

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Tuesday, October 7, 2014

6:00 PM

Regular Meeting

City Council Chambers

5:00 PM Adjourned Regular Meeting - Closed Session

City Council

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

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. FOR A COMPLETE RECORD OF THIS CITY COUNCIL MEETING, GO TO www.citymb.info/city-officials/city-clerk/city-council-meetings-agendas-and-minutes

A. PLEDGE TO THE FLAG

City Attorney Quinn Barrow led the Pledge of Allegiance.

B. NATIONAL ANTHEM

Tamara Walker-Panzarella and Gigi Panzarella sang the National Anthem.

C. ROLL CALL

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

D. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

City Clerk Liza Tamura confirmed that the meeting was properly posted.

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

Mayor Pro Tem Burton requested that Item No.14 on the Consent Calendar be moved to General Business or to a future agenda as a General Business Item.

Mayor Powell confirmed that it would be moved to a future agenda.

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember D'Errico, to approve the agenda and waive full reading of ordinances with the exception of Item No. 14 which was moved to a future agenda. The motion carried by the following vote:

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

Nay: 1 - Lesser

F. CEREMONIAL CALENDAR

- 2. Presentation of Certificates Recognizing the Grand View Student Council.

[14-0435](#)

PRESENT

This item was taken out of order.

On behalf of the City Council, Mayor Powell presented Certificates of Recognition to the Grand View Student Council. Kylie Duncan, 5th Grade Teacher introduced the

students:

President - Duncan Ross
Vice President - Parker Kinsey
Historian - Jordan Koo
Community Service - Andrew Salzman
Fun Fridays - Skylar Gerhardt
Spirit Chairperson - Skyler Behrens
Gator Mascot - Billy Mattis
Secretary - Ella Davis
Grades of Green Leader - Annie Lantuono
Garden Club Leader - Killey Keating

1. Presentation of a Commendation Recognizing Paul Silva for his Dedicated Service to the South Bay and to the City of Manhattan Beach.

[14-0445](#)

PRESENT

This item was taken out of order.

On behalf of the City Council, Mayor Powell presented a Certificate of Recognition to Paul Silva for his contributions to the South Bay and the City of Manhattan Beach.

3. Presentations of Proclamations to the Manhattan Beach Soroptimist International Organization Recognizing October 2014 as Breast Cancer Awareness Month and November 2014 as Domestic Violence Prevention Month.

[14-0450](#)

PRESENT

On behalf of the City Council, Mayor Powell presented a Proclamation to Laura Lind, representing the Soroptimist International Organization for Breast Cancer Awareness Month and Domestic Violence Prevention Month.

4. Presentation of the "I ♥ MB Award" to Adrienne Slaughter.

[14-0455](#)

PRESENT

On behalf of the City Council, Mayor Powell presented the "I ♥ MB Award" to Adrienne Slaughter for her cancer survival inspiration. Adrienne thanked Dorothy Yost, Richard Budman and Maggie Walsh for their support.

Maggie Walsh, American Cancer Society thanked the City Council for their support during the annual "Relay for Life" event.

G. CITY MANAGER REPORT

City Manager Mark Danaj introduced Nadine Nader, the newly appointed Assistant City Manager.

H. CITY ATTORNEY REPORT

None.

Mayor Pro Tem Burton asked City Attorney Barrow to clarify the "Entertainment Permit" as it applies to the 900 Club being sold to one owner.

City Attorney Barrow clarified that the resolution requires the site to have an Entertainment Permit.

I. CITY COUNCIL ANNOUNCEMENTS AND REPORTS

Councilmember Howorth announced that there is a Candidate Forum next Wednesday, October 15, 2014 at Mira Costa High School from 7 - 9 PM. It will include State Assembly, Congressional and State Senate Candidates.

Mayor Powell reported that at the Dine and Discover Lunch, October 15, 2014, the League of Women Voters will be presenting impartial analysis on initiatives. He also thanked everyone who came out to his "Mayors Walk and Talk. The next one will be held on Monday, October 20, 2014, at 9 AM, at the North End Cafe.

