

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Draft

Tuesday, May 3, 2016

6:00 PM

Regular Meeting

City Council Chambers

City Council Regular Meeting

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

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A. PLEDGE TO THE FLAG

Alexandra Bush, Grand View Elementary School and Ken Thompson, Older Adult resident from Manhattan Beach, led the pledge to the flag.

B. ROLL CALL

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

C. CEREMONIAL CALENDAR

1. Presentation of Certificates of Recognition for Academic Achievement. [16-0165](#)
PRESENT

Mayor D'Errico on behalf of the City Council, presented certificates to over 100 students from the Manhattan Beach Unified School District in recognition of their academic accomplishments during the 2015-2016 academic school year.

2. Presentation of Proclamations for the Month of May 2016: “Older Americans Month,” “Donate for Life Month,” “May 15-21 as National Peace Officers Memorial Week,” “May 7 as National Fire Service Recognition Day,” “May 1-7 as National Municipal Clerks Week,” and “May 15-21 as National Public Works Week.”

[16-0146](#)

PRESENT

Mayor D’Errico presented the following proclamations for the month of May.

Older Adult Program Supervisor Jan Buike received the Older Americans Month Proclamation on behalf of the Older Adults for the City of Manhattan Beach

Police Chief Eve Irvine received the National Peace Officers Memorial Week Proclamation on behalf of the Police Department for the City of Manhattan Beach.

Fire Chief Robert Espinosa received the National Fire Services Recognition Day Proclamation on behalf of the Fire Department for the City of Manhattan Beach.

City Clerk Liza Tamura received the National Municipal Clerks Week Proclamation on behalf of the City Clerk’s Office for the City of Manhattan Beach.

Public Works Director Tony Olmos received the National Public Works Week Proclamation on behalf of the Public Works Department for the City of Manhattan Beach.

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

Councilmember Powell removed Agenda Item No. 16 – Support Letter Opposing AB 2320 – Drones. He stated that the State Assembly took action and removed the prohibition of local control.

Councilmember Burton suggested that Agenda Item No. 15 – Appointments to City Boards and Commissions and Declaring Commission Seats Vacant as Appropriate be moved as first item under “New Business”.

Motion made by Councilmember Burton, seconded by Councilmember Powell, to approve the agenda, as amended and waive full reading of ordinances. The motion carried by the following vote:

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

F. CITY COUNCIL AND COMMUNITY ORGANIZATION ANNOUNCEMENTS OF UPCOMING EVENTS (1 MINUTE PER PERSON)

Emma Jacobson, co-lead from the Manhattan Beach Leadership Class of 2016 announced the ribbon cutting ceremony that will take place at 10:00 AM on Saturday, May 7, 2016, at the Live Oak Park.

Melissa McCollum, Manager of the Manhattan Beach Library, announced that the Manhattan Beach Library, with the support of the Los Angeles Supervisor Don Knabe, will be hosting four LA Opera Professional Performers for a special show on Saturday, May 7, 2016 at 11:00 AM in the Library's Meeting Room.

Councilmember Powell announced that May 4, 2016 is National Walk or Bike to School Day and it is part of the U.S. Conference of Mayor's event in order to get people fit and promote exercise.

G. CITY MANAGER REPORT

City Manager Mark Danaj announced that at the last City Council Regular Meeting on April 19, 2016, he provided the City Council with information on the three self-directed employee work teams that were created after the "All Hands" meeting on October, 2015. He introduced the second group which focused on Communication and Recognition.

Police Department Senior Management Analyst, Julia Dahlgren and Public Works Department Senior Management Analyst, Anna Luke-Jones presented to the City Council information about group two of the self-directed employee work teams, "Communication and Recognition Focus Group".

H. CITY ATTORNEY REPORT

None.

I. PUBLIC COMMENTS (2 MINUTES PER PERSON FOR ONE ITEM, A MAXIMUM OF 5 MINUTES IF A SPEAKER WANTS TO COMMENT ON MORE THAN ONE ITEM)

Heather MacDougall shared a memory of Tom Allard, Parks and Recreation Commissioner who recently passed away.

Tyler Rothenberg spoke in favor of Agenda No. 13 regarding the transfer of the Marriott Hotel leasehold for the amendments to be approved by the City Council.

Pawan Deepak spoke in favor of Agenda No. 13 regarding the transfer of the Marriott Hotel leasehold.

Avigail Horrow from the 1736 Family Crisis Center asked the City Council for a line item in the budget to donate money to the non-profit.

Kathy Basmajian spoke in favor of Agenda Item No. 7 regarding the slurry seal and Agenda Item No. 12 regarding the operating budget and provided details on other projects that are needed in some of the streets.

