

# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266



## Meeting Minutes - Draft

Tuesday, March 18, 2014

6:00 PM

Regular Meeting

City Council Chambers

4:00 PM Adjourned Regular Meeting - Closed Session

### City Council

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

**A. PLEDGE TO THE FLAG**

*Fire Fighter/Paramedic Tommy Desmond led the Pledge of Allegiance.*

**B. ROLL CALL**

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

**C. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING**

*Contractor Vida Barone confirmed that the meeting was properly posted.*

**D. APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES**

**A motion was made by Councilmember Lesser, seconded by Councilmember Burton, to approve the agenda and waive full reading of ordinances. The motion carried by the following vote:**

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

**E. CEREMONIAL CALENDAR**

1. Presentation of a "Lifesaving Award" to Toby Brenner and Jeff Hermann for their Heroic Efforts in Rescuing a Potential Drowning Victim on October 6, 2013, near the Strand. **14-0110**

**PRESENT**

*Mayor Howorth, on behalf of the City Council, presented Toby Brenner and Jeff Hermann with a "Lifesaving Award" for their heroic efforts.*

## F. CITY MANAGER REPORT

*Interim City Manager John Jalili provided an update of the City Manager Recruitment process as well as various City environmental initiatives including the Green Leadership Award presented to the City and upcoming forums.*

*Councilmember Burton commented on Interim City Manager Jalili being restricted under PERS rules to serve beyond a certain amount of time.*

*Interim City Manager Jalili confirmed that according to PERS retired public employees cannot exceed 950 hours of paid employment per fiscal year.*

*Councilmember Burton noted that unfortunately, Interim City Manager Jalili will not be available through the new City Manager appointment process. Additionally, he asked for an update of the Shade Hotel and the 900 Club and Interim City Manager Jalili reported they are moving along through hearings by the Planning Commission.*

*In response to Councilmember Burton's inquiry, Interim City Manager Jalili addressed development of the RFPs for a Downtown plan, interim rules prior to development of a Downtown plan, City Council's forecasting agenda and informing residents of upcoming topics for City Council's consideration, status of the new residential construction rules, the Mills Act, remodeling the City Manager's office and security concerns.*

*Councilmember Burton expressed concerns regarding workplace violence.*

## G. CITY ATTORNEY REPORT

*City Attorney Barrow reported that the agenda item regarding the Manhattan Village Shopping Center scheduled for April 15, 2014, will be a Public Hearing, not a General Business item. He added that staff will provide a report, revised plans, draft resolutions for certification of the EIR and conditions from the Planning Commission consistent with the motion made last month.*

*In response to Mayor Howorth's inquiry, City Attorney Barrow reported there will be an opportunity for the public to comment on the revised plans, resolutions and all conditions and that the amount of time for interested parties to speak will be up to the Mayor's discretion.*

*Mayor Howorth stated she would like all parties to know what to expect at that meeting.*

*Councilmember Burton asked City Attorney Barrow to provide an explanation at a meeting prior to April 15, 2014, regarding the process. Additionally, he commented on changing the approval process for use permits and variances already heard by the Planning Commission, and the possibility of placing those items on the Consent Calendar and asked for a status update.*

*City Attorney Barrow reported that the matter has been placed on hold noting that there are two matters before the Planning Commission. He stated that his office is looking into various ways to provide additional notice to the public. The items will be discussed on April 29, 2014, and that any changes in policy will be made after that meeting.*

*In reply to Mayor Howorth's inquiry, City Attorney Barrow reported that a six-month review of initiatives put in place by Council will be held on April 1, 2014.*

*Councilmember Burton commented on the difference between reconsideration, other Council actions and the types of motions that are available.*

*City Attorney Barrow explained the general rule for reconsiderations and addressed other motions such as motions to rescind. He also agreed to circulate a copy of these rules to City Council.*

*In response to Mayor Pro Tem Powell's inquiry regarding the Manhattan Village Shopping Center, City Attorney Barrow reported that the document that approves the project is the actual resolution which will be before City Council on April 15, 2014. He added that there will be a Public Hearing and that an appellant has complained that he has not had enough opportunity to speak so he will be provided with another opportunity to do so on the revised project as well as all of the conditions. At the conclusion of the Public Hearing, staff will present resolutions to City Council for certification of the EIR and approval of the project.*

