

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Final

Tuesday, July 21, 2015

6:00 PM

Regular Meeting

City Council Chambers

City Council Regular Meeting

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

A. PLEDGE TO THE FLAG

City Manager Mark Danaj led the Pledge of Allegiance.

B. ROLL CALL

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

C. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

City Clerk Tamura confirmed that the meeting was properly posted.

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

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

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

E. CEREMONIAL CALENDAR

1. Presentation of City Plaques to Special Olympic Athletes: Honorary Mayor Caley Versfelt, Honorary City Treasurer Thomas Byrne, and Honorary City Clerk Gigi Greskovics and Presentation of Certificates of Recognition to the Manhattan Beach Host Town Local Organizing Committee. [15-0344](#)

PRESENT

City Clerk Liza Tamura introduced the item. Mayor Burton, on behalf of the City Council, recognized the Manhattan Beach Host Town Local Organizing Committee:

Judy Peetz, Chair

Jeff Beland

Robin Curren

Steve Fairbrother

Debra Hofreiter

Karen Hunt

Charlotte Lesser

Russ Lesser

Mark Leyman

James O'Callaghan

Also recognized were:

Honorary Mayor Caley Versfelt

Honorary City Treasurer Thomas Byrne

Honorary City Clerk Gigi Greskovics

Mayor Burton presented plaques to the honorees and Russ Lesser thanked Skechers for their \$50,000 donation.

2. Presentation of Certificates of Recognition to Manhattan Beach Police Officers: Dave Caveney, Tony Presgraves, Michael Allard, and David Gibbons for their Significant Number of DUI (Driving Under the Influence) Arrests in 2014. [15-0338](#)

PRESENT

City Clerk Liza Tamura introduced the item and Mayor Burton, on behalf of the City Council, presented Certificates of Recognition to Officers Dave Caveney, Tony Presgraves, Michael Allard and David Gibbons for their significant number of Driving Under the Influence (DUI) Arrests in 2014, as recognized by Mothers Against Drunk Drivers (MADD) Organization.

3. Presentation of Plaques to Outgoing Planning Commissioner Martha Andreani, Outgoing Library Commissioner Josh Cooperman, and Outgoing Parks and Recreation Commissioner Adam Zaun. [15-0236](#)

PRESENT

City Clerk Liza Tamura introduced this item and Mayor Burton, on behalf of the City Council, presented a City Plaque to outgoing Commissioner Martha Andreani for her 8 years of service as a Planning Commissioner in the City of Manhattan Beach.

Library Commissioner Josh Cooperman and Parks and Recreation Commissioner Adam Zaun were unable to attend the meeting.

F. CITY MANAGER REPORT

City Manager Mark Danaj introduced Police Chief Eve Irvine who presented a summary of the Special Olympics World Game Torch Run for Law Enforcement held earlier in the day and welcomed all the athletes and their families from Nepal and Hungary.

City Manager Danaj also announced that a celebration kicking-off the inaugural "Sunday Hours" for the Manhattan Beach Library to be held on August 30, 2015.

City Manager Danaj reported a "Water Conservation Tracker" will be placed at City Hall, Joslyn Community Center and Manhattan Heights to show how the city is doing towards its water conservation goal of twenty per cent less usage than 2013.

City Manager Danaj further added the appointment of new Human Resources Director Teresia Haase and that her first day will be September 1, 2015.

G. CITY ATTORNEY REPORT

Mayor Burton introduced Assistant City Attorney Michael Estrada who is filling in for City Attorney Quinn Barrow. Assistant City Attorney Estrada announced that Item No. 14 has been signed "Approved as to Form".

H. CITY COUNCIL ANNOUNCEMENTS AND REPORTS

Councilmember Howorth commended the community for their support for the Walk with Sally event, for supporting Caley Versfelt and thanked Commissioner Martha Andreani for her service.