Leslie Pettitt Johnson spoke in favor of Agenda Item No. 7 regarding the slurry seal.

Cathy May spoke in favor of Agenda Item No. 7 regarding the slurry seal and Agenda Item No. 12 regarding the operating budget and what the City needs.

Leah Crookshaws expressed concern regarding a cable pole that is currently on her property. She asked the City to look into the possibility of moving it outside of her property since it is a hazard.

Christopher Hur spoke in favor of Agenda Item No. 13 regarding the transfer of the Marriott Hotel leasehold and is available to answer the City Council questions.

Robert Bush spoke about Mayor D'Errico, public comments, Management Services door, new City Hall, 9/80 schedule, and Councilmember Howorth.

Steve Packwood spoke about Agenda Item No. 12 regarding the operating budget, Downtown Business expansion, and the Manhattan Beach Village Mall.

Bill Victor spoke about Parks and Recreation Commissioner Tom Allard, Consultants hired by the City and the money spent, and the City Council meetings dates and times.

Jon Chaykowski spoke on the bike path regarding pedestrian area signage, letters to the editor, and staff salary.

Mayor D'Errico directed staff to contact residents from the 1100 block on 3rd street with the dates and time frames for the re-pavement.

Mayor D'Errico directed Staff to follow up with resident, Leah Crookshaws regarding a cable pole built without her consent in her property.

City Attorney Quinn Barrow repeated his earlier report that the Mall litigation was still set to go on trial in the month of October.

J. PLANNING COMMISSION QUASI-JUDICIAL DECISIONS (RECEIVE AND FILE)**K. CONSENT CALENDAR (APPROVE)**

A motion was made by Councilmember Burton, seconded by Councilmember Powell, to approve the Consent Calendar, Item Nos. 3-10. The motion was carried by the following vote:

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

3. Second Reading of Ordinance No. 16-0004 Repealing Section 2.44.050 (Voting Procedure) of Chapter 2.44 (City Boards, Commissions and Committees) of Title 2 (Administration) of the Manhattan Beach Municipal (City Clerk Tamura/City Attorney Barrow). [ORD 16-0004](#)
ADOPT ORDINANCE NO. 16-0004
The recommendation for this item was approved.
4. Resolution Approving Assessment Engineer's Report for Annual Levy of Street Lighting Assessments for Fiscal Year 2016-2017 (Finance Director Moe). [RES 16-0017](#)
ADOPT RESOLUTION NO. 16-0017; APPROVE ENGINEER'S REPORT
The recommendation for this item was approved.
5. 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 June 21, 2016 (Finance Director Moe). [RES 16-0018](#)
ADOPT RESOLUTION NO. 16-0018; SET JUNE 21, 2016 FOR PUBLIC HEARING
The recommendation for this item was approved.
6. Award of Contract to Newcomb Anderson McCormick for Energy Audit Services in the Amount of \$99,900 (Public Works Director Olmos). [CON 16-0013](#)
APPROVE
The recommendation for this item was approved.
7. Approve Plans and Specifications for the Slurry Seal Area 2 and 3 Project; Award the Slurry Seal Area 2 and 3 Project to American Asphalt South, Inc. in the Amount of \$506,987.32; and Authorize City Manager to Approve Additional Work in an Amount Not-to-Exceed \$50,000 (Public Works Director Olmos). [16-0164](#)
APPROVE
The recommendation for this item was approved.

8. Adopt Resolution No. 16-0030 Authorizing Submittal of Application for Cal Recycle Payment Program and Related Authorizations (Public Works Director Olmos).

[RES 16-0030](#)

ADOPT RESOLUTION

The recommendation for this item was approved.

9. Financial Report:
Schedules of Demands: April 14, 2016 (Finance Director Moe).

[16-0100](#)

ACCEPT REPORT AND DEMANDS

The recommendation for this item was approved.

10. City Council Minutes:
This Item Contains Minutes of the following City Council Meetings:
a) Special City Council Meeting - Closed Session Minutes of April 19, 2016
b) City Council Regular Meeting Minutes of April 19, 2016
c) Special City Council Meeting - Closed Session Minutes of April 25, 2016
(City Clerk Tamura).

[16-0171](#)

APPROVE

The recommendation for this item was approved.

L. PUBLIC HEARINGS (2 MINUTES PER PERSON)

11. Conduct Public Hearing to Consider Resolution No. 16-0033 [RES 16-0033](#)
Regarding a Coastal Development Permit for the 2016 Manhattan Beach Volleyball Tournament; Request from International Merchandising Company for Special Permit: Limited Alcoholic Beverage Use on Public Property for the Manhattan Beach Open Event, July 14-17, 2016 in the Lower South Pier Parking Lot. (Parks and Recreation Director Leyman).