## H. CITY COUNCIL ANNOUNCEMENTS AND REPORTS

*Mayor Pro Tem Powell announced the monthly dine and discover luncheon for seniors where the topic will be about the Beach Cities Health District and their services for older adults. The event will take place on March 20, 2014, at the Joslyn Community Center at 11:30 AM. Additionally, he commended older adults who made a video about the programs available to seniors in the community.*

*Councilmember Burton encouraged residents to donate to the Red Shoes for Lilly team participating in the Relay for Life in honor of Matt William's daughter, Lilly who passed away last year. He asked everyone in the City to donate at least \$5.00 as a showing of solidarity in support of the team.*

*Mayor Howorth announced Earth Hour on March 29, 2014, where in addition to the programming, there will be a Lights Out at the Pier at 8:30 PM. Additionally, she announced that Mira Costa High School is one of three high schools in the nation to be considered a Grammy/Gold Signature School for their Music Department.*

*Councilmember Burton reported that a family member purchased a number of City flags two of which were gifted to him and he gave one to the Mayor. Additionally, he reported meeting with another Councilmember and Mark English from RREEF and it was not a standing subcommittee meeting and did not need to be posted.*

## I. COMMUNITY ANNOUNCEMENTS REGARDING UPCOMING EVENTS

*Joe Gagliano announced Earth Hour on March 29, 2014, noting the City's Green vision and addressed speakers at the event. The event includes a Forum and activities at the pier.*

*Viet Ngo addressed openings for Interim City Manager and City Manager and urged residents to apply.*

*Kenneth Thompson announced upcoming activities at the Joslyn Community Center noting they are listed in the Manhappenings booklet.*

*Don Gould, County Librarian, provided updates on Library events and programs. He provided status of the recruitment process for a new Children's Librarian.*

## J. PUBLIC COMMENT ON NON-AGENDA ITEMS

*Patrick McBride spoke regarding TransparentCalifornia.com which lists the wages of government officials and expressed concerns with officials making over \$300,000.*

*Robert Bush commented on his endorsement of Mayor Howorth for the State Senate and commented on her qualifications and capabilities. Additionally, he submitted a document for the record and spoke regarding smoking, allowing a three-story mansion and reported that dirt from the project was taken to the point in El Segundo.*

*Viet Ngo spoke regarding corruption in the City of Manhattan Beach and alleged violations of the Brown Act relative to a recent meeting of two Councilmembers, City officials and a private citizen where a financial document was discussed and a recent Closed Session meeting where the public was denied information. Additionally, he urged Mayor Howorth to resign as she is currently running for State Senate.*

*Jon Tolken, representing Metlox, LLC, presented the City with a check for \$152,000 for its participation in the Metlox property. He reported recently leasing to a tenant, Nick's Restaurant Group and the intent of his company to work closely with the City in terms of the operation. He highlighted current and upcoming projects.*

## K. CONSENT CALENDAR

*Councilmember Burton pulled Items No. 3, 4 and 5c for separate discussion and consideration.*

**A motion was made by Mayor Pro Tem Powell, seconded by Councilmember Lesser, to approve the Consent Calendar (Items No. 2 and 5a, 5b, 5d and 5e) except for Items No. 3, 4 and 5c which were pulled for separate discussion and consideration. The motion carried by the following vote:**

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

- 2.** Final Payment in the net amount of \$205,802.63 to Roy Allan Slurry Seal; Formally Accept the 2013 Slurry Seal Project as Complete; and Authorize Filing of the Appropriate Notice of Completion and Release Retention in the Amount of \$10,831.72 (Public Works Director Olmos). **14-0091**

### **APPROVE**

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

**5. Minutes: 14-0057**

This item contain minutes of City Council meetings which are presented for approval. Staff recommends that the City Council, by motion, take action to approve the minutes of the

- a) City Council Adjourned Regular Meeting-Closed Session of January 7, 2014
- b) City Council Regular Meeting of January 7, 2014
- c) City Council Adjourned Regular Meeting (Manhattan Village Mall) of January 14, 2014
- d) City Council Adjourned Regular Meeting-Closed Session of January 21, 2014
- e) City Council Regular Meeting of January 21, 2014  
(City Clerk Tamura).