Councilmember Powell echoed thanks to Martha Andreani and reported that he had also participated in the Special Olympics Torch Run. He further added that the Lifeguard Medal of Valor Awards will take place on July 30, 2015, at the Seaside Lagoon and this date is the beginning of the International Surf Festival.

I. COMMUNITY ANNOUNCEMENTS REGARDING UPCOMING EVENTS

The following individuals provided community announcements:

*Joseph Ungoco
Ed Caprielian
Yolande Wilburn*

J. PUBLIC COMMENT ON NON-AGENDA ITEMS

The following individuals provided public comment:

*Ray Polk
Bill Victor
Craig Cadwallader
Robert Bush
Diane Wallace
Viet Ngo*

Ed Caprielian

K. CONSENT CALENDAR

A motion was made by Councilmember Howorth, seconded by Mayor Pro Tem D'Errico, to approve the Consent Calendar Item Nos.4-10 with the exception of Item Nos. 7, 9, and 10. The motion carried by the following vote:

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

4. Ratification of Partially Grant Funded Purchase of Electric Vehicle Monitoring Equipment from ATVLS, Inc. in the Amount of \$40,879.18 (Public Works Director Olmos). [15-0303](#)

WAIVE FORMAL BIDDING; APPROVE

Attachments: [Electric Vehicle Charging Locations in Manhattan Beach](#)

This item was approved on the Consent Calendar.

5. Award of Bid to Beau Bureaux Interiors, Inc. to Provide and Install Office Furniture in the Amount of \$29,268 (Public Works Director Olmos). [15-0330](#)

APPROVE

This item was approved on the Consent Calendar.

6. Adoption of Ordinance 15-0007 Approving Amendments to Chapter 2.36 of the Manhattan Beach Municipal Code (Purchasing) Changing the Informal and Formal Bid Limits and Other Minor Changes (Finance Director Moe). [ORD 15-0007](#)

ADOPT ORDINANCE NO. 15-0007

Attachments: [Ordinance No. 15-0007](#)

This item was approved on the Consent Calendar.

7. Consideration of Resolution Increasing Parking Citation Penalties by Five Dollars as Approved in the Fiscal Year 2015-2016 Budget (Finance Director Moe). [RES 15-0047](#)

ADOPT RESOLUTION NO. 15-0047

Attachments: [Resolution No. 15-0047](#)
[Schedule of Parking Citation Penalties](#)

This item was removed from the Consent Calendar and heard later under Section No. N. Items Removed from the Consent Calendar.

8. Reject all Bids for the Strand Stairs Rehabilitation Project (Public Works Director Olmos). [15-0342](#)

APPROVE

Attachments: [Budget and Expenditures](#)

This item was approved on the Consent Calendar.

9. Two-Year Cost Sharing Agreement Not-to-Exceed \$34,456 for Beach Cities Transit Line 109 for Fiscal Years 15-16 and 16-17 with the Cities of Redondo Beach, Hermosa Beach and El Segundo (Community Development Director Lundstedt).

[CON 15-0021](#)

APPROVE AND APPROPRIATE

Attachments: [Beach Cities Transit Line 109 Contributions 2006-2017](#)
[At Stop Signage Details](#)
[Ridership Data](#)
[Cost Sharing Agreement](#)

This item was removed from the Consent Calendar and heard later under Section No. N. Items Removed from the Consent Calendar.

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

[15-0020](#)

a) City Council Regular Meeting of July 7, 2015
b) City Council Adjourned Regular Meeting-Closed Session and Study Session of July 8, 2015
(City Clerk Tamura).

APPROVE

Attachments: [City Council Regular Meeting of July 7, 2015](#)
[City Council Adjourned Regular Meeting-Closed Session and Study Session](#)

This item was removed from the Consent Calendar and heard later under Section No. N. Items Removed from the Consent Calendar.

L. PUBLIC HEARINGS

11. Conduct Public Hearing Regarding the Annual Storm Water Service Charge for Fiscal Year 2015-2016 (Finance Director Moe). [RES 15-0025](#)

a) CONDUCT A PUBLIC HEARING**b) ADOPT RESOLUTION NO. 15-0025**

Attachments: [Resolution No. 15-0025](#)

City Clerk Liza Tamura introduced this item and Finance Director Bruce Moe provided the staff presentation.

