

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Final

Tuesday, December 16, 2014

6:00 PM

Regular Meeting

City Council Chambers

4:30 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

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A. PLEDGE TO THE FLAG

Mollie Simms, 5th Grade student at American Martyrs Catholic School led the Pledge of Allegiance.

B. NATIONAL ANTHEM

Matt Yamada, Saxophonist from Mira Costa High School played 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 noted that on Hermosa Beach's City Council tonight was a request from Councilmember Fangary to return to the City Council in January with a resolution opposing the measure, and would like to continue the item until after Hermosa acts.

Mayor Pro Tem Burton made a motion to continue Item No. 8 Discussion of Hermosa Beach's Measure O. and to direct the City Manager to report back to the City Council at the first regular meeting in February with a copy of Measure O, copies of impartial analysis, ballot arguments, Hermosa Beach's proposed drilling for oil and impacts, if any, to Manhattan Beach and a simple draft resolution in opposition with concise and direct recitals. The motion was seconded by Councilmember D'Errico. The motion failed by the following vote:

Aye: 2 - Burton and D'Errico

Nay: 3 - Powell, Lesser and Howorth

F. CEREMONIAL CALENDAR

1. Presentation of the "I ♥ MB Award" to S. Branson. [14-0531](#)
PRESENT

Mayor Powell, on behalf of the City Council, presented the "I ♥ MB Award" to Serene Branson.

G. CITY MANAGER REPORT

Assistant City Manager Nadine Nader introduced Police Chief Eve Irvine who gave a status update on crime prevention efforts.

H. CITY ATTORNEY REPORT

None.

I. CITY COUNCIL ANNOUNCEMENTS AND REPORTS

Mayor Powell recognized the Leadership Manhattan Beach class attending the City Council Meeting.

Councilmember Howorth wished everyone a safe, healthy and Happy Hannukah and a Merry Christmas.

Mayor Powell announced that the deadline for entries for the " I ♥ MB Art Contest" would be extended to Friday at 5:00 PM.

Councilmember Lesser commented on the Manhattan Beach Fireworks being a wonderful addition to our community and thanked all of those involved.

J. COMMUNITY ANNOUNCEMENTS REGARDING UPCOMING EVENTS

Don Gould, Manhattan Beach Library, commented on the new library and noted that it should open in April.

K. PUBLIC COMMENT ON NON-AGENDA ITEMS

Mayor Powell, with consent of the City Council, allowed the youth to speak on an item on the agenda, as it is a school night.

Isabella Bacallao, Hermosa Beach resident, opposed to E & B Oil Drilling.

Max Riley, 6th grader at Hermosa Valley School, spoke about seeing a great white shark and stated that he is opposed to Measure O to protect the ocean and wildlife.

James Gill, resident, announced new categories for membership in the Historical Society.

George Apostol, resident, spoke on behalf of Leadership Manhattan Beach.

Gerry O'Connor, resident, commented that he was troubled by the Manhattan Village Mall decision and provided a list of items that he wants to see back on the agenda.

L. CONSENT CALENDAR

Item No. 5 was pulled by Gerry O'Connor

Mayor Pro Tem Burton pulled Item No.3.

A motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Burton, to approve the Consent Calendar Item Nos. 2-5 with the exception of Item Nos. 3 and 5. The motion carried by the following vote:

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

2. Ordinance No. 14-0023 Amending and Restating Municipal Code Provisions Governing Franchises for Vehicles for Hire (City Attorney Barrow). [ORD 14-0023](#)
ADOPT ORDINANCE NO. 14-0023

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

3. Award of Five-Year Taxicab Franchises to All Yellow Taxi, Inc., Bell Cab Company, Inc., United Independent Taxi Drivers, Inc. and Yellow Cab of South Bay Cooperative, Inc. Effective January 1, 2015 (First Year Revenue of \$152,295) (Finance Director Moe). [14-0532](#)
APPROVE

This Item was removed from the Consent Calendar and heard later under Item No. O.

4. Approve License Agreement (Pole Use Agreement) Between Southern California Edison and the City of Manhattan Beach (Public Works Director Olmos). [CON 14-0058](#)
APPROVE

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

5. Minutes: [14-0346](#)
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 Adjourned Regular Meeting-Closed Session of December 2, 2014
APPROVE
 - b) City Council Regular Meeting of December 2, 2014
CONTINUED TO A FUTURE MEETING
(City Clerk Tamura).

This Item was removed from the Consent Calendar and heard later under Item No. O.

M. PUBLIC HEARINGS

None.

N. GENERAL BUSINESS

6. Status Report on Historic Preservation Ordinance and Mills Act [14-0524](#)
(Community Development Director Lundstedt).

RECEIVE

Mayor Powell introduced Community Development Director, Marisa Lundstedt who provided background information on Historic Preservation and then introduced Planning Manager, Laurie Jester who provided the staff presentation.

Planning Manager Jester responded to City Council questions.

Mayor Powell opened the floor to public comments.

Jan Dennis remarked that she didn't think that the Planning Commission is trained to be a landmark committee.

