

CITY OF MANHATTAN BEACH CITY COUNCIL
Tuesday, August 13, 2013
DISCUSSION OF CONSENT CALENDAR

Miscellaneous comments regarding the consent calendar

Councilmember Powell felt that the "Audience Participation" portion of the meeting should be for items "not on the agenda" and suggested rearranging the order of items including pulling items from the "Consent Calendar" after to avoid Brown Act issues. He felt that the "10:30 p.m. Rule" and the "11:00 p.m. Rule" are confusing and suggested that items should be continued to the next meeting if there is insufficient time to address them.

Mayor Pro Tem Howorth stated that meetings provide City Council the opportunity to do its business but that all Councilmembers must be cognizant in order to use the time and to get the work done. She stated that she avoids asking questions to which she knows the answers but recognized the need to inform the public. She added that pulling an item from the "Consent Calendar" to make an inquiry for which an answer is known, is not a good use of time.

In response to Mayor Lesser's inquiry regarding items for discussion under "Audience Participation", City Attorney Barrow reported that the policy was changed in November and noted that under the Brown Act, an opportunity must be provided to the public to speak on items that were not pulled from the "Consent Calendar". He added that one approach is to maintain what currently exists or changing the order of the agenda under "Audience Participation" to allow public input on matters not on the agenda and schedule the "Consent Calendar" later in the meeting and provide an opportunity for public comment at that time.

City Attorney Barrow presented another option to allow, at the time of the "Consent Calendar", pulling items and providing the public an opportunity to speak on items *that were not pulled* prior to making a motion adopting the "Consent Calendar".

Public Comments

The Mayor opened the floor for public comments.

Esther Besbris commented on the times designated for items on the agenda and wondered why so many items are included to be heard which time would not permit. People would attend, expecting an item to be heard, but it could not happen. She also commented on items placed under the "Consent Calendar" and the benefit of allowing the public to pull items from it prior to City Council pulling items.

Ms. Besbris was allowed additional time to complete her comments.

Ms. Besbris felt that residents should be allowed to pull items from the "Consent Calendar" first and address those items before City Council pulls items in order for City Council to learn of the residents' specific concerns. With respect to placing items on agendas, she felt that the request should be considered by City Council so that if residents request placing items on the agenda, City Council will know what the resident wants.

Additional comments regarding the consent calendar

Mayor Pro Tem Howorth commented on motions that she would like to make. She commented on the "Consent Calendar" and having Councilmembers pull items before the public with the intent of moving the meeting forward. She stated that she had not realized that it caused frustration for the residents. Therefore, she proposed having the public pull "Consent Calendar" items prior to Councilmembers doing so.

Councilmember Burton thought the issue could be discussed when the "Consent Calendar" is addressed.

Discussion followed regarding moving the "Consent Calendar" after General Business items. Mayor Lesser understood that there would not be an opportunity to pull "Consent Calendar" early on in the meeting but instead would move the entire "Consent Calendar" until later on in the meeting.

City Attorney Barrow stated that is Councilmember D'Errico's proposal, that there are other ways of doing it, but that is the option being proposed. He commented on the practices of other cities which are another alternative.

Councilmember D'Errico explained the intent of his proposal and his objective.

Councilmember Powell suggested having the "Consent Calendar" occurring prior to "Audience Participation" and allowing them to comment on "Consent Calendar" items that were not pulled during "Audience Participation".

City Attorney Barrow reported that before taking action on the "Consent Calendar", the public must be given the opportunity to comment. He added that relevant to the "Consent Calendar" would be what is appropriate to include in the "Consent Calendar".

Mayor Lesser stated it is helpful for people to know at the beginning of the meeting, what items will be discussed and what will not and commented on issues that must be considered such as paying hourly employees for time waiting for their items to be heard towards the end of the meeting.

Councilmember Burton spoke in support of the item as a pilot program, noting that people will have to wait until the end of the meeting to address items pulled from the "Consent Calendar". He noted the need to get the "Consent Calendar" in order. He felt that items on the "Consent Calendar" should be routine business items and there are items included that are clearly not routine. He stated he'd rather have the "Consent Calendar" placed towards the end of the agenda until the matter is resolved and then bring the item back before City Council.

Mayor Lesser reiterated concerns regarding moving the entire "Consent Calendar".

Councilmember Burton proposed deferring the discussion until discussions occur on the "Consent Calendar" itself.

Mayor Pro Tem Howorth suggested deferring discussion on the "Consent Calendar" until after lunch and receive public comment at this time.

City Council deferred discussion of Items removed from the "Consent Calendar" to discussions regarding the "Consent Calendar".

Consent Calendar Items and “Pulling” of Consent Calendar Items

Discussion followed regarding issues related to the “Consent Calendar”.