**APPROVE**

*The recommendations for these items (except for Item No. 5c) were approved on the Consent Calendar.*

**L. PUBLIC HEARINGS**

*None.*

**M. GENERAL BUSINESS**

6. Presentation and Status Report on the Mobility Plan and Proposed Project List (Community Development Director Thompson).

14-0064

**RECEIVE REPORT**

*Community Development Director Richard Thompson provided a status update on the Mobility Plan and Proposed Project List. He addressed background, prior meetings regarding the matter and Council direction and recommendations. He deferred to Gary Hamrick, Consultant from Iteris for a presentation.*

*Councilmember Burton requested that staff email PowerPoint presentations to Councilmembers prior to meetings.*

*Gary Hamrick provided a PowerPoint presentation addressing progress to date and the draft Bicycle Plan concept.*

*Mayor Pro Tem Powell noted that some of the bicycle parking areas are in residential areas and asked for clarification. Mr. Hamrick will check on that and report back.*

*Councilmember Lesser asked regarding prioritization and Mr. Hamrick addressed phasing, technical challenges and financing.*

*Mayor Pro Tem Powell referenced the draft Bicycle Plan concept and asked for clarification regarding Valley Drive and Ardmore Avenue bike lanes from Rosecrans noting that Valley and Ardmore is nowhere near Rosecrans. Mr. Hamrick confirmed the location of the lanes and agreed that it may need to be reworded. In response to Mayor Pro Tem Powell's inquiry regarding integration of the various plans in connection with roundabouts, Mr. Hamrick indicated that would be part of the implementation of the bike route along the green belt corridor. It will be addressed as part of the policies in the report.*

*Additionally, Mr. Hamrick addressed the bike route on Ocean Avenue and issues taken into consideration.*

*Mayor Pro Tem Powell indicated he would like to see expanded noticing of the matter in the future.*

*In response to Councilmember Lesser's inquiry, Mr. Hamrick distinguished between an Implementation Plan and the Mobility Plan noting that implementation would be the next step after the Mobility Plan is adopted. He added that it will be integrated as part of the City's CIP process.*

*In response to Councilmember Burton's inquiry regarding the timing for the report, Mr. Hamrick stated that his company will work with staff regarding scheduling but that it will probably be presented in early- or mid-summer. He added that he reviewed the General Plan and the Circulation Element relative to this matter.*

*Michael Kennedy, Fehr and Peers, reported on the draft Pedestrian Plan including existing challenges with sidewalks and crosswalks, phasing pedestrian projects, proposed pedestrian improvements, walk streets, Valley/Ardmore crossings as well as other intersections and locations and downtown pedestrian enhancements.*

*In response to an inquiry from Mayor Pro Tem Powell, Mr. Kennedy addressed efforts to control traffic in busy intersections through engineering, education and enforcement.*



*In response to Councilmember Burton's inquiry, Mr. Kennedy reported there is currently a draft version of the Pedestrian Plan and that staff is reviewing it prior to generating the final version.*

*Councilmember Burton noted there are many sections in the community where residents do not want sidewalks.*

*Mayor Howorth added that residents would have to pay to maintain the sidewalks.*

*Mr. Hamrick added that the issue involves maintaining a walkable environment in areas where there are no sidewalks.*

*In response to Councilmember Lesser's question regarding establishing routes in areas where there are no sidewalks, Mr. Hamrick reported that emphasis would be placed on installing sidewalks around schools and addressed sidewalk treatments, increased speed along Ardmore, slowing down traffic and improving visibility for pedestrians.*

*Traffic Engineer Erik Zandvliet reported that the enhanced policy incorporates elements into the 8th street crossing and reinforces the traffic calming process.*

*Mr. Hamrick continued the presentation addressing the draft Transit Plan concept, auto circulation improvements, mobility goals and policies, next steps and recommendations.*

*In response to Mayor Pro Tem Powell's question regarding citywide synchronization of traffic signals, Mr. Hamrick reported that it would be addressed at the policy level. He added that all the plans will be considered together in the process and commented on outreach and education efforts.*

*In terms of complete streets, Mr. Hamrick reported that it is a State law. Councilmember Burton stated the need for a briefing regarding complete streets and commented on the timeline and actions needed before the matter goes to the PPIC. He added that he would like to see the final report before it is sent to the PPIC.*

*Discussion followed regarding getting input from the various commissions on the proposed reports.*