J. COMMUNITY ANNOUNCEMENTS REGARDING UPCOMING EVENTS

Police Chief Eve Irvine announced that Wednesday, October 8, 2014, at the Tin Roof Bistro, a "Tip-a-Cop" fundraiser for the Special Olympics will be held from 5 - 9 PM. Police Chief Irvine also stated that the Neighborhood Watch Fall Meeting will be held Thursday, October 16, 2014, at 6:30 PM, at the Joslyn Community Center. She further added that the Community Police Academy is accepting applications and the class will begin on January 15, 2015.

Gary Stabile, representing Community Emergency Response Team (CERT), used document reader to show flyer announcing the semiannual training class in November and the annual "Great American Shakeout" which will be held on Saturday, October 25, 2014.

Jill Jensen, Director of Development with Walk with Sally, encouraged everyone to wear pink for the "Paint the Town Pink" event on October 8, 2014.

Bill Victor, property owner, alerted the public that "Police Watch" was an organization he founded years ago and he has reactivated the organization.

Don Gould, Manhattan Beach Library, noted upcoming library events and the bookmark contest.

K. PUBLIC COMMENT ON NON-AGENDA ITEMS

Robert Bush provided a handout and spoke against mansionization.

Patrick McBride, resident, remarked about wasting water.

Bill Victor, remarked about water sprinklers, building of rooftop decks, and the Chili Cook-Off at the fire department in November.

Mayor Powell announced that the Drought Water Conservation Ordinance was sent out in water bills, e-notified, is on the City Website and also on the City's Social Media, Facebook and Twitter. To report a violation, he pointed out that the number is under "Going Green" on the City's Website.

Max and Alex, Manhattan Beach Middle School Students, stated that they are skate boarders and requested a skate park.

Frank Waddles, resident, is concerned about fiscal responsibility in the City.

Brayden, Manhattan Beach Middle School, asked for a skate park.

L. CONSENT CALENDAR

Bill Victor pulled Items Nos. 5, 6, 7, 8, and 12.

A motion was made by Councilmember Howorth, seconded by Mayor Pro Tem Burton, to approve the Consent Calendar Item Nos. 5-16 with the exception of Item Nos. 5, 6, 7, 8, and 12 and continue Item No. 14 which was moved to a future agenda. The motion carried by the following vote:

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

5. Request for Proposal for Skate Park Planning Services to Provide Community Outreach and Propose Skate Park Locations, Type of Skate Park and Funding Options (*Continued from the September 2, 2014, City Council Meeting*) (Parks and Recreation Director Leyman). [14-0423](#)

APPROVE

This item was removed from the Consent Calendar and heard later under Item O. Items removed from the Consent Calendar.

6. Request for Proposal to Assess Current Tree Program and Develop a Comprehensive Street Tree Master Plan (*Continued from the September 2, 2014, City Council Meeting*) (Public Works Director Olmos). [14-0425](#)

RECEIVE AND FILE

This item was removed from the Consent Calendar and heard later under Item O. Items removed from the Consent Calendar.

7. Pursuant to City Council Direction on August 19, 2014, adopt Resolution No. 14-0063 Approving, Subject to Conditions, a Modified and Restated Use Permit for an Existing Restaurant/Bar ("Eating and Drinking Establishment") at the Property Located at 900 Manhattan Avenue (CEQA Categorical Exemption) (*Continued from the September 2, 2014, City Council Meeting*) (Community Development Director Thompson). [RES 14-0063](#)

ADOPT RESOLUTION UPHOLDING PLANNING COMMISSION DECISION WITH REVISED CONDITIONS

This item was removed from the Consent Calendar and heard later under Item O. Items removed from the Consent Calendar.

8. Contract with Messina & Associates in the Amount Not-to-Exceed \$55,000 for Succession Planning Development, Team Building, Coaching and Career Counseling for multiple City Departments (*Continued from the September 2, 2014, City Council Meeting*) (Human Resources Director Hanson). [CON 14-0047](#)

APPROVE

This item was removed from the Consent Calendar and heard later under Item O. Items removed from the Consent Calendar.

