

Mayor D'Errico announced that Thursday and Friday will be the Charlie Saikely 6-Man Volleyball Tournament, with the Junior Championship on Wednesday.

G. CITY MANAGER REPORT

City Manager Mark Danaj updated the information on the Gelson's Market mitigation report.

H. CITY ATTORNEY REPORT

None.

**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)**

George Butts, reported that tonight is National Night Out and that there are openings for the First Aid, CPR/AED Training with a two year certification. CERT personnel will be at the 6-Man Volleyball Tournament and at the Chevron Bike Race.

Martha Andreani Re Consent Item No. 2 that there is an omission of date as to when the continued ordinance expires and when it comes before City Council again.

Phil Reimert spoke about pension deficit and government over-staffing.

Jim Burton Re Interim Zoning Ordinance, about building heights, timelines and other issues.

Tami Zamrazil thanked the City Council for the work on the downtown maintenance and also expressed concerns about the building heights.

Bill Victor spoke about building heights, the planning commission meeting and proper notification.

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

None.

K. CONSENT CALENDAR (APPROVE)

Mayor D'Errico stated that although he is voting on the Consent Calendar, his vote for Agenda Item No. 2 - Written Report Regarding Interim Zoning Ordinance 16-0009U should be counted as abstain.

A motion was made by Mayor Pro Tem Lesser, seconded by Councilmember Burton, to approve the Consent Calendar Item Nos. 2-6. (Mayor D'Errico reported that he would be abstaining on Item No.2) The motion carried by the following vote:

(Mayor D'Errico abstained Agenda Item No. 2)

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

2. Written Report Regarding Interim Zoning Ordinance ORD 16-0009U (Community Development Director Lundstedt).

ISSUE 10-DAY REPORT

The additional Use Permit finding "E. The proposed use would not impact parking availability, traffic, noise, pollution and public health, safety and welfare." is to be added.

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

Mayor D'Errico abstained.

3. Approve Additional Contingency in an Amount Not-to-Exceed of \$30,000 to Caltec Corporation's Contract for the Parking Structure Lot #2 Rehabilitation Project (Interim Public Works Director Saenz).

APPROVE

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

4. Resolution Amending the City of Manhattan Beach Personnel Rules Classified Service List (Human Resources Director Zadroga-Haase).

ADOPT RESOLUTION 16-0050

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

5. Financial Report:
Schedules of Demands: July 7, 2016 (Finance Director Moe).

ACCEPT REPORT AND DEMANDS

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

6. City Council Minutes:

This Item Contains Minutes of the following City Council Meetings:

- a) City Council Regular Meeting Minutes of June 21, 2016
(Continued from the July 19, 2016 City Council Meeting)

APPROVE

- b) City Council Regular Meeting Minutes of July 5, 2016
(Continued from the July 19, 2016 City Council Meeting)

APPROVE

- c) City Council Special Meeting - Closed Session Minutes of July 19, 2016

APPROVE

- d) City Council Regular Meeting Minutes of July 19, 2016

APPROVE

(City 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

7. Second Reading of Ordinance No. 16-0007 Amending the Municipal Code to Provide a Process for Modifying Construction Hours Under Limited Circumstances (Community Development Director Lundstedt).

SECOND READING AND ADOPT ORDINANCE NO. 16-0007

Legal Counsel Mike Estrada read the title of the Ordinance for second reading.

Community Development Director Marisa Lundstedt and Legal Counsel Estrada responded to City Council questions.

Councilmember Powell inquired about Section 3, Item H1 under Director Authorization, "and may require prior notice", stating that neighbors should always be notified about changes in hours to construction and requested for the phrase to change to, "shall require prior notice"

Mayor D'Errico invited public comments:

Martha Andreani suggested for the inclusion of the seasonal hours, extended hours and what type of construction could occur in which the hours would be extended.

Mayor D'Errico closed public comments.

City Council concurred that the changes to the proposed language as requested by Councilmember Powell is the appropriate changes for this particular ordinance in order to have the proper checks and balances when extending construction hours and the Director shall notify the City Council at the next meeting under the "Consent Calendar".

Legal Counsel Estrada clarified that due to all the changes requested by City Council the item would return under Consent for a second reading again at the next City Council meeting.

Motion by Councilmember Powell, seconded and amended by Councilmember Howorth (amendment accepted by the maker) to introduce Ordinance No. 16-0007, as amended, to allow the Director and City Council to amend construction hours under limited circumstances, provided that neighbors are always provided notice and if the Director makes the decision, the Council is notified at the next Council meeting. The motion carried by the following vote:

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

N. NEW BUSINESS

11. Report on the Potential Impacts of Fire and Medical Services in Manhattan Beach If Hermosa Beach Contracts Fire Services with Los Angeles County Fire Department (Fire Chief Espinosa).

DISCUSS AND PROVIDE DIRECTION

Item No. 11 was presented out of order.

Mayor D'Errico introduced the item.

Fire Chief Robert Espinosa provided the PowerPoint presentation.