*Interim City Manager Jalili suggested the best way to proceed is to obtain the input from PPIC and then consider the draft and give direction.*

*Mayor Howorth commented on the process and agreed with the need for Councilmembers to be informed and have an understanding of complete streets.*

*Councilmember D'Errico commented on the various commissions reviewing items and presenting recommendations to City Council since Councilmembers do not have the time or expertise to consider all items. He expressed concerns with the various groups having Council's policy direction when Council is in discussion regarding policies and additional information is needed.*

*City Manager Jalili reported that what should come before Council is the draft report with input from various groups and commissions. Subsequently, City Council can make changes and give additional direction.*

*Councilmember Burton commented on the project list and expressed concerns that the commissions/groups will not have sufficient information to consider the matters.*

*He stated that it should come back to Council sooner, before going to commissions. He suggested that City Council have the opportunity to review the draft report before the final report and allow City Council to provide general direction and send it to commissions with policy direction. He noted the need to make a fully-informed decision.*

*Discussion followed regarding the need for information regarding complete streets.*

*Community Development Director Thompson agreed with Councilmember Burton's suggestions in terms of having a presentation on complete streets as well as on goals and policies as well as including the draft document for consideration at the same time. He added that the items will be presented to City Council before going to any commission or group.*

*Councilmember D'Errico commented on joint City Council and Commission meetings where it was indicated that Members of Commissions were unclear as to City Council's policy direction. He agreed this would provide an opportunity to clarify policy direction.*

*Mayor Pro Tem Powell commented on previous direction regarding a Specific Plan for the downtown area and stated it needs to be integrated with all of the subject reports.*

*Mayor Howorth opened the floor for public comments.*

*Joe Gagliano commented on his knowledge of complete streets and working on a bicycle master plan. He stated he loves the progress of grassroots democracy and spoke positively regarding this process. He added that Manhattan Beach is the example that other cities will follow.*

*Patrick McBride noted that skateboards are not included in the plan and commented on rollerblades and skateboards as modes of transportation. Additionally, he commented on the need to target high school students and suggested the City should have a policy regarding sidewalks.*

*Andrea Johncolli, Blue Zones Project, commented positively on the list of projects. She commended City Council for considering living streets*

*Robert Bush read a handout which he distributed to City Council and expressed concerns with traffic on Sepulveda and the potential for accidents. Additionally, he commented on the dangers where the bike path meets the entrance to the pier and suggested installing "Walk you bike" signs at that location and closing Polliwog Park disc golf.*

*In response to Mayor Howorth's inquiry, Interim City Manager Jalili stated that the City has jurisdiction over the bike path at the pier.*

*Viet Ngo stated the City Council should apply meeting decorum equally. He complained that City Council subjects him to intimidation and alleged that Members have no idea how to run the City. He alleged that Councilmembers use City funds for their personal use and suggested the City install signage directing cyclists to walk their bikes at the bike path intersection.*

*Jacque May commented on pedestrian mobility in the downtown area and reported on people waiting on sidewalks for restaurant seating. She suggested implementing a guideline for restaurants to follow. She agreed with Mr. Bush regarding conditions at the pier and the bike path. She commented on dangerous conditions in various*

*locations, on blockages on sidewalks and complying with ADA standards.*

*Jim McCoy commented on the ability to walk and bike throughout the City and spoke in support of sidewalks, and safety in the City and voiced support for the project.*

*Craig Cadwalder indicated he would prefer to never drive a car in the community and instead walk or bike and stated that the sooner the plans are implemented, the better.*

*Mayor Howorth closed public comments.*

**A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Powell, to direct the City Manager and staff to return to City Council at a future date and provide a briefing regarding complete streets, a draft mobility plan with identified goals and policies and a proposed project list.**

*Discussion continued before the vote.*

*Councilmember Lesser clarified the intent of the motion.*

*Mayor Howorth commented positively on the presentation and ensuing discussions and addressed suggestions made by residents.*

**A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Powell, to direct the City Manager and staff to return to City Council at a future date and provide a briefing regarding complete streets, a draft mobility plan with identified goals and policies and a proposed project list. The motion carried by the following vote:**

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

*At 8:30 PM the City Council recessed and reconvened at 8:40 PM with all Councilmembers present.*

*The following items were taken out of order, were considered at this juncture and were heard concurrently.*