9. Award of a One-Year Bulk Fuel Contract to Southern Counties Oil Company (Estimated Annual Value of \$350,000) (Finance Director Moe). [14-0429](#)
APPROVE

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

10. Request to Approve the Open Invitation Process for the 2014-2015 Sculpture Garden Program, Locate One Additional Sculpture to the Entry Plaza of the Creative Art Center, and Appropriate \$21,000 from the Public Art Trust Fund for 7 Sculptures (Parks and Recreation Director Leyman). [14-0449](#)
APPROVE

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

11. Request by the Cultural Arts Commission to Restore the Harold Roach Sculpture, "Untitled" 1982 and allocate up to \$3,500 from the Public Art Trust Fund (Parks and Recreation Director Leyman). [14-0448](#)
APPROVE

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

12. Approval of Plans and Specifications for the Sepulveda Boulevard at Marine Avenue Intersection Improvements Project, Award a Construction Contract to Griffith Company (\$432,799), and Award a Professional Engineering Services Contract to Wallace & Associates (\$49,892) for Construction Inspection Services (Public Works Director Olmos). [14-0410](#)
APPROVE

This item was removed from the Consent Calendar and heard later under Item O. Items removed from the Consent Calendar.

13. Amendment No.1 to Design Service Agreement with Cannon Corporation for Additional Work for the 2013-14 Water Main Replacement Project (Public Works Director Olmos). [CON 14-0042](#)
APPROVE

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

14. Approve Measure R Funding Agreement Between the Los Angeles County Metropolitan Transportation Authority and City of Manhattan Beach for Reimbursement of Costs for Project Development, Right-of-Way, and Construction of the Sepulveda Boulevard Bridge Widening Project for the Previously Awarded Amount of \$9,100,000 (Public Works Director Olmos). [14-0428](#)
APPROVE

This item was continued to a future meeting.

15. Pursuant to City Council Direction on September 2, 2014, adopt Resolution No. 14-0064 Conditionally Approving a Master Use Permit Amendment to Allow the Shade Hotel to Modify Hotel Associated Services such as the Service of Food and Alcohol; Conduct Special Events on its Terrace; Modify its Marketing; and Install Noise Mitigation Measures (CEQA Categorical Exemption) (Community Development Director Thompson). [RES 14-0064](#)
- ADOPT RESOLUTION**

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

16. Minutes: [14-0342](#)
- 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 September 2, 2014
 - b) City Council Regular Meeting of September 16, 2014 (City Clerk Tamura).
- APPROVE**

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

M. PUBLIC HEARINGS

N. GENERAL BUSINESS

17. Consideration and Approval of Resolution No. 14-0066 Amending the City of Manhattan Beach's Personnel Rules Establishing the Addition of Four New Strategic Classifications and Corresponding Salary Ranges and Benefits Levels (City Manager Danaj). [RES 14-0066](#)
- ACCEPT RECOMMENDATION**

Mayor Powell introduced City Manager Mark Danaj who provided a PowerPoint presentation. City Manager Danaj identified the reasons for requesting the approval of additional staff and outlined the importance of each position including: IT Director, Community/Civic Engagement Manager, Economic Development Manager, Assistant Director of Finance. Fiscal Implications were also presented.

Councilmember Lesser expressed his concerns with filling all four positions at one time rather than being phased in over a period of time.

Discussion continued and City Manager Danaj, Finance Director Bruce Moe and Human Resources Director Cathy Hanson responded to City Council questions.

At 7:20 PM Mayor Powell opened the floor to public comment on Item No. 5 to allow the youth to participate and then leave as it is a school night.

5. Request for Proposal for Skate Park Planning Services to Provide Community Outreach and Propose Skate Park Locations, Type of [14-0423](#)

Skate Park and Funding Options (*Continued from the September 2, 2014, City Council Meeting*) (Parks and Recreation Director Leyman).

APPROVE

This item was taken out of order.

Mayor Powell opened the floor to public comment for the youth in attendance.