Regarding the type of matters on the “Consent Calendar”, City Attorney Barrow referenced the current language in the resolution and felt these need to be updated. He addressed what other cities typically include in the “Consent Calendar” as presented in the staff report.

Councilmember Powell concurred with the items on the list, with the exception of critical policies, feeling that those should not be on the “Consent Calendar”. He suggested adding language indicating “including, but not limited to the following items”.

Councilmember Burton commented on the significance of some of the listed items and did not feel they should be included under the “Consent Calendar”. If an item is of a significant dollar amount or piece of property, it should not be considered as a routine business item.

Mayor Lesser commented on the efficiency of having items on the “Consent Calendar”. He suggested giving direction to the City Attorney to return with examples of the types of items that could be considered routine.

Mayor Pro Tem Howorth stated that the matter needs further definition and expressed concerns with the length of meetings. She liked the idea of specifying a dollar amount as criteria for placing an item on the “Consent Calendar”.

Councilmember D'Errico stated the need to better define routine and non-routine items.

Councilmember Burton stated that full briefings are needed on certain items and not on others.

Discussion followed regarding the possibility of referencing that “Consent Calendar” items are routine and customary as well as the applicable resolution.

City Attorney Barrow noted that the issue can be a judgment call as to whether or not to place an item on the “Consent Calendar”.

Councilmember Powell commented on practices of other cities and stated the practice of identifying “Consent Calendar” items is routine and customary.

Discussion followed regarding placing second reading of ordinances under the “Consent Calendar”.

Regarding removal of “Consent Calendar” items by the public, Mayor Pro Tem Howorth supported allowing the public to pull items from the “Consent Calendar” prior to Councilmembers doing so.

Councilmember Powell concurred with a prior speaker's suggestion of explaining why items are being pulled.

Mayor Lesser added that the public could explain why they pulled an item at the time it is addressed.

Mayor Pro Tem Howorth commented on the benefits of allowing the public to explain why they are pulling an item at the time they pull the item.

Councilmember Burton felt that the suggestion has value, is more meaningful and more respectful.

Councilmember Powell pointed out that sometimes it may involve answering a simple question rather than pulling an item.

Councilmember D'Errico commented on the possibility of multiple people pulling the same item and explaining why they are doing so.

Regarding whether the "Consent Calendar" should be moved to a different place on the agenda, Mayor Pro Tem Howorth stated that originally, she thought it was a good idea but has changed her mind, subsequently.

The Mayor opened the floor for public comments.

Ed Caprielian suggested that City Council identify which items cannot be included in the "Consent Calendar", i.e., strategic planning. He reiterated his comment regarding submission of written comments by the public on oral agenda items or items not on the agenda.

In response to an inquiry from Mayor Lesser, Mr. Caprielian felt that educating the public as well as City Council would have value.

The Mayor hoped that the new Granicus module will provide another platform for the public to comment on agenda items prior to meetings.

Mr. Caprielian noted there may be times when the public may not be able to attend a meeting but would still like the opportunity to address items on the agenda. He acknowledged mechanical challenges regarding the issue.

Mayor Lesser closed the public comment period.

Regarding the types of matters to include on the "Consent Calendar", Mayor Lesser felt that the list submitted by the City Attorney needs additional work.

Mayor Pro Tem Howorth commented on wanting guidelines but not total limits.

City Attorney Barrow suggested allowing his office to develop recommendations noting that the key is to provide the flexibility to the City but still provide the public with the opportunity to know which items are appropriate for the "Consent Calendar". He recommended returning with a report at the same time the resolution is presented addressing the items presently discussed.

Councilmember Powell commented on practices by other cities and on items requiring robust discussions and those not. He felt the list is a good starting point but needs further refinement.

Deliberation and Motions

A motion was made by Councilmember Burton, seconded by Councilmember Powell and carried (5 – 0) to direct the City Attorney to draft a report to present at the time of the resolution making recommendations regarding appropriate items to place on the "Consent Calendar" and include as attachments, exemplars of Consent agendas.

City Attorney Barrow commented on items that have been routinely included in the "Consent Calendar" that do not require City Council approval.

City Manager Carmany listed ways to address those items, including increasing the approval authority for certain items or bid an entire service for an entire year.

City Attorney Barrow recommended including in his report items that have been included in the "Consent Calendar" that don't belong on the "Consent Calendar" or the agenda and ways of resolving the issue.

Brief discussion followed regarding not needing for City Council to see every progress payment on certain items.

Councilmember Burton felt that is a significant matter and merits consideration at another time.

A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Burton and carried (5 – 0) to start including first and second readings of ordinances, on the consent calendar, when appropriate.

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Howorth to allow the public to pull items from the "Consent Calendar" prior to City Council doing so, by coming to the podium to make that request. Discussion followed regarding a member of the public who felt strongly that City Council should pull items prior to the public. The motion carried (5 – 0).