Councilmember Burton requested a meeting to be scheduled within the next two months as a special study session regarding the three options as provided by Fire Chief Espinosa in his presentation.

Fire Chief Espinosa and City Manager Mark Danaj responded to City Council questions.

Mayor D'Errico invited public comments.

Hermosa Beach Councilmember Jeff Duclos spoke on the discussion the City of Hermosa Beach has had regarding the possibility of contracting with the Los Angeles County Fire Department.

Pete Bonano Interim Fire Chief for the City of Hermosa Beach provided details on what the City of Hermosa Beach has discussed regarding the possibility of contracting with the Los Angeles County Fire Department.

Craig Cadwallader agrees that the City of Manhattan Beach should continue discussing this particular item for further information.

Mayor D'Errico closed public comments.

City Council agreed that more information needs to be presented to move forward and decide what would be the best decision to make for the City.

A motion was made by Councilmember Burton, seconded by Councilmember Powell, for City Council to meet within the next two months and hold a Special Study Session in which the City Manager and staff will present to City Council the following items: a) details of the three opportunities listed on the staff report as included by Fire Chief Espinosa, b) the City of Redondo Beach ambulance model that was recently adopted, c) the ICMA report, and d) all the City of Hermosa Beach reports regarding their current discussion. The motion carried by the following vote:

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

At 7:45 PM City Council recessed and reconvened at 7:55 PM with all Councilmembers present.

8. Review of Potential Revenue Enhancement Options; Status Report on Fire Station #2, Municipal Pool and Parking Structure/City Hall Feasibility Studies; Report on Water and Wastewater Utility Rate Studies (Finance Director Moe/Public Works Director Saenz).

DISCUSS AND PROVIDE DIRECTION

Finance Director Bruce Moe provided the staff presentation regarding the, "Report on Water and Wastewater Utility Rate Studies" and responded to City Council questions.

Mayor D'Errico invited public comments. Seeing no requests to speak, he closed public comments.

Motion by Councilmember Burton, seconded by Mayor D'Errico, (after the hiring of the Public Works Director) for the City Manager and staff to review and update the utility master plan and report back to City Council.

Mayor Pro Tem Lesser cautioned moving forward due to the lengthy discussions during the budget meetings regarding less hiring by the City of consultants, would rather wait until the Public Works Director is hired and see what kind of recommendations they would like to make to the City Council.

Councilmember Burton agreed with Mayor Pro Tem Lesser's statement and withdrew his motion.

City Council directed staff to continue this item until the hiring of the new Public Works Director is completed.

Interim Public Works Director Raul Saenz provided the staff presentation regarding the, "Status Report on Fire Station #2, Municipal Pool and Parking Structure/City Hall Feasibility Studies".

Interim Public Works Director Saenz, City Manager Mark Danaj, and Fire Chief Robert Espinosa responded to City Council questions.

Mayor D'Errico invited public comments.

Stephanie Robbins, member of the Friends of Polliwog Park, is opposed to the possibility of a pool and other activities, she stated that the Friends of Polliwog Park would like for the park to remain as is.

Bill Victor spoke on the municipal pool being paid by the Beach Cities Health District and the City Hall project.

Mayor D'Errico closed public comments.

Interim Public Works Director Saenz and City Manager Danaj responded to City Council questions.

A motion was made by Mayor Pro Tem Lesser, seconded by Councilmember Powell, to allow staff to finish the study regarding Fire Station No. 2 and return to City Council with additional information, what the alternatives would be to further improve the existing facility. The motion carried by the following vote:

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

Interim Public Works Director Saenz responded to City Council questions.

Mayor D'Errico requested for the studies to be added to the Agenda Forecast to come back to City Council in four weeks.

Motion by Councilmember Howorth, seconded by Mayor Pro Tem Lesser, to finish the studies that have been started for the Parking Structure/City Hall and the Municipal Pool. The motion carried by the following vote:

Aye: 4 - D'Errico, Lesser, Howorth and Powell

Nay: 1 - Burton

Finance Director Moe provided the stff presentation regarding, "Review of Potential Revenue Enhancement Options".

Finance Director Moe and City Manager Danaj responded to City Council questions.

Mayor D'Errico invited public comments. Seeing no requests to speak, he closed public comments.

Motion by Councilmember Howorth, seconded by Mayor Pro Tem Lesser, to focus on the TOT and not the sales tax in order to focus on how much the TOT would get the City and use it as a guideline to proceed during the March 2017 elections.

Friendly amendment by Councilmember Burton to begin looking at savings (ie. compensation, engineering contracts, etc).

Friendly amendment not accepted by the maker of the motion.

Councilmember Howorth requested that in January when the discussion begins for the next budget, that savings are added in advance to the budget guidelines.