Mayor Burton opened the public hearing.

Seeing no requests to speak, Mayor Burton closed the public hearing.

A motion was made by Councilmember Lesser, seconded by Councilmember Howorth, to adopt Resolution No.15-0025 regarding the Annual Storm Water Service Charge for Fiscal Year 2015-2016 . The motion carried by the following vote:

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

12. Conduct Public Hearing and Adoption of Resolution No. 15-0044 for a Coastal Development Permit to Allow a Program for Recreational Beach Rentals and a Welcome/Information Center in the Sand Lot South of the Lower South Pier Parking Lot (Community Development Director Lundstedt and Parks and Recreation Director Leyman). [RES 15-0044](#)

ADOPT RESOLUTION NO. 15-0044

Attachments: [Resolution No. 15-0044](#)

[Nikau Kai Waterman Shop Agreement to Operate Welcome/Information Cent](#)

City Clerk Liza Tamura introduced the item. Parks and Recreation Director Mark Leyman introduced Parks and Recreation Services Manager Jessica Vincent who provided the staff presentation

Parks and Recreation Director Leyman and Parks and Services Manager Vincent responded to City Council questions.

Mayor Burton opened the public hearing.

The following individuals provided public comment:

In favor:

*Craig Cadwallader
Jason Shanks*

Against:

*Bill Victor
Martha Andreani
Mr. Valentine
Ginger Shearer
Karol Wahlberg*

*Phil Ranger
Viet Ngo
Darryl Rose*

A motion was made by Mayor Burton, seconded by Councilmember Howorth, to direct the City Manager and Staff to explore the alternative location for a "Welcome Center and Kiosk" being a daily pop-up at the top of the stairs with a recreational beach facility to be located west of the bike path on the beach just south of the bottom of the stairs. A friendly amendment by Councilmember Lesser, accepted by the maker, was to include pro-active outreach to the residents, ADA compliance, and to find options for the current storage containers. The motion carried by the following vote:

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

At 8:00 PM City Council recessed and reconved at 8:12 PM with all Councilmembers present.

M. GENERAL BUSINESS

13. Meeting Management Resolution (City Attorney Barrow/Assistant City Manager Nader).

[RES 15-0048](#)

INVITE PUBLIC COMMENTS AND CONSIDER ADOPTING RESOLUTION NO. 15-0048

Attachments: [Resolution No. 15-0048](#)
 [Order of Business](#)

City Clerk Liza Tamura introduced this item and Assistant City Attorney Michael Estrada and City Manager Mark Danaj provided the staff presentation.

City Manager Danaj and Assistant City Attorney Estrada responded to City Council questions.

Mayor Burton opened the floor to public comment.

The following individuals provided public comment:

*Esther Besbris
Martha Andreani
Bill Victor
Craig Cadwallader
Viet Ngo
Diane Wallace
Neil Gafney*

Seeing no further requests to speak, Mayor Burton closed the floor to public comment.

Councilmember Lesser stated that he supports an exploration of how to improve public participation and how to end meetings earlier, but expressed concern about the hard meeting stop time of 10:30 PM. He also stated that he is not in favor of a single comment period or delegating to the Mayor how long an individual can speak.

Assistant City Attorney Estrada clarified that Item No.10 should read: "with the exception of items removed by a member of the City Council" not "with the exception of items removed by the City Council".

A motion was made by Mayor Burton, seconded by Councilmember Howorth, to adopt Resolution No. 15-0048 as amended:

1. Community announcements should be limited to 1 minute.
2. Public comments at the beginning are limited to 2 minutes per item or a total of 5 minutes, includes the Consent Calendar.
3. Comments during Public Hearings are limited to 2 minutes except for the applicant or appellant.
4. Items not heard will be carried over to the next City Council Meeting under Old Business or to an agreed upon meeting by City Council.