Jane Guthrie, resident, conveyed her thoughts that there needs to be a Historic Preservation Commission or Committee with requirements for being a member.

Esther Besbris, resident, asserted that the Historical Society Conservancy should oversee the Historical Preservation.

Marcello Vavala, Preservation Associate of the Los Angeles Conservancy, shared that they are pleased with the progress and they want to continue to offer their assistance.

Gerry O'Connor noted that he feels there is a disconnect between the staff report and timing.

Bill Victor, resident, stated that he wanted to see more specifics, rather than vague benchmarks.

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

A motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Burton, that this item be received and filed and for Staff to return in February with further refinements. The motion carried by the following vote:

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

At 7:44 PM City Council recessed and reconvened at 7:53 PM with all Councilmembers present.

7. Report on the 2014 International Surf Festival's Charlie Saikley Six-Man Beach Volleyball Tournament and Recommendation to Hold the 2015 Tournament on Thursday, July 30 and Friday, July 31, 2015 (Parks and Recreation Director Leyman).

[14-0508](#)

APPROVE

Mayor Powell introduced Parks and Recreation Director Mark Leyman who stated that Sports and Aquatics Manager Jessica Vincent and Police Captain Tim Hageman would give the presentations.

Sports and Aquatics Manager Jessica Vincent presented a PowerPoint Presentation with background information on the tournament.

Police Captain Hageman provided a PowerPoint Presentation regarding arrests and reduced personnel.

Parks & Recreation Director Leyman, Sports and Aquatics Manager Vincent and Police Captain Hageman responded to City Council questions.

Mayor Powell opened the floor to public comment.

Bill Victor, stakeholder, thinks it is bad judgment to move the tournament days.

Chris Brown, President of California Beach Volleyball Association, stated that it is a unanimous decision of the committee to change the tournament days and that the trend now is unsustainable. He further added that it is hard to get sponsorships midweek.

Gerry O'Connor remarked that from a financial stand point more information and more statistics are needed.

Kelly Stroman, Downtown Business Association, acknowledged that the association is in support of moving the event to Thursday/Friday and also how important the history of this event is to Manahattan Beach.

Jay Saikley, Tournament Director, explained the background of the tournament and how social media changed the nature of the event.

Denny Smith, resident, reiterated how much the tournament means and the need to move to Thursday/Friday.

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember Howorth, to hold the tournament on Thursday/Friday and have staff work with the promoter to increase sponsorships. The motion carried by the following vote:

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

At 9:06 PM City Council recessed and reconvened at 9:16 PM with all Councilmembers present.

O. ITEMS REMOVED FROM THE CONSENT CALENDAR

3. Award of Five-Year Taxicab Franchises to All Yellow Taxi, Inc., Bell Cab Company, Inc., United Independent Taxi Drivers, Inc. and Yellow Cab of South Bay Cooperative, Inc. Effective January 1, 2015 (First Year Revenue of \$152,295) (Finance Director Moe). [14-0532](#)

APPROVE

Mayor Powell introduced Finance Director Bruce Moe.

Finance Director Moe and City Attorney Quinn Barrow responded to City Council questions.

Mayor Powell opened the floor to public comment.

Martha Andreani, resident, spoke of the taxi drivers littering with their cigarette butts.

Jackie May, resident, echoed the littering comments and noted an issue of the taxi cabs double parking.

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

A motion was made by Councilmember Lesser, seconded by Mayor Powell to Award a Five Year Taxicab Franchises to All Yellow, Bell, South Bay Yellow and United Independent Cab Companies to Provide Taxicab Services Commencing January 1, 2015 Through December 31, 2019, with an amendment to the subcontractor contract to include the following language: Lessor (taxicab driver) acknowledges and understands that Manhattan Beach Municipal Code Chapter 4.108 contains regulations regulating taxicabs and other vehicles for hire, including a provision that during specified hours no driver shall stand or park while awaiting employment at any place other than a taxicab stand, except for the act of loading and unloading of passengers.

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

5. Minutes:[14-0346](#)

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 Adjourned Regular Meeting-Closed Session of December 2, 2014

APPROVE

b) City Council Regular Meeting of December 2, 2014

CONTINUED TO A FUTURE MEETING

(City Clerk Tamura).

Mayor Powell asked for clarification on when the December 2, 2014 minutes would be on the agenda.

City Attorney Quinn Barrow and City Clerk Liza Tamura responded that the minutes would be on the January 6, 2015 agenda.

Mayor Powell opened the floor to public comment.

Gerry O'Connor stated his concern about the meeting minutes not being published at the next meeting.

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

A motion was made by Councilmember Lesser, seconded by Councilmember Howorth, to approve the Regular Meeting-Closed Session, December 2, 2014, and to amend bringing the Regular Meeting, December 2, 2014 on the January 6, 2015, instead of January 20, 2015. 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

8. Request by City Council to Discuss and Provide Direction Regarding The City of Hermosa Beach's Measure O which proposes the adoption of an ordinance that would grant The City of Hermosa Beach's approval to E&B Natural Resources Management Corporation's oil and gas drilling and production project at the City of Hermosa Beach's maintenance yard at 555 Sixth Street (Please note attachments have been revised on December 11, 2014).