CONDUCT PUBLIC HEARING AND ADOPT

City Clerk Liza Tamura introduced the item.

Recreation Manager Jessica Vincent provided the staff presentation and responded to City Council questions.

At 7:35 PM, Mayor D'Errico opened the Public Hearing.

The following individuals provided public comments:

Bill Victor spoke in favor of the volleyball game but was opposed to the proposition of the additional items; ticket pricing and limited access to the beach during the setup leading to the event and throughout the event.

Bill Arvizo is opposed to alcohol available at the beach during this event or for any other City event.

At 7:39 PM, Mayor D'Errico closed the Public Hearing.

Councilmember Burton is concerned with the closure of some beach public areas for the setup of the event. Would like for alcohol consumption to only be extended to 8:00 PM for the remaining nights of the event but to extend to 9:00 PM only for the Farm to Pier Event event on July 14, 2016, for setup to be July 10, 2016 and have an outdoor children's movie rather than a concert.

Councilmember Howorth is pleased to see that the City staff paid attention to comments received after the event in 2015. Requested not to extend alcohol consumption until 9:00 PM, but wants another year where alcohol consumption ends at 8:00 PM. Likes the idea of an outdoor movie rather than a concert at the beach and for the setup to begin on Monday and not the prior weekend before the event.

Mayor Pro Tem Lesser requested for alcohol consumption to only be extended to 8:00 PM and for alcohol consumption only to take place in the parking lot area of the event and not on the beach and for the setup to begin on Sunday.

IMC Representative James Leitz and City Manager Mark Danaj responded to the City Council questions.

City Attorney Quinn Barrow requested clarification regarding the following changes to the Resolution; a) Condition No. 9 - Remain the same, the setup will be Monday prior to the tournament, b) Condition No. 17 - Beer and wine service will change from 9:00 PM to 8:00 PM with the exception of Thursday, July 14, 2016 when beer and wine will be served and closed by 9:00 PM, and c) the concert will be replaced by an outdoor family movie screening.

Motion made by Councilmember Burton, seconded by Councilmember Howorth, to adopt Resolution No. 16-0033 Regarding a Coastal Development

Permit for the 2016 Manhattan Beach Volleyball Tournament; Request from International Merchandising Company for Special Permit: Limited Alcoholic Beverage Use on Public Property for the Manhattan Beach Open Event, July 14-17, 2016 in the Lower South Pier Parking Lot.

At 7:59 PM City Council recessed and reconvened at 8:15 PM with all City Councilmembers present.

M. OLD BUSINESS

None.

N. NEW BUSINESS

15. Appointments to City Boards and Commissions and Declaring
Commission Seats Vacant as Appropriate (City Clerk Tamura).
APPOINT/REAPPOINT

[16-0183](#)

This item was taken out of order, per Councilmember Burton's request.

All Councilmembers agreed that everyone was great during their interviews.

City Council interviewed 11 candidates for appointments to the City Boards and Commissions and Mayor D'Errico made the following nominations.

Cultural Arts Commission (2 Vacant Seats):

Motion made by Councilmember Burton, seconded by Councilmember Powell to appoint Fred Manna to Seat No. 2 for the Cultural Arts Commission. The motion carried by the following vote:

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

Motion made by Councilmember Burton, seconded by Councilmember Howorth to appoint Leon Prigozhin to Seat No. 4 for the Cultural Arts Commission. The motion carried by the following vote:

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

Library Commission (2 Vacant Seats):

Motion made by Councilmember Burton, seconded by Mayor Pro Tem Lesser to appoint Randi Elasowich to Seat No. 3 for the Library Commission. The motion carried by the following vote:

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

Motion made by Councilmember Powell, seconded by Councilmember Burton to appoint Mark Hustvedt to Seat No. 2 for the Library Commission. The motion carried by the following vote:

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

Parking and Public Improvements Commission (1 Vacant Seat):

Motion made by Councilmember Burton, seconded by Mayor Pro Tem Lesser to re-appoint Mark Lipps to Seat No. 4 for the PPIC. The motion carried by the following vote:

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

Parks & Recreation Commission (2 Vacant Seats):

Motion made by Councilmember Burton, seconded by Mayor Pro Tem Lesser to appoint Suzanne Karger to Seat No. 1 for the Parks and Recreation Commission. The motion carried by the following vote:

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

Motion made by Councilmember Powell, seconded by Councilmember Howorth to appoint J.J. Tukmany, Jr. to Seat No. 6 for the Parks and Recreation Commission. The motion carried by the following vote:

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

City Council provided remarks about the new process for appointment for Boards and Commissions.