Blake Bordkas, senior at Mira Costa High School, who served on the Ad Hoc Committee, commented on the benefit of having a professional design the Skate Park.

Jayden Kessel, senior at Mira Costa High School, spoke about taking the Skate Park issue seriously.

Eric Kessel stated the need for a Skate Park because there is no place to skate unless you go out of town.

Riley, attends Manhattan Beach Middle School, agreed that a Skate Park is needed because there is no place else to skate.

Dick Hane, mom of a skater, concerned about children being chased off of other properties and emphasizes that they need a safe place to be.

Matt Rhenas, supporter for the skate park, wants to know who is against the skate park.

Jonathon G, Mira Costa graduate in 2006, former Manhattan Beach resident and now Mammoth Lakes resident, suggested that the Skate Park should be more street friendly and built by someone that skates.

Seeing no further requests to speak, Mayor Powell closed the public comments for the youths and continued the item to Item No. O, Items Removed from the Consent Calendar.

17. Consideration and Approval of Resolution No. 14-0066 Amending the City of Manhattan Beach's Personnel Rules Establishing the Addition of Four New Strategic Classifications and Corresponding Salary Ranges and Benefits Levels (City Manager Danaj).

[RES 14-0066](#)

ACCEPT RECOMMENDATION

Mayor Powell opened the floor to public comment.

Bill Victor emphasized his opposition to the four new positions.

Faith Lyons conveyed that she is stunned and floored to see this high level of staffing.

Jan Dennis asked if these new positions meant that the City would stop hiring consultants.

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

Discussion continued among City Council members.

Councilmember Lesser stated that he shares the vision of this City Council but he

doesn't think this is the way to approach it. He thinks a more robust argument should be made for these positions with data to support it.

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember D'Errico to concur with City Manager Danaj's recommendation to Adopt Resolution No. 14-0066 and Amend the City of Manhattan Beach's Personnel Rules establishing the addition of four new Strategic Classifications and Corresponding Salary Ranges and Benefits Levels. The motion carried by the following vote:

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

Nay: 1 - Lesser

At 8:13 PM City Council recessed and reconvened at 8:25 PM with all Councilmembers present.

18. Interim Urgency Ordinance No. 14-0019 Requiring a Use Permit Prior to the Establishment of Formula Uses in the Downtown Area (Community Development Director Thompson).

[ORD-U
14-0019](#)

ADOPT INTERIM URGENCY ORDINANCE NO. 14-0019

Councilmember D'Errico asked City Attorney Quinn Barrow to respond regarding a Conflict of Interest on this matter.

City Attorney Barrow clarified that the Fair Political Practices Commission (FPPC) had been contacted and responded with a written letter that Councilmember D'Errico does not have a Conflict of Interest.

Mayor Powell introduced Community Development Director Richard Thompson who presented a PowerPoint Presentation.

Community Development Director Thompson and City Attorney Barrow responded to City Council questions.

Mayor Powell opened the floor to public comment.

Sheryl Lynn, Manhattan Beach resident, doesn't want downtown Manhattan Beach to become like Santa Monica with all of the chain stores.

Jan Rhees, resident, urged the City Council to find a balance of stores.

Kris D'Errico, resident, encourages City Council to take the "time out measures" to study the chain stores issues in downtown and hear from everyone involved.

Steve Saylor, resident, was asked to speak under "Public Comment on Non-Agenda Items".

Bill Victor, supports Starbucks, Noah's, Coffee Bean, etc., and stated that they have not destroyed downtown.

Chandra Shaw, resident, spoke on behalf of downtown and achieving a balance.

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

Discussion continued among City Councilmembers regarding the necessity of this

ordinance.

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember Lesser to take this Interim Urgency Ordinance No. U 14-0019 off of the calendar at this time. The motion carried by the following vote:

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

19. Presentation of Mills Act Pilot Program to Provide Incentives for [RES 14-0062](#) Preserving Historical Resources and Sample Resolution (Community Development Director Thompson).