## **N. ITEMS REMOVED FROM THE CONSENT CALENDAR**

3. Memorandum of Understanding with Police Management Association (Human Resources Director Hanson). **14-0123**

**APPROVE**

*In response to Councilmember Burton's inquiries regarding Item No. 3, Police Chief Eve Irvine explained compaction; provided a brief history of the Police Management Association (PMA) and explained the term of the contract and how the MOU addresses the issue of compaction.*

*In response to Mayor Pro Tem Powell's inquiry, City Attorney Barrow reported that the side letter for the agreement has been approved as to form.*

*Mayor Howorth opened the floor for public comments.*

*Mayor Howorth closed public comments.*

**A motion was made by Councilmember Burton, seconded by Councilmember D'Errico, to approve Item No. 3, above. The motion carried by the following vote:**

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

4. Side Letter Agreement with the Police Officers Association (POA) extending the trial period for the 3/12.5 + 10 work schedule for Patrol (Human Resources Director Hanson). **14-0125**

**APPROVE**

*In response to Councilmember Burton's inquiry, Police Chief Irvine addressed the proposed pilot program for Item No. 4, above.*

*Mayor Howorth opened the floor for public comments.*

*Mayor Howorth closed public comments.*

**A motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Powell, to approve Item No. 4, above. The motion carried by the following vote:**

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

**M. GENERAL BUSINESS**

*The following item was heard at this juncture.*

7. Ordinance to Prohibit Restaurants from Using Plastic Carry-Out Bags  
(Public Works Director Olmos).

**ORD 14-0004**

**INTRODUCE ORDINANCE NO. 14-0004**

*Environmental Programs Manager Sona Coffee provided a PowerPoint presentation with details of the proposed ordinance. She addressed prior consideration and actions, background, community outreach and recommendations.*

*In response to Mayor Pro Tem Powell's question, Environmental Programs Manager Coffee reported that the ordinance applies to food trucks.*

*City Attorney Barrow stated that food trucks will be listed in the ordinance as being applicable to them.*

*Councilmember Lesser commented on the availability of alternatives and related costs.*

*City Attorney Barrow reported receiving no letters or comments opposing the matter from the industry or the public regarding this matter.*

*In reply to Councilmember D'Errico's inquiry, Environmental Programs Manager Coffee provided details of noticing efforts for this item. Additionally, she addressed timing for approval of the ordinance and additional time allowed for implementation. She commented on opportunities for businesses to use up existing inventory and on enforcement being complaint-based.*

*Mayor Howorth opened the floor for public comments.*

*Joe Gagliani, Surfrider Foundation, commented positively on the subject ordinance and urged City Council to approve it.*

*Craig Cadwalder, Surfrider Foundation, commented positively on the ordinance and on the availability of low-cost alternatives.*

*Mayor Howorth closed public comments.*

*Councilmember Burton voiced his support of the motion.*

*Councilmember Lesser commented on how the City has made a difference in this regard and noted the availability of cost-effective alternatives.*

**A motion was made by Mayor Pro Tem Powell, seconded by Councilmember Lesser, to introduce Ordinance ORD14-0004 amending same to include food trucks and push carts. The motion carried by the following vote:**

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

8. Ordinance Expanding City Ordinance No. 13-0009 Regarding the Prohibition of the Distribution and Sale of Polystyrene Products (Public Works Director Olmos).

**ORD 14-0003**

**INTRODUCE ORDINANCE NO. 14-0003**

*Environmental Programs Manager Coffee provided a report addressing previous City Council consideration, including cups, utensils and ice chests, community outreach, removing an exemption for the School District, and stores in opposition to the ordinance.*

*In response to Councilmember Lesser's questions, Environmental Programs Manager Coffee commented on the availability of alternatives and noted Ralph's opposition as they sell similar items to customers and the ordinance would impact their sales.*

*Mayor Pro Tem Powell commented on problems in connection with the items being banned only in Manhattan Beach and use of the items by visitors. He asked if there is a way to ban visitors from using the material.*

*Interim City Manager Jalili did not believe so.*

*City Attorney Barrow commented on policy issues and challenges regarding the use of polystyrene by visitors.*

*Mayor Pro Tem Powell commented on the use of polystyrene for City events and City Attorney Barrow noted their prohibition, including plastic utensils.*

