

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Tuesday, November 18, 2014

6:00 PM

Regular Meeting

City Council Chambers

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

Sarah Fry led the Pledge of Allegiance.

B. NATIONAL ANTHEM

Ryan Koch and Joseph Olivas, tuba players from Manhattan Beach Middle 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

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

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

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

F. CEREMONIAL CALENDAR

- 1. Presentation of a Commendation to Community Development Director Richard Thompson in Recognition of his Dedicated Service to the City of Manhattan Beach. [14-0494](#)

PRESENT

Mayor Powell, on behalf of the City Council, presented a Commendation to retiring Community Development Director Richard Thompson, for his nineteen years of service to the City of Manhattan Beach.

- 2. Recognition of Manhattan Beach Community Emergency Response Team (CERT) Emergency Medical Response (EMR) Callout Team Members. [14-0443](#)

PRESENT

Mayor Powell introduced the President of the Community Emergency Response Team (CERT) George Butts and Emergency Medical Technician Arthur Herring who

gave a brief description of the CERT Program.

Mayor Powell, on behalf of the City Council, presented the "I ♥ MB Award" to the CERT members in recognition of their service to the Community, to: Arthur Herring, Jeanne Hendricks, Mark Lipps, Mervis Reissig, Christopher Richardson, Linda Sanders, Dennis Takahashi, Robert Waldron, Paul Williams, Wasi Ahmed Yousaf and two members unable to attend Nancy Carlson and Chelsea Leyshock.

3. Presentation of a Proclamation Declaring November 20, 2014, as the Great American Smokeout Day.

[14-0513](#)

PRESENT

Mayor Powell, on behalf of the City Council, presented a Proclamation declaring November 20, 2014, as the "Great American Smokeout Day" to Public Works Director Tony Olmos who provided a summary of the Breathe Free Program (a city-wide comprehensive smoking ban).

G. CITY MANAGER REPORT

City Manager Mark Danaj read his information memo regarding his decision not to fill the four recently created positions. The memo is posted on the City website and has been distributed through other media channels.

H. CITY ATTORNEY REPORT

None.

I. CITY COUNCIL ANNOUNCEMENTS AND REPORTS

Mayor Pro Tem Burton announced that the Manhattan Beach Chamber of Commerce is launching its "Young Entrepreneur's Program" at the Manhattan Beach Middle School and High School and applications are due December 1, 2014.

Mayor Powell reported that the "25th Downtown Open House and Pier Lighting" will be Wednesday evening November 19, 2014. Mayor Powell will "flip the switch" to light the Pier and he will be assisted by Annica, a first grade student at Pennekamp Elementary School. He further added that the "Dine and Discover Lunch" will be on Thursday, November, 20, 2014, at the Joslyn Community Center and the topic for discussion will be "Dial-A-Ride and Transportation Around Manhattan Beach".

J. COMMUNITY ANNOUNCEMENTS REGARDING UPCOMING EVENTS

At 6:36 PM the video portion of the meeting resumed.

Patrick McBride, Senior Advisory Committee, announced that on December 6, 2014, there will be an intergenerational event at the Joslyn Community Center from 9 AM to 12 PM.

Mayor Powell complimented Councilmember Lesser for his Centennial Historical Outlook Presentation (during the Centennial) and recommended the books of Jan Dennis to learn more about the history of Manhattan Beach.

Peter F. Gmitter, on behalf of Patricia Jones, Director of the PS I Love You Foundation, reported the annual collection for the Holiday Toy Drive on the southeast corner of Manhattan Ave and Manhattan Beach Boulevard.

Don Gould, Manhattan Beach Library, reported upcoming library events.

K. PUBLIC COMMENT ON NON-AGENDA ITEMS

Mayor Powell opened the floor for public comment.

Vicky Neuman, applauds the Manhattan Village Mall new proposal being placed on the website and made public. She feels disappointed that the developer has resurfaced and asked the City for such swift action. She spoke about the new deal from Duetsche Bank and its relation to Fry's electronics' staying or moving. Expressed concern regarding Phase One completion due to parking issues. Believes that the December 2nd Council Meeting could potentially be a challenge due to the holiday, making it difficult for resident input.

Mayor Powell noted Community Development Director Richard Thompson will be coming back on December 2, 2014, for the City Council Meeting.

Adam Goldston, resident, spoke about this past weekend and a group swimming in the ocean. Spoke about a great white shark they saw in the water with them while swimming. Spoke about the minutes of the Aug 12, 2014, City Council minutes and how the City Council asked staff to look at a potential Marine Protection Area/Act designation and also an allocation of funds for working with Heal the Bay and their program to assist with education and fishing on the pier, and is asking for a follow up on those items. Offered to assist in any way even if its in a study council to look into opportunity a little deeper.

Mayor Powell gave an update about the Shark Presentation with Professor Chris Lowe from California State University Long Beach and the Heal the Bay presentation. The Mayor asked the City Manager for an update about the items that were mentioned.

