

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Tuesday, May 6, 2014

6:00 PM

Regular Meeting

City Council Chambers

5:00 PM Adjourned Regular Meeting - Closed Session

City Council

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

**FOR A COMPLETE RECORD OF THIS CITY COUNCIL MEETING,
PLEASE NOTE THAT THE CITY ARCHIVES THE VIDEO RECORDINGS
OF ALL REGULAR CITY COUNCIL MEETINGS
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A. PLEDGE TO THE FLAG

Nancy Hersman led the Pledge of Allegiance.

B. ROLL CALL

C. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

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

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

Acting City Manager Bruce Moe asked for Item No. 22 (Progress Report on the Agreement with the Chamber of Commerce to Provide Economic Services) to be continued to the next meeting.

Councilmember Burton asked to move Item No. 25 (Planning Commission Approval of a Use Permit Amendment and Height Variance for a Proposed Market with Off-Site Alcohol Sales and On-Site Tastings, Parking Deck, and other Site Alterations to Existing Retail Center, Manhattan Place, at 1133 Artesia Boulevard) to a General Business Item.

City Attorney Quinn Barrow said that Item No. 25 is not noticed as a public hearing, but it could be moved to the Consent Calendar.

A motion was made by Mayor Pro Tem Powell, seconded by Councilmember Lesser, that the agenda be approved with Item No. 22 moved to the next meeting and Item No. 25 moved to the Consent Calendar. The motion carried by the following vote:

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

E. CEREMONIAL CALENDAR

1. Proclamation Declaring May 2014, as Older American's Month. **14-0201**
PRESENT

Mayor Howoth on behalf of the City Council presented a Proclamtion to Diane Campisi declaring May 2014 as Older Americans' Month.

2. Proclamation Declaring National Municipal Clerks Week (May 4 - 10, 2014). **14-0202**
PRESENT

Mayor Howoth on behalf of the City Council presented a Proclamtion to City Clerk Liza Tamura declaring National Municipal Clerks Week (May 4-10, 2014).

3. Proclamation Declaring May 10, 2014, as National Fire Service Recognition Day. **14-0203**
PRESENT

Mayor Howoth on behalf of the City Council presented a Proclamtion to Fire Chief Bob Espinosa declaring May 10, 2014 as National Fire Service Recognition Day.

4. Proclamation Declaring National Peace Officers Memorial Day/ Police Week (May 11 - 17, 2014). **14-0204**
PRESENT

Mayor Howoth on behalf of the City Council presented a Proclamtion to Police Chief Eve Irvine declaring National Peace Officers Memorial Day/Police Week (May 11-17, 2014)

5. Proclamation Declaring National Public Works Week (May 18 - 24, 2014). **14-0205**
PRESENT

Mayor Howoth on behalf of the City Council presented a Proclamtion to Public Works Director Tony Olmos declaring National Public Works Week (May 18-24, 2014).

F. CITY MANAGER REPORT

Acitng City Manager Bruce Moe gave an update on Plan Commission Meetings regarding the 900 Club and the Shade Hotel. He also reported on new updates to the City Council Chambers and Police/Fire Conference Room which will enable the Budget Study Sessions to be broadcast form there. He further added that Police Chief Irvine, Fire Chief Espinosa and City Clerk Tamura attended conferences and reports are on file in the City Clerk's office.

G. CITY ATTORNEY REPORT

None.

H. CITY COUNCIL ANNOUNCEMENTS AND REPORTS

Councilmember Lesser reported on participating in a round table discussion with the Public Utilities Commission.

Mayor Pro Tem Powell announced May is National Military Appreciation Month and American Stroke month. He also announced the Older Adults Health Fair on Friday, May 16, 2014, at the Joslyn Community Center.

Councilmember Burton shared that he went on a ride along with Code Enforcement Officer Jackie Harris and learned a lot about abandoned houses.

Councilmember D'Errico reminded everyone that Sunday is Mother's Day.

I. COMMUNITY ANNOUNCEMENTS REGARDING UPCOMING EVENTS

Viet Ngo urged all to honor mothers of the land.

Don Gould, Manhattan Beach Librarian shared upcoming library events..

J. PUBLIC COMMENT ON NON-AGENDA ITEMS

Robert Bush spoke on McPherson Oil.

Blake Smith, Leadership Manhattan Beach 2014, discussed completion of the class project at the Tot Lot and said that the class is graduating May 15, 2014.

Lori spoke on Manhattan Village expansion.

Viet Ngo spoke about the meetings on the weekends and alleged improper City Council activities.

George Butts, CERT'S Representative, announced an event on Saturday and asked for volunteers to be part of a disaster exercise.