[14-0542](#)

DISCUSS AND PROVIDE DIRECTION

Mayor Powell introduced this item.

City Attorney Quinn Barrow responded to Councilmember questions.

Mayor Powell opened the floor to public comment.

Craig Cadwallader, resident and representing the Surfrider Foundation, expressed his concerns about not being able to vote on this measure, but as a resident he will be exposed to things, if there were an oil spill.

Jose Bacallao, Hermosa Beach resident and staff member of Heal the Bay, feels the potential to drill wells in Hermosa Beach is very risky.

Betsy Ryan, Hermosa Beach resident, asked the City Council to pass a resolution opposing Measure O. She then read a letter that one hundred Manhattan Beach residents signed.

Phil Freidel, Hermosa Beach resident, spoke about the potential effects of oil drilling in Hermosa Beach.

Joe Galliani, South Bay 350 Climate Action Group, indicated that it is the responsibility of the people that live by the beach to protect it.

Diane Wallace, resident, spoke about the negative impacts of drilling.

Gerry O'Connor, resident, asserted that the City Council needs to take action.

Marie Colmey, resident, conveyed that there isn't enough information for City Council to consider the issue this evening.

Martha Andreani, resident, stated there is no positive impact and is opposed to the drilling.

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

Discussion continued with all City Councilmembers.

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember Howorth, to direct the City Manager to report back at the first meeting in February with a copy of Measure O, copy of impartial analysis, copies of the ballot arguments, staff to do an analysis of the impacts on Manhattan Beach, a simple draft resolution with recitals, and to publish as soon as possible on the City's website the April 14, 2014, letter with responses.

A friendly amendment was made by Councilmember Howorth to include a draft that says we are concerned about the responses and may take further action.

The motion passed by the following vote:

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

9. Request by Mayor Pro Tem Burton to Discuss the Blue Strand Benches.

[14-0543](#)

DISCUSS AND PROVIDE DIRECTION

Mayor Pro Tem Burton would like to direct staff to not install any more of the blue benches and make sure the color is the color City Council approved and direct the City Manager to come back with a revised policy for the Strand Bench Program.

Parks and Recreation Director Mark Leyman confirmed that this was the original color and that the original design was open ended.

Mayor Powell opened the floor to public comment.

Marie colmey, resident, relayed that the bench is uncomfortable and she doesn't like them.

Gerry O'Connor alleged this was a potential Brown Act violation, because he didn't feel it was properly agendized.

city Attorney Barrow confirmed that it was properly agendized.

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 cease installation of the benches, until Staff reports back to the City Council with proposed policies on the Strand Alcove Bench program. The motion carried by the following vote:

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

Councilmember Lesser would like to discuss the role of the Library Commission and seek direction from the City Council and the County and to have this discussion before the opening of the new library in April.

Mayor Pro Tem Burton requested that the City Attorney separate Case Settlement Protocol and Risk Management as Case Settlement Protocol could be done relatively quickly.

City Attorney Barrow will bring back informational memo

Mayor Pro Tem Burton would like to discuss the IT Director position at the mid year budget review in February and possibly have the consultant come back and explain why the position is necessary.

Mayor Pro Tem Burton direct City Manager and Staff to review prior City Council Sunshine Ordinance documents and report back with a suggested ordinance, if appropriate. Councilmember Lesser would also like to include the log of Public Records Requests.

Councilmember Lesser asked when the next opportunity would be to discuss the Strategic Plan. City Manager Danaj responded in March after the election.

Mayor Powell would like to get direction on amending the resolution and what it takes to get an item on the agenda, rather than having two Councilmembers, it should be based on a majority vote.

Councilmember Lesser requested a review of overall meeting management.

R. RECEIVE AND FILE ITEMS

Mayor Powell opened the floor to public comment.

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

A motion was made by Councilmember Howorth, seconded by Mayor Pro Tem Burton that Item Nos. 10 and 11 be received and filed. The motion carried by the following vote:

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

- 10.** Financial Reports: [14-0523](#)
a) Schedule of Demands: November 20, 2014
b) Investment Portfolio for the Month Ending October 31, 2014
c) Financial Reports for the Month Ending October 31, 2014
(Finance Director Moe).

RECEIVE AND FILE

This item was received and filed.

11. Commission Minutes:

[14-0538](#)

This item contains action 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) Finance Subcommittee Meeting of December 1, 2014

RECEIVE AND FILE

This item was received and filed.

S. ADJOURNMENT

At 11:36 PM the Regular City Council Meeting was adjourned to the 5:00 PM Adjourned Regular Meeting (Closed Session) on January 6, 2015, in the City Council Chambers, at City Hall, in said City.

Matthew Cuevas
Recording Secretary

Wayne Powell
Mayor

ATTEST:

Liza Tamura
City Clerk