*Councilmember D'Errico commented on the sale versus use of the product.*

*In response to Councilmember Burton's inquiries, Public Works Director Tony Olmos provided information regarding permits and the number of storm drains in the City.*

*City Attorney Barrow commented on the unfunded mandates and joint liabilities.*

*Environmental Programs Manager Coffee listed benefits to the City in adopting the ordinances.*

*Mayor Howorth opened the floor for public comments.*

*Craig Cadwalder, Surfrider Foundation, commented positively on the ordinance and pointed out that many residents don't know the difference between one item and the other and stated it would be easier for them if retailers do not sell polystyrene materials. He addressed the damage caused by the material and reported there are no major impacts to businesses that have transitioned to alternative materials. He offered his help to smaller businesses in finding acceptable alternatives.*

*Jacque May reported that she goes to the beach every night and the amount of trash is phenomenal; mostly comprised of lids from drinks. She reported getting upset when people leave their trash behind and felt that all South Bay cities should support similar ordinances.*

*Joe Gagliano commented on the City's leadership regarding this item.*

*Mayor Howorth closed public comments.*

*Environmental Programs Manager Coffee commented on alternative materials and the ban as it applies to No. 6 polystyrene products.*

*Mayor Pro Tem Powell noted that products that are not polystyrene are not carcinogenic.*

**A motion was made by Councilmember Burton, seconded by Councilmember Lesser, to introduce Ordinance ORD14-0003 amending the Polystyrene Food Service Ware Ordinance (Ordinance No. 13-0009) to prohibit: (1) the distribution and sale of polystyrene straws, cup lids and utensils in connection with the preparation of prepared food; and (2) the retail sale of polystyrene food service ware and ice chests. In addition, the Ordinance would eliminate the exemption for the Manhattan Beach Unified School District. The motion carried by the following vote:**

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

9. Revised Street Sweeping Refund Process for Expanded Refund Period (Finance Director Moe).

14-0124

**RECEIVE REPORT**

*Revenue Services Manager Steve Charelian provided details of the staff report addressing background, prior City Council consideration and direction, claims processed, new procedures, identification of categories, value of claims and refunds and the revised claim period.*

*In response to Councilmember D'Errico's inquiry regarding category 2 claims, Revenue Services Manager Charelian stated they are waiting for the release form and stated they could submit the new release form as opposed to the old release form.*

*Councilmember Burton commented on the number of claimants and in response to his inquiry, Revenue Services Manager Charelian reported on the total potential number of claims and noted that the new claim form will be available on the City's website but will not be included in the City's utility bill.*

*Finance Director Bruce Moe commented on having to submit the claim form before submitting the release form.*

*City Attorney Barrow noted the need for residents to know the amount being reimbursed before releasing the City.*

*In reply to Councilmember Lesser's inquiry, Revenue Services Manager Charelian confirmed the total amount of reimbursements, the source of the funds and the impacts on this and next year's budgets.*

*Councilmember Lesser suggested a new title for the release form for improved clarity.*

*Discussion followed regarding the length of time for processing claims once the release form is submitted.*

*Mayor Howorth opened the floor for public comments.*

*Robert Bush recommended that claim forms be included in the City's utility bill and suggested simplifying the process to improve City Council's credibility. He requested information regarding finances and Interim City Manager Jalili stated that Finance Director Moe could explain the matter to him, off line. In addition, he commented on utility undergrounding.*

*Viet Ngo commented on a bond issued by the City in regards to Metlox and on notifying the public regarding the charges made. He opined that the money to refund residents should come from Metlox, LLC.*

*Mayor Howorth closed public comments.*

*Councilmember Burton commented on Mr. Ngo's misunderstanding of the Brown Act.*

**A motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Powell, to receive the report.**



*City Council discussion continued prior to the vote.*

*Mayor Pro Tem Powell reiterated this was a decision made long before when City Council believed that the fee was valid. He noted that the City is doing the right thing and is reaching out to everyone possibly involved.*

*Councilmember Burton noted that the intent of City Council is to return every possible cent it can and that it is incumbent upon the City to give the entire refund. He commented on an upcoming matter regarding storm water fees and stated he will not support that item unless the City makes every effort to refund every cent that it can.*

