

# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266



## Meeting Minutes - Draft

Tuesday, November 3, 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*

**PLEASE NOTE THAT THE CITY ARCHIVES THE VIDEO RECORDINGS OF ALL REGULAR CITY COUNCIL MEETINGS AND THE VIDEO FOR THIS MEETING IS HEREBY INCORPORATED BY THIS REFERENCE. ALSO IN SUPPORT OF MORE TRANSPARENCY AND THE AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE, THE CITY OFFERS CLOSED CAPTIONING FOR REGULAR CITY COUNCIL MEETINGS. FOR A COMPLETE RECORD OF THIS CITY COUNCIL MEETING, GO TO: [www.citymb.info/city-officials/city-clerk/city-council-meetings-agendas-and-minutes](http://www.citymb.info/city-officials/city-clerk/city-council-meetings-agendas-and-minutes).**

**A. PLEDGE TO THE FLAG**

*Meadows Elementary School student Kelly Pavlick led the Pledge of Allegiance and received a Challenge Coin from the Mayor.*

**B. ROLL CALL**

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

**C. CEREMONIAL CALENDAR**

- 1. Presentation of a Proclamation Declaring the Month of October 2015 as National Caregivers Month. [15-0473](#)  
**PRESENT**

*Mayor Burton presented a proclamation to the Senior Subcommittee representatives proclaiming November 2015 as National Caregivers month.*

- 2. Presentation of a Certificate of Recognition to GROW for their Continuous Support and Contributions to the Community. [15-0480](#)  
**PRESENT**

*Mayor Burton presented a Certificate of Recognition to the Fisher Family, the Founders of GROW.*

3. Presentation of a Commendation to Fire Battalion Chief Frank Chiella in Recognition of his 35 Years of Dedicated Service to the City of Manhattan Beach.

[15-0488](#)

**PRESENT**

*Mayor Burton presented a Commendation and a Challenge Coin to Fire Battalion Chief Frank Chiella for his 35 years of dedicated service to the City of Manhattan Beach and congratulated him on his retirement.*

*Fire Chief Espinosa also recognized Fire Battalion Chief Chiella's contributions to the City.*

*Representative Erik Montos from State Senator David Hadley's office presented a Certificate of Recognition to Fire Battalion Chief Chiella for his devoted service to the City.*

*Fire Battalion Chief Chiella reflected on his 35 year career.*

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

*Management Analyst Matthew Cuevas confirmed that the meeting was properly posted and noticed.*

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

*City Manager Danaj stated that Agenda Item No. 4 was being removed and a hearing will be scheduled for December 2015.*

**A motion was made by Councilmember Howorth, seconded by Councilmember Powell, to approve the Agenda as amended with Agenda Item No. 4 being moved to a future meeting in December 2015. The motion carried by the following vote:**

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

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

*Jim O'Callahan from the Manhattan Beach Chamber of Commerce announced there will be an economic forum on Thursday, November 5, 2015, at 7:30 AM.*

*Councilmember Powell announced a community event hosted by State Senator Ben Allen regarding the tarball spill this past summer. He also noted that November is men's cancer awareness month.*

*Mayor Burton announced a TEDx event on Saturday, November 14, 2015, at Manhattan Beach Middle School and reminded the community about the upcoming Veterans Day celebration at 11 AM on Wednesday, November 11.*

## **G. CITY MANAGER REPORT**

*City Manager Danaj provided an update on the employee survey results as well as current labor negotiations. He also noted the upcoming Strategic Planning Retreat scheduled for November 4, 2015, and the Downtown Specific Plan: Community Workshop #2 scheduled for November 16, 2015. City Manager Danaj also spoke about the recent power outage that affected the downtown and the successful 25th Annual Pumpkin Race.*

## **H. CITY ATTORNEY REPORT**

*City Attorney Barrow announced that the policy governing department head contracts will be presented at one of the next three City Council meetings.*

**I. PUBLIC COMMENTS (2 MINUTES PER PERSON FOR ONE ITEM, A MAXIMUM OF 5 MINUTES IF A SPEAKER WANTS TO COMMENT ON MORE THAN ONE ITEM)**

*Mark Bloeser, representing the Los Angeles County Assessor's Office, spoke about property values in Manhattan Beach.*

*Primo Castro spoke on Agenda Item No. 12.*

*Kay Nam spoke on Agenda Item No. 12.*

*Patrick McBride spoke on traffic issues and working better with city staff.*

*John Yi spoke in favor of Agenda Item No. 12.*

*Aamir Bhamani spoke on Agenda Item No. 12, in particular the menthol aspect of the ordinance.*