PROVIDE DIRECTION AND APPROPRIATE \$50,000 FROM UNRESERVED FUNDS TO HIRE A HISTORIC PRESERVATION CONSULTANT

Mayor Powell introduced Community Development Planning Manager Laurie Jester who gave a PowerPoint Presentation on the Mills Act.

Discussion continued among City Councilmembers and Planning Manager Jester responded to questions.

Mayor Powell opened the floor to public comment.

Jan Dennis, resident, spoke on the importance of preservation and requested staff to prepare an ordinance, not a resolution.

Jane Guthrie, member of Manhattan Beach Cultural and Heritage Foundation Board, also echoed that it was her understanding staff was to prepare an ordinance. She also stated that the Beverly Hills Ordinance was presented to staff as a solid base.

Community Development Planning Manager Jester and City Attorney Barrow clarified that the resolutions would authorize the City to enter into Mills Act Contracts, and the ordinance would be for designating properties as landmarks.

Marcello Vavala, Los Angeles Conservancy, remarked about the unique nature of Manhattan Beach and also of his previous work with other cities and governments on implementing the Mills Act.

Michelle Watchfogel, Redondo Beach resident, said that the Mills Act seems like a good idea.

Jane Guthrie, spoke about the differences between the Beverly Hills ordinance and the proposed Manhattan Beach resolution and requested moving forward with great speed.

Unknown speaker reiterated the assets of having a Mills Act and adopting this resolution because the City is losing these buildings at a high rate of speed.

Gary McAulay, resident, urged City Council to take steps in an efficient and rapid manner.

Jan Rhees, resident, stated that she is a preservation advocate.

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

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

Burton to adopt Resolution No. 14-0062 with answers to certain questions: to piggyback the Beverly Hills Ordinance, establish a Landmark Commission, add a dollar amount of 3 million, keep Section 10 as is, keep Section 12 having a Landmark Commission, also include working with the Los Angeles Conservancy and ask Staff to engage a Consultant to assist Staff in drafting a Historic Preservation Ordinance and to return to City Council in 60 days. Also direct Staff to consult with any other stake holders such as the school district and health district. The motion carried by the following vote:

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

20. Approve an Amendment to the 2007 Personnel Cooperative Agreement Between the Cities of Manhattan Beach and Hermosa Beach to Include the Rank of Fire Captain and Other Specified Resources (Fire Chief Espinosa).

[14-0411](#)

APPROVE

Mayor Powell introduced Fire Chief Bob Espinosa, who provided the staff presentation.

City Council discussion continued and Fire Chief Espinosa responded to City Council questions.

Mayor Powell opened the floor to public comment.

Bill Victor inquired if we do the same thing with police for manpower and equipment.

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

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember Howorth, to approve an amendment to the 2007 Personnel Cooperative agreement between the Cities of Manhattan Beach and Hermosa Beach to include the rank of Fire Captain and other specified resources. The motion carried by the following vote:

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

At 10:59 PM City Council recessed and reconvened at 11:06 PM with all Councilmembers present.

21. City Council Retreat Outcomes (City Manager Danaj).

[14-0418](#)

ADOPT

Mayor Powell introduced City Manager Mark Danaj who gave a brief overview on the City Council Retreat.

Mayor Powell opened the floor to public comment.

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

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember D'Errico, to adopt the City Council Retreat Outcomes. The motion carried by the following vote:

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

O. ITEMS REMOVED FROM THE CONSENT CALENDAR

5. Request for Proposal for Skate Park Planning Services to Provide Community Outreach and Propose Skate Park Locations, Type of Skate Park and Funding Options (*Continued from the September 2, 2014, City Council Meeting*) (Parks and Recreation Director Leyman). [14-0423](#)

APPROVE

Mayor Powell opened the floor to public comment.

Bill Victor commented that the contract needs provisions for insurance and some of the language in the RFP needs clarification.

City Attorney Quinn Barrow responded to questions.

Gary Kessel, resident, remarked that his sons have been attending meetings on the skate park, and he is happy to see the skate park moving forward.

Unknown speaker, upset that Polliwog Park has been circumvented in due process from being considered for a skate park.