Jessica Curtis suggested including in the budget the formation of a dog committee to study the impact of the growing dog population.

K. CONSENT CALENDAR

Item No. 16 was pulled by Viet Ngo.

Item No. 25 was pulled by Councilmember Burton.

Mayor Howorth commented on the approval of Item No. 14 awarding the Pathway to the Sea Project and noted that Evelyn Frey has been working for six years to get this done.

A motion was made by Mayor Pro Tem Powell, seconded by Councilmember Lesser to approve the Consent Calendar (Items Nos. 6 thru 18) except for Item Nos. 16 and 25 (Item 25 moved to the Consent Calendar earlier in the meeting). The motion carried by the following vote:

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

6. Award of a Three-Year Contract to Municipal Emergency Services, Inc. for the Purchase of Replacement and New Firefighter Personal Protective Equipment with an Estimated Total Value of \$114,800 (Acting City Manager Moe). **CON 14-0022**

APPROVE

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

7. Award of Bid to M&M Lifts, Inc. for the Budgeted Purchase of One Replacement Aerial Lift Truck in the Amount of \$103,688.05 (Acting City Manager Moe). **14-0175**

APPROVE

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

8. Donation of One Surplus 2001 Ford F150 Truck and One 2003 GEM Electric Cart to the El Camino College Police Department (Acting City Manager Moe). **14-0190**

APPROVE

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

9. Award of Bid to Wondries Fleet Group for the Budgeted Purchase of One Replacement Truck Mounted Crane in the Amount of \$198,902.80 (Acting City Manager Moe). **14-0192**

APPROVE; APPROPRIATE

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

10. Consideration of a Three-Year Contract with Lance, Soll & Lunghard, LLP to Provide Professional Audit Services (Estimated Value of \$153,371) (Acting City Manager Moe). **CON 14-0023**

APPROVE

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

11. Cancellation of Existing Order with Electric Car Company of Long Beach for Four Replacement Police Parking Control Vehicles and Re-Award to Municipal Maintenance Equipment, Inc. in the Amount of \$124,577.19 (Acting City Manager Moe). **14-0214**

APPROVE

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

12. Resolution Approving Assessment Engineer's Report for Annual Levy of Street Lighting Assessments for Fiscal Year 2014-2015 (Acting City Manager Moe). **RES 14-0015**

a) ADOPT RESOLUTION No. 14-0015

b) APPROVE ENGINEER'S REPORT

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

13. Resolution Declaring City Council's Intention to Provide for Annual Levy and Collection of Assessments for Street Lighting Maintenance and Setting of Public Hearing for July 1, 2014 (Acting City Manager Moe). **RES 14-0016**

a) ADOPT RESOLUTION NO. 14-0016

b) SET JULY 1, 2014, FOR PUBLIC HEARING

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

14. Award of Contract for the "Pathway to the Sea Project" to STL Landscape Inc. for an Amount Not-to-Exceed \$24,000 (Public Works Director Olmos). **CON 14-0024**

APPROVE

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

15. Ratification of Additional Cost in Connection with Broadcasting System Upgrades and Installation Expenditures with IPTV (TV Pro Gear) in the Amount of \$5,224 (Acting City Manager Moe). **14-0217**

APPROVE

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

17. Third Amendment (\$6,000) to the Professional Engineering Services Agreement with Psomas for Additional Design Services for the Sepulveda Boulevard and 2nd Street Water Main Replacement Project (Public Works Director Olmos). **CON 14-0021**

APPROVE

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

18. Minutes: 14-0200

This item contain minutes of City Council meetings which are presented for approval. Staff recommends that the City Council, by motion, take action to approve the minutes of the:

- a) City Council Adjourned Regular Meeting-Closed Session of March 4, 2014
- b) City Council Regular Meeting of March 4, 2014
- c) City Council Adjourned Regular Meeting-Closed Session of March 10, 2014
(City Clerk Tamura).

APPROVE

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

L. PUBLIC HEARINGS

None

M. GENERAL BUSINESS

At 7:22 PM the City Council recessed and reconvened at 7:31 PM with all Councilmembers present.