*Councilmember D'Errico agreed with Councilmember Burton's comments and noted the intent to make it a simple process as well as direction given to the City Attorney. He did not agree with the way the City is asking residents to initiate the request and stated that a more proactive approach should be taken and that the target should be 100%.*

*Finance Director Moe reported that staff does not know where everyone is as many have moved and have not left forwarding addresses and stated it is impossible to get to 100% or even 80%.*

*Interim City Manager Jalili reported sharing the objective with City Council but noted challenges in implementation and logistics.*

*Mayor Howorth reiterated her justification as to why she was against this item.*

*Mayor Pro Tem Powell commented on prior efforts to refund the money and listed some reasons why residents may not have applied. He added that City staff should be commended for their efforts so far.*

*Councilmember Burton commented on this being the right thing. He added that staff is aware of residents who are due a refund and suggested an easy way to refund the monies would be to automatically credit their utility bill. He added the need to give the money back, efficiently and effectively.*

*Councilmember Lesser commented on doing the right thing, believed that the City is doing the right thing and addressed challenges through the process.*

**A substitute motion was made by Councilmember Burton, seconded by Councilmember D'Errico, to direct the City Manager and staff to explore the possibility of crediting the accounts of those due refunds and return to City Council with a report regarding the number of claimants pending and the amount of money involved.**

*City Council discussion continued prior to a vote.*

*Mayor Howorth expressed concerns with issuing an automatic credit.*

*Mayor Pro Tem Powell commented on deleting those who have already received refunds and other considerations and steps needed as well as greater possible complications.*

*Councilmember Lesser commented on the need for City Council to support the matter with additional data provided.*

*Councilmember Burton stated that his motion is consistent with City Council's prior direction.*

*Mayor Howorth commented on the original direction, subsequent decisions and directions and staff time spent. She reiterated that the City did not take any money but rather used money for services that residents received.*

**An amendment to the substitute motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Powell to accept the report, direct staff to provide data on residents that have lived in the City for nine (9) years and the amount of money owed and amend the title of the release form and defer to staff as to how to retitle the document.**

*City Council discussion continued prior to the vote.*

*Councilmember D'Errico requested clarification of the motion relative to receiving the report.*

*City Attorney Barrow explained the motion and the process should it pass.*

**An amendment to the substitute motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Powell to accept the report, direct staff to provide data on residents that have lived in the City for nine years and the amount of money owed and amend the title of the release form and defer to staff as to how to retitle the document. The motion failed by the following vote:**

**Aye:** 2 - Powell and Lesser

**Nay:** 3 - Howorth, Burton and D'Errico

**A substitute motion was made by Councilmember Burton, seconded by Councilmember D'Errico, to direct the City Manager and staff to explore the possibility of crediting the accounts of those due refunds and return to City Council with a report regarding the number of claimants pending and the amount of money involved. The motion failed by the following vote:**

**Aye:** 2 - Burton and D'Errico

**Nay:** 3 - Howorth, Powell and Lesser

**A motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Powell, to receive the report. The motion carried by the following vote:**

**Aye:** 3 - Howorth, Powell and Lesser

**Nay:** 2 - Burton and D'Errico

**N. ITEMS REMOVED FROM THE CONSENT CALENDAR****5. Minutes: 14-0057**

This item contain minutes of City Council meetings which are presented for approval. Staff recommends that the City Council, by motion, take action to approve the minutes of the

- a) City Council Adjourned Regular Meeting-Closed Session of January 7, 2014
- b) City Council Regular Meeting of January 7, 2014
- c) City Council Adjourned Regular Meeting (Manhattan Village Mall) of January 14, 2014
- d) City Council Adjourned Regular Meeting-Closed Session of January 21, 2014
- e) City Council Regular Meeting of January 21, 2014 (City Clerk Tamura).