*Nausheen Merchant spoke on Agenda Item No. 12 and amending the ordinance to allow for flavored tobacco products.*

*Robert Bush spoke on multiple issues occurring throughout the City.*

*Stephen Packwood had questions on budget matters and follow up items, particularly CIP and pension and overtime issues with Fire department. Also requested an update on the Manhattan Village mall.*

*Jacqueline Suh spoke in support of Agenda Item No. 12.*

*James O'Callaghan spoke on Agenda Item No. 12. He indicated the Chamber of Commerce is recommending that the ordinance be modified to exempt the long standing businesses.*

*Craig Cadawallader spoke in support of Agenda Item No. 12.*

*Kelly Stroman spoke on several upcoming events scheduled to take place in the downtown.*

*Viet Ngo spoke on alleged racketeering enterprise in City Hall. He spoke on Agenda Item No. 13 and the recent closed sessions regarding City Manager and City Attorney evaluations.*

*Heather Kim spoke against Agenda Item No. 12.*

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

4. Planning Commission Approval of Two Coastal Development Permits No. CA 15-05 (VTPM 73511) and CA 15-06 (VTPM 73086) and Subdivision Maps for the Demolition of a Duplex and Construction of Two Three-Story Residential Condominium Units on Each of the Two Lots, for a Total of Four New Condominium Units Located at 2616 and 2620 Alma Avenue (Community Development Director Lundstedt) **RES 15-0063**

*As previously noted, under Agenda Section E. "Approval of Agenda and Waiver of Full Reading of Ordinances," this Agenda Item is being continued to a future meeting in December, 2015.*

**K. CONSENT CALENDAR (APPROVE)**

*All items were approved on the Consent Calendar by a 5-0 vote.*

**A motion was made by Councilmember Powell, seconded by Councilmember Howorth, that this item be approved. The motion carried by the following vote:**

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

5. Award of a Three-Year Bulk Fuel Contract to Merrimac Energy Group (Estimated Annual Value of \$350,000) (Finance Director Moe). [15-0437](#)

**APPROVE**

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

6. Financial Report: [15-0443](#)  
a) Schedule of Demands: October 8, 2015  
b) Investment Portfolio for the Month Ending September 30, 2015  
c) Month End Report for September 30, 2015  
(Finance Director Moe).

**ACCEPT REPORT AND DEMANDS**

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

7. Second Reading and Adoption of Ordinance No. 15-0026 Zoning Code Amendments for Maximum Lot Size and Minor Exceptions as recommended by the Planning Commission and previously reviewed by the City Council in 2013 (Community Development Director Lundstedt). [ORD 15-0026](#)

**ADOPT ORDINANCE NO.15-0026**

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

8. Second Reading and Adoption of Ordinance No. 15-0028 Local Coastal Program Amendments for Maximum Lot Size and Minor Exceptions as recommended by the Planning Commission and previously reviewed by the City Council in 2013 (Community Development Director Lundstedt). [ORD 15-0028](#)  
**ADOPT ORDINANCE NO.15-0028**

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

9. Resolution No. 15-0059 Transmitting Ordinance No. 15-0028 to the California Coastal Commission for Amendments to the Local Coastal Program (LCP) Regarding Maximum Lot Size and Minor Exceptions (Community Development Director Lundstedt). [RES 15-0059](#)  
**ADOPT RESOLUTION NO. 15-0059**

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

10. Letter of Support for the City's Participation in the Compact of Mayors Initiative to Assess the Impacts of Climate Change in Manhattan Beach (Public Works Director Olmos). [15-0483](#)  
**APPROVE**

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

11. City Council Minutes: [15-0489](#)  
This Item Contains Action Minutes of the Following City Council Meetings Presented for Approval:  
a) City Council Regular Meeting of October 6, 2015 (Continued from October 20, 2015 City Council Meeting)  
b) City Council Regular Meeting of October 20, 2015 (City Clerk Tamura).  
**APPROVE**

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

## **L. PUBLIC HEARINGS (2 MINUTES PER PERSON)**

**M. OLD BUSINESS**

12. Introduce Ordinance No. 15-0020 to Institute a Tobacco Retail Licensing Program in Manhattan Beach (Continued from the October 20, 2015 City Council Meeting) (Public Works Director Olmos).