Julie Prophet, resident, disturbed by skate park proponents for Polliwog Park and thinks her neighborhood is being unfairly intimidated.

Alex Jordan reiterated that Polliwog Park should not be in any further discussions of a skate park.

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

Mayor Powell clarified that Polliwog Park is not to be considered in the Request for Proposals (RFP).

A motion was made by Councilmember Howorth, seconded by Councilmember Lesser, to approve the Request for Proposal for Skate Park Planning Services to Provide Community Outreach and Propose Skate Park Locations, Type of Skate Park and Funding Options.

Discussion continued among City Council.

Mayor Pro Tem Burton stated that he wants to find out if the community really supports this or not, and the question should be included in a survey. He added that he remembers asking for a consultant to go out and gauge community interest in building a skate park, not hiring an advocate for a skate park.

Councilmember D'Errico believes the process has been extremely flawed. He further added that he is not against the skate park, but against doing something without having done the appropriate outreach.

Mayor Pro Tem Burton made a friendly amendment to give direction that when there is a community survey the question be asked if the residents support a skate park.

Mayor Powell asked if Mayor Pro Tem Burton's friendly amendment was accepted.

Councilmember Howorth replied "no".

Councilmember D'Errico added a friendly amendment that staff pay attention to Item No. 4. (Development of community outreach meetings and public input process).

Councilmember Howorth agreed 100% to accept the friendly amendment.

Mayor Pro Tem Burton stated that he doesn't feel that Item No. 4 really specifies if residents support a skate park and this really should be sent out in a separate document, a community survey.

Councilmember Howorth reiterated that in her motion she is in favor of a skate park.

A motion was made by Councilmember Howorth, seconded by Councilmember Lesser, to approve the Request for Proposal for Skate Park Planning Services to Provide Community Outreach and Propose Skate Park Locations, Type of Skate Park and Funding Options. The motion carried by the following vote:

Aye: 3 - Powell, Lesser and Howorth

Nay: 2 - Burton and D'Errico

- 6.** Request for Proposal to Assess Current Tree Program and Develop a Comprehensive Street Tree Master Plan *(Continued from the September 2, 2014, City Council Meeting* (Public Works Director Olmos).

[14-0425](#)

RECEIVE AND FILE

This item was pulled by Bill Victor.

Mayor Powell opened the floor to public comment.

Bill Victor commented that he didn't think the City needed to hire tree consultants.

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

City Manager Mark Danaj confirmed that this hiring was for an "Arborist" and there are none on staff.

Public Works Director Tony Olmos gave a brief presentation and provided background on this issue.

A motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Burton, that this item be received and filed. The motion carried by the following vote:

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

7. Pursuant to City Council Direction on August 19, 2014, adopt Resolution No. 14-0063 Approving, Subject to Conditions, a Modified and Restated Use Permit for an Existing Restaurant/Bar (“Eating and Drinking Establishment”) at the Property Located at 900 Manhattan Avenue (CEQA Categorical Exemption) (*Continued from the September 2, 2014, City Council Meeting*) (Community Development Director Thompson).

[RES 14-0063](#)

**ADOPT RESOLUTION UPHOLDING PLANNING COMMISSION
DECISION WITH REVISED CONDITIONS**

This item was pulled by Bill Victor.

Mayor Powell opened the floor to public comment.

Chandra Shaw reported that the reality of effectively closing this business earlier is a "negative impact" on this business.

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

Mayor Powell reopened the item to allow the applicant to respond.

City Attorney Barrow clarified that it was not a reopening of the public hearing.

David Rohrbacher, owner of 900 Manhattan, stated that he was not clear on the modification of having to stop serving food or drink thirty minutes before closing time, because it was effectively taking away from his income.

Albro Lundy, attorney for the property owner, remarked that this is basically taking away property rights.

Mayor Powell closed the floor to discussion.

City Council discussion continued and City Attorney Barrow responded to City Council questions.