The motion carried by the following vote:

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

Nay: 1 - Lesser

Councilmember Howorth suggested a press release or some type of notification for the public.

Councilmember Powell requested adding to the City Council Protocol.

At 9:53 PM City Council recessed and reconvened at 10:00 PM with all Councilmembers present.

14. Amendment Extending the Term of Employment Agreement with City Manager Mark Danaj (City Attorney Barrow).

[CON 15-0045](#)

**APPROVE AMENDMENT OF EMPLOYMENT AGREEMENT WITH
MARK DANAJ TO EXTEND THE TERM UNTIL JUNE 30, 2020**

Attachments: [City Manager Employment Agreement](#)
[Amendment to City Manager Employment Agreement](#)

City Clerk Liza Tamura introduced this item and Assistant City Attorney Michael Estrada gave a brief overview.

Mayor Burton opened the floor to public comment.

The following individuals provided public comment:

Ed Caprielian
Bill Victor
Viet Ngo

Seeing no further requests to speak, Mayor Burton closed the floor to public comment.

A motion was made by Councilmember Howorth, seconded by Mayor Pro Tem D'Errico, to approve an amendment extending the term of the Employment Agreement with City Manager Mark Danaj to 2020. The motion carried by the following vote:

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

N. ITEMS REMOVED FROM THE CONSENT CALENDAR

7. Consideration of Resolution Increasing Parking Citation Penalties by Five Dollars as Approved in the Fiscal Year 2015-2016 Budget (Finance Director Moe). [RES 15-0047](#)

ADOPT RESOLUTION NO. 15-0047

Attachments: [Resolution No. 15-0047](#)
[Schedule of Parking Citation Penalties](#)

City Clerk Liza Tamura introduced this item pulled by Councilmember Powell.

Councilmember Powell voiced his reasons for pulling this item noting that he would be voting "no" because the purpose of raising the parking citations was to raise revenue and his opinion was that parking citations should not be used as a revenue raising prospect. He further stated that it wasn't the dollar amount and it is punitive.

Mayor Burton opened the floor to public comment.

Seeing no requests to speak, Mayor Burton closed the floor to public comment.

A motion was made by Mayor Burton, seconded by Councilmember Howorth to adopt Resolution No. 15-0047 increasing Parking Citation Penalties by Five Dollars as Approved in the Fiscal Year 2015-2016 Budget. The motion carried by the following vote:

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

Nay: 1 - Powell

9. Two-Year Cost Sharing Agreement Not-to-Exceed \$34,456 for Beach Cities Transit Line 109 for Fiscal Years 15-16 and 16-17 with the Cities of Redondo Beach, Hermosa Beach and El Segundo (Community Development Director Lundstedt). [CON 15-0021](#)

APPROVE AND APPROPRIATE

Attachments: [Beach Cities Transit Line 109 Contributions 2006-2017](#)
[At Stop Signage Details](#)
[Ridership Data](#)
[Cost Sharing Agreement](#)

City Clerk Liza Tamura introduced this item that was pulled by Councilmember Powell.

Community Development Director Marisa Lundstedt and Beach Cities Transit Representative Joyce Rooney responded to City Council questions.

Mayor Burton opened the floor to public comment.

The following individuals provided public comment:

*Jackie May
Bill Victor*

Seeing no further requests to speak, Mayor Burton closed the floor to public comment.

Councilmember Powell commented a long standing concern of his that he is opposed to this item because there is no business plan/model. To vote "yes" the request should be for 1 year only, and that there should be a business plan to increase ridership (or keep it from decreasing), and how to cut cost.