City Manager Mark Danaj stated he will have an update with Coastal Commission and other coordination with the state in January.

Craig Cadwalder, Resident, Chair of the Surfrider Foundation Southbay Chapter, and Co-chair of the Community Choice Power in the South Bay Group, spoke in favor of the previous speaker and the shark. Spoke about the community choice aggregation study from today in Hermosa. There were no comments on public opposition at all. Next steps to meet with Carson, Inglewood and Hawthorne. Moving forward with the projects and he appreciate city's support.

Councilmember Burton asked if there is a videotape available of today's presentation?

Craig replied, yes there is.

Mark Neuman, resident/business owner, spoke about the Manhattan Village Mall. Provided a brief background/history of the Manhattan Village Mall project. Spoke about Nov. 5 and not having heard from REEFF and finally was contacted by someone from Duetsche Bank and Joe Saunders. Spoke about the meeting with the Deutsche Bank representatives and their architect. His been trying to work with large bank, 169 days last time he heard from them.

Marie Calmy, resident, thanked Richard Thompson for his service. Has no interest about mall project but is happy to see revised proposal on the Dec 2, 2014, agenda

for the Manhattan Village Mall. Looks forward to Council's timely attention to the matter.

Jan Dennis, resident, introduced Tim McGuire and his proposal to save the George Peck Home.

Tim McGuire, resident, asking for Council's help to save the George Peck home which was recently sold. Believes we need to preserve the Peck home and proposing we move the home to Bruce's Beach. Provided some preliminary figures for the move and potential grant money from Chevron. Concluded with the Historical Society's Mission Statement.

Mayor Powell explained we can't take action tonight because of Brown Act but later in meeting we can speak about the issue and agendaize it for a future meeting.

Arpad Pallai, resident, spoke about the four new positions and the cost.

Mayor Powell, explained that those positions are being postponed and the info is on the city website and was provided earlier during the City Manager update.

Arpad Pallai, resident, asked if he could continue his speech. Mr. Pallai proceeded about the positions and didn't feel the City needed those positions and that City staff can perform functions with current or even reduced staff levels. Asked Council to take care of taxpayers of Manhattan Beach.

Mayor Wayne Powell seeing no further comment, closed comment period.

L. CONSENT CALENDAR

Item No. 6 was pulled by Nick Sammadi.

A motion was made by Councilmember Howorth, seconded by Mayor Pro Tem Burton, to approve the Consent Calendar Items No. 4-13 with the exception of Item No. 6 and to allow the speaker to speak on this item after the vote. The motion carried by the following vote:

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

4. Final Payment in the Net Amount of \$50,112.98 to Nobest, Inc., for the Section 2 Concrete Repair and Miscellaneous Slurry Project; Formally Accept the Section 2 Concrete Repair and Miscellaneous Slurry Project As Complete; Authorize Filing of the Appropriate Notice of Completion and Release Retention in the Amount of \$56,931.19 (Public Works Director Olmos). [14-0382](#)

APPROVE

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

5. Purchase of One Stormwater and Wastewater Pipeline Closed Circuit Television (CCTV) Camera from Atlantic Machinery, Inc. in the Amount of \$79,167 (Public Works Director Olmos). [14-0501](#)

APPROVE

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

6. Approval of Plans and Specifications for the City Yard Cover Project, [CON 14-0053](#)
Reject the Low Bid and Award a Construction Contract to Creative Home, Inc. DBA CHI Construction (\$672,262) for the City Yard Cover Project, and Award a Professional Engineering Services Contract to Hamilton and Associates, Inc. (\$113,351) for Construction Inspection Services (Public Works Director Olmos).

APPROVE

Item No. 6 was taken out of order and heard after the Consent Calendar vote.

7. Amendment No. 2 to Agreement with Community Works Design Group [CON 14-0054](#)
for Additional Design Services for the Strand Stairs Rehabilitation Project (Public Works Director Olmos).

APPROVE

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

8. Amendment No. 6 to the South Bay Workforce Investment Board Joint [CON 14-0055](#)
Exercise Agreement (Assistant City Manager Nader/City Clerk Tamura).

APPROVE

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

9. Award Contract to General Pump Company, Inc. to Provide Chemical [CON 14-0056](#)
Treatment and Mechanical Well Head Reconditioning of Well 11A; Appropriation of \$122,738 from the Water Fund Available Fund Balance (Public Works Director Olmos).

APPROVE AND APPROPRIATE

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

10. Ordinance No. 14-0017 Amending and Restating Municipal Code [ORD 14-0017](#)
Provisions Governing Nuisances and Nuisance Abatement Procedures (City Attorney Barrow).

ADOPT ORDINANCE NO. 14-0017

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

11. Adopt Ordinance No. 14-0020 Amending Chapter 4.108 of the [ORD 14-0020](#)
Manhattan Beach Municipal Code (Vehicles for Hire) to Update the Requirements for Clean Air Vehicles (Finance Director Moe).