19. Appointments to City Boards and Commissions and Declaring Commission Seats Vacant as Appropriate (City Clerk Tamura). 14-0221**APPOINT/REAPPOINT**

The City Council appointed/re-appointed the following individuals to the following Boards & Commissions:

*Planning Commission (Seat No. 3) - Chris Conaway - Reappointed
 Planning Commission (Seat No. 4) - Nancy Hersman
 Planning Commission (Seat No. 5) - Penny Bordokas
 Parking and Public Improvements Commission (Seat No. 1) - Kyle King
 Parking and Public Improvements Commission (Seat No. 2) - George Apostol
 Parking and Public Improvements Commission (Seat No. 3) - Stewart Fournier - Reappointed
 Board of Building Appeals (Seat No. 1) - Michael Kling - Reappointed
 Board of Building Appeals (Seat No. 2) - Cyrus Adami
 Board of Building Appeals (Seat No. 3) - Margaret Napier
 Board of Building Appeals (Seat No. 5) - Chad Woodard
 Parks and Recreation (Seat No. 3) - Janet Jones
 Parks and Recreation (Seat No. 7 Student) - Adam Zaun
 Library Commission (Seat No. 1) - Cheryl Clemons - Reappointed
 Cultural Arts Commission (Seat No. 1) - Jacquelyne May
 Los Angeles Count West Vector Control Board of Trustees (4 year Term) - John Frazee - Reappointed*

A motion was made by Mayor Howorth, seconded by Councilmember D'Errico, that this item be approved. The motion carried by the following vote:

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

At 7:22 PM the City Council recessed and reconvened at 7:31 PM with all Councilmembers present.

Mayor Howorth announced a member of the public requested to speak on the preceding Item No. 19 (Appointments to the Boards and Commissions)

A motion was made by Mayor Howorth, seconded by Councilmember D'Errico to reconsider the Boards & Commission Appointments and open the floor for public comments. The motion carried by the following vote:

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

Mayor Howorth opened the public comments.

Viet Ngo alleged violations of the Brown Act and corruption by the Mayor.

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

Councilmember Burton made a motion, seconded by Councilmember Lesser, to affirm the previously approved appointments/reappointments to the Boards and Commissions. The motion passed by the following vote:

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

Mayor Pro Tem Powell abstained from voting for the Cultural Arts Commission Seat No.1 and had previously recused himself during the discussion of this appointment.

20. Introduction of Fiscal Year 2014-2015 Proposed Operating Budget (Acting City Manager Moe). **14-0168**
RECEIVE REPORT

Finance Director Bruce Moe presented a PowerPoint Presentation regarding the 2014-2015 Operating Budget.

Mayor Howorth stated for the public that the City Council will be going over the budget in depth at the upcoming Budget Study Sessions.

Mayor Pro Tem Powell inquired about medical benefits with employees paying more after offset salary adjustments.

Councilmember Lesser asked Finance Director Moe to talk about what we have to look forward to re the pension costs, the payoff of the bonds and some of the larger concerns.

Councilmember D'Errico inquired about revenue from sales tax, statistics for online buying and consideration for reduced revenue during mall construction.

Mayor Howorth questioned

about setting a goal for various departments to obtain grants and if an Economic Development Director had been considered as a new position.

Finance Director Moe responded to city Council questions

George Butts requested that storage be provided for two CERT Vehicles and other supplies.

Barbara Van Dusen requested that the City hire a full time employee to manage the ceramics studio.

Viet Ngo alleged ongoing voltaions by Mayor Howorth and City Treasurer Tim Lilligren.

Robert Bush spoke about street sweeping fees and undergrounding.

Bill Victor gave a suggestion that part time allocation in hours, should be translated into dollars and that a sales tax analysis should be included regarding the Sepulveda Bridge widening and Manhattan Village Mall construction.

Mayor Howorth closed the public comments.

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

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

At 9:00 PM City Council recessed and reconvene at 9:08 PM with all Councilmembers present.

- 21.** Sepulveda Boulevard Bridge Widening Project - Project Update and Bridge Widening Alternatives (Public Works Director Olmos). **14-0226**
RECEIVE REPORT, SELECT BURIED ARCH CULVERT OPTION, AND PROVIDE DIRECTION

Public Works Director Tony Olmos gave an overview of the Sepulveda Bridge Widening Project and introduced City Engineer Joe Parco who gave a PowerPoint Presentation regarding the background, scope of work, project status and alternatives to the bridge type selection.

Questions were asked by Councilmembers regarding types of funds, easements, lighting, safety and graffiti. Public Works Director Olmos and City Engineer Parco responded.

City Engineer Parco continued with the aesthetic alternatives.

Mayor Howorth opened for public comments.

Bill Victor stated that he liked the second alternative because of the shorter construction time and it would save some sales tax funds.

Mayor Howorth closed the public comments.

Council discussed the aesthetic alternatives.

A motion was made by Mayor Pro Tem Powell, recommending the Arch Culvert Design (Design #2) and also have Manhattan Beach stamped in the design. The motion was seconded by Councilmember Lesser with an amendment to have staff submit a preliminary report back from Caltrans. Councilmember D'Errico also requested an amendment adding that Caltrans guarantees the seismic acceptability of the design. This amendment was accepted by Mayor Pro Tem Powell and Councilmember Lesser. The motion carried by the following vote:

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

Nay: 1 - Burton

- 22.** Progress Report on the Agreement with the Chamber of Commerce to Provide Economic Services (Community Development Director Thompson). **14-0208**
RECEIVE REPORT.