**APPROVE**

*Councilmember Burton's asked regarding the process for the upcoming meeting of April 15, 2014, and referenced the minutes of the City Council Adjourned Regular Meeting of January 14, 2014, relative to Planning Manager Jester's comments and CEQA certification.*

*City Attorney Barrow explained the process and added that in this case, there is no requirement related to CEQA in terms of comments received after the Public Hearing was closed. He reported that the questions asked in the previous meetings will be responded to on April 15, 2014. Relative to Senior Counsel Larry Wiener's comments regarding different configurations or conditions, City Attorney Barrow stated that City Council has complete latitude on April 15, 2014. Additionally, he reported that City Council is not bound by the Planning Commission's decision.*

*Mayor Howorth opened the floor for public comments.*

*Mayor Howorth closed public comments.*

**A motion was made by Mayor Pro Tem Powell, seconded by Councilmember Lesser, to approve Item No. 5c. The motion carried by the following vote:**

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

## O. OPTIONAL ADDITIONAL PUBLIC COMMENTS ON NON-AGENDA ITEMS

*Tom Spengler, President and CEO of Granicus, acknowledged the frustration of City Council and reported on adjustments made to help the video streaming. Additionally, a feature for fast forwarding and rewinding videos will be released to the City on March 28, 2014. He commented on technology failures and noted replacement of hardware and software. He spoke in support of City staff and reported his company has been extremely responsive in partnering and working with them.*

*Discussion followed regarding software versus hardware problems, continual revisions of the software and anticipated upgrades, using iPad technology, limitations of the system, unique configuration of the City's system, effects to the system caused by the length of meetings, integrating the minutes with the video and agendaizing the matter for a future meeting to further discuss pertinent issues.*

*Mayor Howorth commented on the difficulties of accepting change.*

## P. OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS, FUTURE DISCUSSION ITEMS

*Councilmember Lesser commended the City Clerk for all of her hard work as well as Finance Director Moe. He commented on discussions at a meeting earlier today of the Senior Advisory Committee regarding the local access channel and how it is used and suggested placing the matter on a future agenda.*

*Mayor Pro Tem Powell voiced his support.*

*Mayor Howorth stated she would support the matter but would like to give clear direction to staff.*

*Councilmember Burton commented on term limits and having the City Clerk report directly to City Council noting that the matters have not been scheduled in the forecasting agenda and stated he would like to see it on the May 6, 2014, agenda.*

*Mayor Howorth added she would like to know the practices of other cities regarding the City Clerk.*

*City Attorney Barrow indicated it is do-able, but will require help from staff.*

*Additionally, Councilmember Burton commented on the formation of an Ad Hoc Committee to deal with labor negotiations and develop strategies for City Council to consider and clarified his intent and what he means by "governance".*

*Mayor Pro Tem Powell concurred with Councilmember Burton's statements and announced that he attended a joint meeting of the El Segundo City Council and their Economic Development Committee and commented on various city practices in El Segundo and items discussed at the meeting.*

*Interim City Manager Jalili provided a brief update regarding Southern California Edison and Chevron.*

## Q. RECEIVE AND FILE ITEMS

**This was accept**

- 10.** Financial Reports: **14-0098**  
a) Schedule of Demands: February 27, 2014.  
b) Investment Portfolio for the Month Ending January 31, 2014.  
c) Financial Reports for the Month Ending January 31, 2014.  
(Finance Director Moe).

**RECEIVE AND FILE**

- 11.** Commission Minutes: **14-0100**  
This item contains minutes of 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 receive and file the minutes of the:  
a) Planning Commission Meeting of February 26, 2014  
b) Parking & Public Improvements Commission Meeting of February 27, 2014  
(Community Development Director Thompson).

**RECEIVE AND FILE**

*Mayor Howorth opened the floor for public comments.*

*Viet Ngo commented on a check issued to Dave Carmany for \$3186.67 and on City Council's vote to terminate him. He stated that constitutes an unauthorized payment and also commented on the City paying him month-to-month adding that it is in violation of the California Penal Code and misappropriation of public funds. Additionally, he commented on Time Warner adding that it has been sued by the City of Los Angeles for overcharging customers. He asked that City Council ask Time Warner to bring back public broadcast and commented on AT&T cell phone charges for each Councilmember.*

*Mayor Howorth closed the public comments.*

**A motion was made by Mayor Pro Tem Powell, seconded by Councilmember Burton, to receive and file the aforementioned items. The motion carried by the following vote:**

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

## **R. ADJOURNMENT**

*At 11:05 PM, the March 18, 2014, City Council Regular Meeting was adjourned to the 4:00 PM, City Council Adjourned Regular Meeting Closed Session of April 1, 2014, in the City Council Chambers.*

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**Vida Barone**  
**Recording Secretary**

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**Amy Thomas Howorth**  
**Mayor**

**ATTEST:**

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**Liza Tamura**  
**City Clerk**