Councilmember Powell inquired about the vacant seat for Parks and Recreation Commission.

City Attorney Quinn Barrow and City Clerk Liza Tamura responded to the City Council questions.

The City Council declared Seat No. 5 vacant for the Parks and Recreation Commission due to the unexpected passing of Tom Allard earlier in the week and requested to start the process and have the seat for appointment on the June 7, 2016 City Council Agenda.

12. Presentation of Proposed Two-Year Operating Budget (Fiscal Years 2016/17 and 2017/18); Update on Pension Rates and Liabilities (Finance Director Moe).

[16-0166](#)

RECEIVE REPORTS

City Manager Danaj introduced the presenter John Bartel.

Consultant from Bartel Associates, LLC, John Bartel presented City Council with the presentation.

John Bartel, City Manager Danaj, and Finance Director Bruce Moe responded to the City Council questions.

Due to numerous questions from the City Council regarding Agenda Item No. 12 (specifically in regards to pension) the item was continued to the City Council Adjourned Regular Meeting – Budget Study Session #1 on May 5, 2016.

13. Approval of Transfer of Manhattan Beach Marriott Hotel Leasehold Interest and Improvements, and Related Ground Lease Amendments (Finance Director Moe).

[CON 16-0017](#)

APPROVE

Finance Director Bruce Moe provided staff presentation.

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

Motion was made by Councilmember Burton, seconded by Councilmember Howorth, to approve Hotel and Golf Course Ground Lease Amendment No. 7 with the current lease holder, HMC Interstate Manhattan Beach. The motion carried by the following vote:

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

Motion made by Councilmember Burton, seconded by Mayor Pro Tem Lesser, to approve the transfer of the Manhattan Beach Marriott Hotel/Golf Course lease hold Interest and improvements to Manhattan Beach Hotel Owner LLC, approve the hotel and golf ground lease Amendment No. 8, with a new lease holder Manhattan Beach Hotel Owner LLC, with a provision that the City retain prior approval of a new lease hold coming in and for the City Council to receive the property improvement plan separate, and authorize the City Manager to execute all documents necessary to implement Amendments 7 and 8.

Motion withdrawn by Councilmember Burton.

Lawrence Yates and Tyler Rothenberg responded to City Council questions.

Motion made by Councilmember Burton, seconded by Councilmember Howorth, to approve the transfer of the Manhattan Beach Marriott Hotel/Golf Course lease hold Interest and improvements to Manhattan Beach Hotel Owner LLC, approve the hotel and golf ground lease Amendment No. 8, with a new lease holder Manhattan Beach Hotel Owner LLC, and authorize the City Manager to execute all documents necessary to implement Amendment 8. The motion carried by the following vote:

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

- 14.** Report on As-Needed Engineering Services Program (Public Works Director Olmos).

[16-0160](#)

RECEIVE REPORT

This Agenda Item was continued to the City Council Adjourned Regular Meeting – Budget Study Session #1 on May 5, 2016.

O. CITY COUNCIL REPORTS, OTHER COUNCIL BUSINESS, AND COMMITTEE AND TRAVEL REPORTS

- 16.** Support Letter Opposing AB 2320 - Drones
At the Direction of City Council, Staff Can Tailor Letter Before it is Sent.

[16-0177](#)

DIRECTION

This Agenda Item was removed by Councilmember Powell during “Approval of Agenda and Waiver of Full Reading of Ordinances” due to the State Assembly making a final decision on AB 2320.

P. FORECAST AGENDA AND FUTURE DISCUSSION ITEMS**17. Agenda Forecast (City Clerk Tamura).
DISCUSS AND PROVIDE DIRECTION**[16-0173](#)

Councilmember Burton requested to hear Agenda Item No. 8 - Report on Power Reliability in SCE's Capital Improvement Program under "New Business" as one of the first items to be presented on the May 17, 2016 City Council Regular Meeting.

Councilmember Powell requested additional information to be included as part of the Presentation on Gas Company Loop Project under "Future Agenda Items" on the May 17, 2016 City Council Regular Meeting.

Councilmember Howorth requested a future discussion agenda item regarding Tom Allard's Skate Park Memorial.

Councilmember Burton requested to have the Brian Sweeney Claim from "Future Agenda Items" to be placed on a near future agenda.

Q. INFORMATIONAL ITEMS**R. CLOSED SESSION**

None.

S. ADJOURNMENT

At 10:30 PM Mayor D'Errico adjourned the meeting in memory of Parks and Recreation Commissioner Tom Allard and Lawndale City Councilmember Larry Rudolph.

Martha Alvarez
Recording Secretary

Tony D'Errico
Mayor

ATTEST:

Liza Tamura
City Clerk