[ORD 15-0020](#)

**WAIVE FURTHER READING AND INTRODUCE ORDINANCE NO. 15-0020**

*Environmental Programs Manager Sona Coffee provided a presentation on the proposed Tobacco Retail Licensing Program ordinance.*

*City Council asked questions regarding the proposed ordinance and city staff responded.*

*Further discussion ensued amongst City Councilmembers regarding the distance from school and parks, grandfathering existing business and exempting certain flavored tobacco products (mint, spearmint, peppermint and wintergreen) from the ordinance.*

**A motion was made by Councilmember Howorth, seconded by Mayor Pro Tem D'Errico, to waive further reading and introduce Ordinance No. 15-0020 to Institute a Tobacco Retail Licensing Program in Manhattan Beach; amend the distance requirement so that retailers cannot locate within 500 feet of schools; grandfather the existing retailers within 500 feet of each other; and exclude menthol and mint based products from the ordinance. The motion carried by the following vote:**

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

*At 8:01 PM City Council recessed and reconvened at 8:11 PM with all Councilmembers present.*

*After the recess, City Attorney Barrow read the revised title of Ordinance No. 15-0020 into the record.*

13. Six Month Update on Enforcement of Bike Path Hazards Ordinance Regarding Flashing Lights at the Pier (Ordinance No. 15-0005 - Amending and Restating Municipal Code Provisions Governing Bike Path Hazards) (Police Chief Irvine).

[15-0467](#)

**ACCEPT UPDATE**

*Police Captain Tim Hageman provided a presentation and an update on the enforcement of the bike path hazards ordinance.*

*Police Captain Tim Hageman responded to City Council Questions.*

*Mayor Burton requested that this item return in 6 months and check with the Fire department regarding any accident data within the 6 month period.*

**A motion was made by Councilmember Howorth, seconded by Councilmember Powell, that this item be accepted. The motion carried by the following vote:**

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

**N. NEW BUSINESS**

*None.*

**O. CITY COUNCIL REPORTS, OTHER COUNCIL BUSINESS, AND COMMITTEE AND TRAVEL REPORTS**

*Mayor Burton requested that the current Councilmembers on the City's Southern California Edison committee work on power outage issues in the City.*

*Councilmember Powell inquired about the City Council meeting recap summaries and why the City no longer does them.*

*Mayor Burton responded the City now has closed captioning capabilities and the transcripts are generally available the next day.*

*Mayor Burton also spoke regarding Mira Costa Wellness group dealing with teen substance abuse prevention; that he attended the NAACP's 26th Annual State Conference event at the Marriott in October; and that he also visited the water replenishment district's new grid project.*

## P. FORECAST AGENDA AND FUTURE DISCUSSION ITEMS

14. Agenda Forecast (City Clerk Tamura). [15-0486](#)  
**DISCUSS AND PROVIDE DIRECTION**

*City Council discussed the order of agenda items for the upcoming City Council Meeting.*

*City Attorney Barrow stated that the second reading of the Tobacco Retail Licensing program ordinance will be at the first meeting in December.*

*Mayor Burton would like the City to look into applying for grant money for the construction of a potential skate park and would like to discuss in January. Also, requested that the draft letter opposing the desalination plant be moved to January.*

*Councilmember Powell inquired about the status of the Rite Aid site and requested an update.*

*City Manager Danaj indicated the Rite Aid site update would be provided via the City Manager's update.*

*Mayor Burton provided all Councilmembers a handout that listed multiple items he would like to consider for upcoming City Council meetings.*

*Councilmember Lesser expressed concern about the timelines for these items and staff workload.*

*Councilmember Howorth also expressed concern regarding the ambiguity of a lack of specific dates.*

*City Council agreed that these items were of importance and to discuss them at a future City Council meeting.*

**A motion was made by Mayor Burton, seconded by Councilmember Powell, that the list of Mayor Burton's items be added to the Agenda Forecast. The motion carried by the following vote:**

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

## Q. INFORMATIONAL ITEMS

15. Commission Minutes: [15-0490](#)  
This Item Contains Minutes of the following City Commission Meetings:
- a) Planning Commission Meeting Minutes of October 14, 2015 (Community Development Director Lundstedt).
  - b) Cultural Arts Commission Meeting Minutes of September 22, 2015 (Parks and Recreation Director Leyman).

### **INFORMATION ITEM ONLY**

*This item is for information only and no City Council action was required.*

**R. CLOSED SESSION**

*None.*

**S. ADJOURNMENT**

*Mayor Burton requested a moment of silence in observance of the passing of City Clerk Liza Tamura's father.*

*City Council adjourned to 8:30 AM Strategic Planning Retreat on November 4, 2015, in the Police/Fire Conference Room, in said City.*

*Meeting adjourned at 8:50 PM.*

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**Tatyana Roujenova-Peltekova**  
**Recording Secretary**

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**Mark Burton**  
**Mayor**

**ATTEST:**

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