A motion was made by Councilmember Lesser, seconded by Councilmember Howorth, to 1. Approve a two-year cost sharing agreement for an amount not-to-exceed \$34,456 for Beach Cities Transit Line 109 for Fiscal Years 2015-2016 and 2016-2017 with the Cities of Redondo Beach, Hermosa Beach and El Segundo contingent upon all cities participating; 2. Transfer \$2,814 from the Measure R Fund to the Proposition A Fund; and 3. Appropriate \$2,814 from Proposition A Funds to cover the balance of the FY 2015-2016 funding level. Two friendly amendments by Mayor Pro Tem D'Errico and Councilmember Powell, accepted by the maker, were to require Beach Cities Transit to return to City Council with a business plan and that the contract be for one year, not two years. The motion carried by the following vote:

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

10. Minutes:

[15-0020](#)

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

- a) City Council Regular Meeting of July 7, 2015
- b) City Council Adjourned Regular Meeting-Closed Session and Study Session of July 8, 2015
(City Clerk Tamura).

APPROVE

Attachments: [City Council Regular Meeting of July 7, 2015](#)
[City Council Adjourned Regular Meeting-Closed Session and Study Session](#)

City Clerk Liza Tamura introduced this item pulled by Viet Ngo.

Mayor Burton opened the floor to public comment.

The following individuals provided public comment:

*Ed Capriellian
Viet Ngo
Bill Victor*

Seeing no further requests to speak, Mayor Burton closed the floor to public comment.

A motion was made by Councilmember Howorth, seconded by Mayor Pro Tem

D'Errico, to approve a) City Council Regular Meeting of July 7, 2015
b) City Council Adjourned Regular Meeting-Closed and Study Session of July 8, 2015. The motion carried by the following vote:

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

O. OPTIONAL ADDITIONAL PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

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

Councilmember Howorth and Mayor Burton requested that a discussion on the Drought Ordinance be agendized.

Q. RECEIVE AND FILE ITEMS

Mayor Burton opened the floor to public comment.

The following individuals provided public comment:

*Bill Victor
Viet Ngo*

Seeing no further requests to speak, Mayor Burton closed the floor to public comment.

A motion was made by Councilmember Howorth, seconded by Councilmember Powell, to Receive and File Item Nos. 15-17.

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

15. Planning Commission Approval of a Use Permit Amendment and a Categorical Exemption Under CEQA to Allow Instructional Alcohol Tastings for the Grocery Store and Full Alcohol Service for On-Site Consumption for the Existing Indoor Café at Bristol Farms, 1570 Rosecrans Avenue, Suite H (Community Development Director Lundstedt). [15-0331](#)

RECEIVE AND FILE

Attachments: [Planning Commission Resolution No. PC 15-04](#)
[Planning Commission Draft Minutes, June 24, 2015](#)
[Planning Commission Staff Report and Attachments, June 24, 2015](#)

This item was received and filed.

16. Financial Report:
Schedule of Demands: June 18, 2015 (Finance Director Moe). [15-0308](#)

RECEIVE AND FILE

Attachments: [Schedule of Demands for June 18, 2015](#)

This item was received and filed.

17. Commission Minutes:

[15-0340](#)

This Item Contains Minutes of City Commission Meetings. Staff Recommends that the City Council, by Motion, Take Action to Receive and File the Minutes of the:

a) Parking and Public Improvements Commission Meeting of April 23, 2015

(Community Development Director Lundstedt).

b) Parking and Public Improvements Commission Meeting of May 28, 2015

(Community Development Director Lundstedt).

c) Finance Subcommittee Meeting of July 1, 2015

(Finance Director Moe).

RECEIVE AND FILE

Attachments: [Parking and Public Improvements Commission Meeting Minutes of April 23, 2015](#)
[Parking and Public Improvements Commission Meeting Minutes of May 28, 2015](#)
[Finance Subcommittee Meeting Minutes of July 1, 2015](#)

This item was received and filed.

R. ADJOURNMENT

At 10:50 PM Mayor Burton adjourned the July 21, 2015 Regular City Council Meeting to the 6:00 PM, August 4, 2015, Regular City Council Meeting to be held in the City Council Chambers, in said City.

Tatyana Roujenova-Peltekova
Recording Secretary

Mark Burton
Mayor

ATTEST:

Liza Tamura
City Clerk