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember D'Errico to adopt Resolution No. 14-0063 A Resolution of the Manhattan Beach City Council Approving, Subject to Conditions, a Modified and Restated Use Permit for an Existing Restaurant/Bar (“Eating and Drinking Establishment”) at the Property Located at 900 Manhattan Avenue (900 Club and Red Room. the motion carried by the following vote:

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

8. Contract with Messina & Associates in the Amount Not-to-Exceed \$55,000 for Succession Planning Development, Team Building, Coaching and Career Counseling for multiple City Departments (*Continued from the September 2, 2014, City Council Meeting*) (Human Resources Director Hanson).

[CON 14-0047](#)

APPROVE

This Item was pulled by Bill Victor.

Mayor Powell opened the floor to public comment.

Bill Victor stated that the City doesn't need a consultant to tell them how to transition jobs.

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

City Council discussion continued and questions were responded to by Human Resources Director Cathy Hanson, Fire Chief Bob Espinosa and Parks and Recreation Director Mark Leyman.

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember D'Errico, to approve the Contract with Messina & Associates in the Amount Not-to-Exceed \$55,000 for Succession Planning Development, Team Building, Coaching and Career Counseling for multiple City Departments. The motion carried by the following vote:

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

- 12.** Approval of Plans and Specifications for the Sepulveda Boulevard at [14-0410](#) Marine Avenue Intersection Improvements Project, Award a Construction Contract to Griffith Company (\$432,799), and Award a Professional Engineering Services Contract to Wallace & Associates (\$49,892) for Construction Inspection Services (Public Works Director Olmos).

APPROVE

This item was pulled by Bill Victor.

Mayor Powell opened the floor to public comment.

Bill Victor reported that a contract was not attached to the staff report.

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

Public Works Director Tony Olmos responded to City Council questions.

A motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Burton, that this item be continued. The motion carried by the following vote:

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

P. OPTIONAL ADDITIONAL PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

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

Councilmember Lesser requested that the agenda items be reviewed more carefully, so that meetings do not go this late.

Mayor Pro Tem Burton requested three items scheduled for a future meeting on the Consent Calendar be moved to General Business (Community Choice, MOU for

Watershed Phase II, and the ULI Contract). He commented on the blue benches on the Strand and requested that no more be installed until they can be reviewed, as there have been many complaints. He further added that he will be meeting with the Customer Service Advantage CEO in San Diego and will be returning with a report.

Councilmember Lesser asked if the attendance at the Chamber of Commerce "Best of Manhattan" was something that needed to be reported with regards to AB1234.

City Clerk Liza Tamura confirmed that it is reported on FPPC Form 802.

Mayor Powell announced that at the first meeting in November, during the ceremonial item, the City will be presented with an Environmental Sustainability Award.

R. RECEIVE AND FILE ITEMS

Mayor Powell opened the floor to public comment.

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

A motion was made by Councilmember Howorth, seconded by Councilmember Lesser, that Item Nos. 22 and 23 be received and filed. The motion carried by the following vote:

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

- 22.** Financial Reports: [14-0408](#)
- a) Schedule of Demands: September 11, 2014
 - b) Investment Portfolio for the Month Ending August 31, 2014
 - c) Financial Reports for the Month Ending August 31, 2014
(Finance Director Moe).

RECEIVE AND FILE

This item was received and filed.

- 23.** Commission Minutes: [14-0439](#)
- This item contains minutes of City Council subcommittees and 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) Cultural Arts Commission Meeting of August 12, 2014
(Parks and Recreation Director Leyman).
 - b) Parks and Recreation Commission Meeting of August 25, 2014
(Parks and Recreation Director Leyman).
 - c) Planning Commission Meeting of September 10, 2014
(Community Development Director Thompson).

RECEIVE AND FILE

This item was received and filed.

S. ADJOURNMENT

At 12:58 AM the Regular City Council Meeting was adjourned to the Adjourned Regular City Council Meeting (Closed Session) at 9 AM Wednesday, October 15,

2014, in the City Council Chambers, at City Hall, in said City.

Matthew Cuevas
Recording Secretary

Wayne Powell
Mayor

ATTEST:

Liza Tamura
City Clerk