Motion by Councilmember Howorth, seconded by Mayor Pro Tem Lesser, to focus on the TOT and not the sales tax option; determine how much the TOT would generate for the City; and use it as a guideline to proceed during the March 2017 elections. The motion carried by the following vote:

Aye: 2 - Lesser and Howorth

Nay: 3 - D'Errico, Powell and Burton

Motion by the Chair, to have expenses/revenues as part of the six month budget review and move forward with the poll to either June or November in 2017.

9. Introduce Ordinance No. 16-0015 to Amend Municipal Code Provisions Regulating the Retail Sale of Tobacco Products to Change the Minimum Smoking Age to 21 to be Consistent with State Law (Interim Public Works Director Saenz).

INTRODUCE ORDINANCE

Environmental Programs Manager Sona Coffee provided the staff presentation.

Mayor D'Errico invited public comments. Seeing no requests to speak, he closed public comments.

Legal Counsel Mike Estrada read into the record the title of Ordinance No. 16-0015

Legal Counsel Estrada responded to City Council questions.

A motion was made by Councilmember Powell, seconded by Councilmember Burton, to accept the introduction of Ordinance No. 16-0015 an ordinance of the City of Manhattan Beach amending municipal code Chapter 4.118 (permits for retailers of tobacco products and/or electronic smoking devices) to increase the minimum age to 21 consistent with state law. The motion carried by the following vote:

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

10. Potential Downtown Maintenance Enhancements (Interim Public Works Director Saenz).

DISCUSS AND PROVIDE DIRECTION

Senior Management Analyst Anna Luke-Jones provided the PowerPoint presentation.

Senior Management Analyst Luke-Jones and City Manager Mark Danaj responded to City Council questions.

Mayor D'Errico invited public comments.

Martha Andreani commended staff for the thorough staff report and for the meeting held by staff for stakeholders input, spoke about foot patrol by the Police Department and refuse containers.

Bill Victor spoke about stakeholders participation regarding this item.

Jackie May spoke about the municipal code that was already established.

Craig Cadwallader, on behalf of Surfrider Foundation and resident, spoke on the trash containers that are visible to the public (that should not be) and small solutions for the City from neighboring cities.

Jim Burton spoke about expenses that the City has, the lack of enforcement of existing code, and trash around the City.

Mayor D'Errico closed public comments.

At 10:53 PM, a motion was made by Councilmember Burton, seconded by Councilmember Howorth, to extend the City Council meeting to 11:30 PM. The motion carried by the following vote:

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

A motion made by Councilmember Burton, seconded by Councilmember Powell, to continue the item and for staff to use decision-making models to identify existing code provisions and other provisions addressing the downtown maintenance and trash matters, return to City Council with recommendations regarding enforcement sanctions and everything regarding the downtown area with the Community Development Department reaching out to the Planning Commission for discussion.

City Manager Danaj and Community Development Director Marisa Lundstedt responded to City Council questions.

Councilmember Burton amended his motion requesting that the Community Development Department return directly to City Council.

A motion made by Councilmember Burton, seconded by Mayor D'Errico, to continue the item and for staff to use decision-making models to identify existing code provisions and other provisions addressing the downtown maintenance and trash matters, return to City Council with recommendations regarding enforcement sanctions and everything regarding the downtown area with the Community Development Department returning to City Council with information. The motion was 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 attended the South Bay Board of Realtors Governors Affairs meeting regarding the desalination.

Councilmember Powell and Mayor Pro Tem Lesser attended the Surfrider South Bay, Heal the Bay and other organizations presentation regarding desalination.

P. FORECAST AGENDA AND FUTURE DISCUSSION ITEMS

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

City Council Agenda for August 16, 2016:

City Manager Mark Danaj responded to City Council questions.

Councilmember Burton requested for Agenda Item No. 2 - "Award Professional Services Agreement with ---- for Project Management Services for the Roundhouse Aquarium Project and Authorize the City Manager to Execute Agreement in the Amount of \$---" from Consent to Old Business.

City Council Agenda for September 6, 2016:

Councilmember Burton requested for Agenda Item No. 9 - "Revised Boards and Commissions Handbook and Commission Workplans" and Agenda Item No. 14 - "Work Plans for Library and Other City Commissions", to be combined as one item.

City Clerk Liza Tamura responded to request.

Other Informational Memos, Future Agenda Items and Future Meetings to be Scheduled:

Councilmember Howorth requested for SB 1107 - "Strengthen Election Accountability" to be agendaized for City Council to discuss.

Councilmember Burton requested for, a) discussion at a future City Council meeting regarding the email that City Council has received from Chris Kerry about a proposal regarding residential condominium for condos that were built before July 19, 1979 and b) the City Attorney and City Manager to return to City Council with a final report on the land at Parkview site.

Councilmember Burton suggested a discussion about the possibility of having a City Council Retreat scheduled sometime in the near future.

Q. INFORMATIONAL ITEMS

R. CLOSED SESSION

S. ADJOURNMENT

At 11:15 PM Mayor D'Errico adjourned the meeting.

Martha Alvarez
Recording Secretary

Tony D'Errico
Mayor

ATTEST:

Liza Tamura
City Clerk