This item was continued to the next meeting by Acting City Manager Bruce Moe during the approval of the Agenda.

N. ITEMS REMOVED FROM THE CONSENT CALENDAR

16. Adjustment of Revenue Services Manager Salary (Acting City Manager Moe). 14-0218

APPROVE

Mayor Howorth opened the item for public comment.

Bill Victor stated that the increase is excessive and this will add to recovery cost.

Mayor Howorth closed the public comment.

Finance Director Moe responded to Council questions.

A motion was made by Councilmember Burton, seconded by Councilmember D'Errico to authorize the salary adjustment. The motion carried by the following vote:

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

25. Planning Commission Approval of a Use Permit Amendment and Height Variance for a Proposed Market with Off-Site Alcohol Sales and On-Site Tastings, Parking Deck, and other Site Alterations to Existing Retail Center, Manhattan Place, at 1133 Artesia Boulevard (Community Development Director Thompson). 14-0209

RECEIVE AND FILE

Councilmember Burton asked for a brief presentation on this project.

Community Development Director Richard Thompson presented three photos on the document reader of the proposed project. Community Development Director Thompson responded to City Council questions and stated that the Planning Commission had imposed many restrictions on the project.

Mayor Howorth opened the public comments.

Bill Victor questioned the potential tenant not being identified and what happens if this tenant doesn't follow through.

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

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

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

O. OPTIONAL ADDITIONAL PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

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

Mayor Howrth suggested agendizing a report on electrical service and what the City has been doing and this was supported by Councilmembers Lesser and Burton.

Councilmember Burton remarked that he would like to introduce substandard unlawful conditions and property abatement. He has spoken with Community Development Director Richard Thompson and would like staff to take over this issue.

Discussion among Councilmembers ensued about placing the RFP to hire a Consultant for the Downtown Specific Plan on the May 20, 2014 agenda.

A motion was made by Mayor Pro Tem Powell to start the May 20, 2014, meeting with the Ceremonial Items, followed by the Mall, with a focused discussion, then followed by term limits, followed by the Downtown Specific Plan, if it is not a reasonable time then Council can decide if it wants to continue the item.

The motion was made by Councilmember Lesser for the May 20, 2014 city Council Meeting Agenda to be Ceremonial, followed by the Mall and then the Downtown Specific Plan RFP. Mayor Pro Tem Powell made a friendly amendment to defer term limits to the June 3, 2014 meeting. A friendly amendment by Councilmember Burton to agendize the term limits on June 3, 2014 as the first item after Ceremonial. Councilmember Burton seconded the motion. The motion passed by the following vote:

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

Mayor Pro Tem Powell commended Councilmember Burton on bringing attention to the issue of blight and asked for update on the property on Highland and 18th Street and also what is happenig with the Rite Aid Property.

Q. RECEIVE AND FILE ITEMS

23. Financial Reports: 14-0146

- a) Schedule of Demands: April 10, 2014.
- b) Investment Portfolio for the Month Ending March 31, 2014.
- c) Financial Reports for the Month Ending March 31, 2014.
(Acting City Manager Moe.)

RECEIVE AND FILE

Mayor Howorth opened the public comment.

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

Mayor Pro Tem Powell commented on Item No. 24 (b) and said that there were no minutes, only the agenda.

City Clerk Liza Tamura stated that Community Development would bring them to the next meeting.

Mayor Pro Tem Powell made a motion to Receive and File, seconded by Councilmember Burton. The motion passed by the following vote:

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

24. Commission Minutes: 14-0206

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) Parks and Recreation Commission Meeting of March 23, 2014
(Parks and Recreation Director Leyman)
- b) Planning Commission Meeting of April 9, 2014
- c) Planning Commission Meeting of April 23, 2014
(Community Development Director Thompson)
- d) Finance Subcommittee Meeting of April 9, 2014
(Finance Director Moe).

RECEIVE AND FILE

Received and Filed with the exception of Item No. 24 (b) which will be brought back to a future City Council Meeting.

R. ADJOURNMENT

At 11:23 PM the May 6, 2014, the Regular City Council Meeting was adjourned to the Thursday, May 8, 2014, 6:00 PM Adjourned Regular Meeting (Budget Study Session No.1) in the Police/Fire Conference Room.

Sandy Shaw
Recording Secretary

Amy Thomas Howorth
Mayor

ATTEST:

Liza Tamura
City Clerk