ADOPT ORDINANCE NO. 14-0020

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

12. Reject all Bids for the Strand Stairs Rehabilitation Project; Reject all [14-0497](#)
Bids for the Strand Wall Repair and Enhancement Project (Public Works Director Olmos).

APPROVE

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

- 13. Minutes: [14-0345](#)

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 October 21, 2014
- b) Special City Council Meeting of November 6, 2014 (City Clerk Tamura).

APPROVE

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

The following item was taken out of order.

O. ITEMS REMOVED FROM THE CONSENT CALENDAR

- 6. Approval of Plans and Specifications for the City Yard Cover Project, [CON 14-0053](#)

Reject the Low Bid and Award a Construction Contract to Creative Home, Inc. DBA CHI Construction (\$672,262) for the City Yard Cover Project, and Award a Professional Engineering Services Contract to Hamilton and Associates, Inc. (\$113,351) for Construction Inspection Services (Public Works Director Olmos).

APPROVE

This item was taken out of order.

Nick Sammadis, contractor, spoke about receiving a rejection letter for the City Yard Cover Project.

Public Works Director Tony Olmos responded to the speakers questions.

City Attorney Quinn Barrow responded to City Council questions.

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 Howorth, to approve the staff recommendation for this item to reject the Low Bid and Award a Construction Contract to Creative Home, Inc. DBA CHI Construction (\$672,262) for the City yard Cover Project and Award a Professional Engineering Services Contract to Hamilton and Associates, Inc. (\$113,351) for Construction Inspection Services. The motion carried by the following vote:

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

M. PUBLIC HEARINGS

None.

N. GENERAL BUSINESS

14. Consideration of the Parking and Public Improvement Commission's recommendation to uphold an Encroachment Permit Appeal and allow a private water fountain feature in the public Right-of-Way to remain - 130 41st Street (Community Development Director Thompson). [14-0451](#)

DENY APPEAL

Mayor Powell asked if the applicant was present. Mayor Powell confirmed that the applicant was not present and asked the other Councilmembers if they would like to continue the item out of fairness and due process.

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember Lesser, that this item be continued to a future meeting and to direct Staff to contact the appellant to set up a date. The motion carried by the following vote:

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

15. Update on On-Line Civic Engagement Tools and Social Media [14-0500](#)
(Continued from the November 19, 2013 and February 18, 2014 City Council Meetings) (Finance Director Moe).

RECEIVE REPORT

Mayor Powell introduced Information Systems Manager, Leilani Emnace who presented a PowerPoint Presentation.

Information Systems Manager Emnace, Finance Director Bruce Moe and City Manager Mark Danaj responded to City Council questions.

Mayor Powell opened the floor to public comment.

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

Lengthy discussion continued with all Councilmembers and City Manager Danaj regarding e-civic engagement and social media policies. Many suggestions were presented to Staff and they will return with more options in the future.

Councilmember Lesser requested that the next time the item comes back to include some of the first amendment parameters.

A motion was made by Councilmember Howorth, seconded by Councilmember Lesser, that this item be Received and Filed and to allow the City Manager to experiment and go forth with his ideas, not subject to the budget. 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

Mayor Powell stated that he would like to see for future discussion a policy on the use of drones for flying and safety. Hermosa Beach has a policy, but the FAA said they will not have any regulations until 2016. Mayor Powell added that he would like the City Attorney to report back soon.

Mayor Powell and Councilmember Howorth commented that the City Council needs to address the George Peck residence, and possibly moving it to Bruce's Beach. Councilmember Lesser asked about including the possibilities of alternative locations like Polliwog Park. Mayor Pro Tem Burton said Staff should contact Jan Dennis and Tim McGuire because it seems to be a time sensitive issue.

Mayor Pro Tem Burton asked about the upcoming Stormwater presentation and wants to include Utility User Tax (UUT) and the Transient Occupancy Tax (TOT) with this discussion. City Manager Danaj confirmed these items would be together and the date is being determined.

R. RECEIVE AND FILE ITEMS

Mayor Powell opened the floor to public comment.

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

A motion was made by Councilmember Howorth, seconded by Mayor Powell, that this item be Received and Filed. The motion carried by the following vote:

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

16. Financial Reports: [14-0490](#)
Schedule of Demands: October 23, 2014 (Finance Director Moe).
RECEIVE AND FILE

This item was Recived and Filed.

S. ADJOURNMENT

At 8:34 PM Mayor Powell adjourned the Regular City Council Meeting to the 5 PM Adjourned Regular City Council Meeting to be followed by the 6 PM Regular City Council Meeting on Tuesday, December 2, 2014, to be held in the City Council Chambers in said City.

Matthew Cuevas
Recording Secretary

Wayne Powell
Mayor

ATTEST:

Liza Tamura
City Clerk