

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes

Tuesday, August 6, 2013

6:00 PM

Regular Meeting

City Council Chambers

4:00 PM Adjourned Closed Session / 6:00 PM City Council Meeting

City Council

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

A. PLEDGE TO THE FLAG

Finance Director Bruce Moe led the Pledge of Allegiance.

B. ROLL CALL

Present: 5 - Mayor Lesser, Mayor Pro Tem Howorth, Councilmember Powell, Councilmember Burton and Councilmember D'Errico

C. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING (1 MINUTE)

City Clerk Tamura confirmed the meeting was properly posted.

D. CLOSED SESSION ANNOUNCEMENT (1 MINUTE)

City Attorney Barrow reported that the City Council met at 4:00 p.m. in Closed Session to discuss the item listed on the Closed Session agenda. With respect to Closed Session Item No. 1, City Council, by a 5-0 vote, authorized filing a Supplemental Brief in connection with that petition. There was no other reportable action taken and there was nothing further to report.

E. APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES (5 MINUTES)

Mayor Lesser announced that Item No. 17 (Manhattan Village Mall) is not the hearing, but rather a discussion of the procedure whereby City Council will be able to make final determinations.

Councilmember Burton indicated his support for extending the meeting beyond 11:00 p.m.

F. CEREMONIAL CALENDAR

1. Recognition of Paul Silva for his dedicated service to the South Bay and to the City of Manhattan Beach.

PRESENT

Attachments: [Certificate of Commendation for Paul Silva](#)

Mayor Lesser recognized Paul Silva for his dedicated service to the South Bay and to the City of Manhattan Beach. He commented positively on "The Beach Reporter" as a resource for the community and Mr. Silva's contributions working for same.

Mayor Pro Tem Howorth commented on Mr. Silva's mentoring of young journalists and commended him for his leadership, sense of humor and warmth.

Mayor Lesser presented Mr. Silva with a Certificate of Commendation in recognition of his service to the City and the community.

Mr. Silva expressed his appreciation for the recognition including the City, staff, readers and advertisers.

This Ceremonial Item was approved

2. Designation of Properties as Culturally Significant Landmarks and Presentation of Plaques.

ACCEPT DESIGNATIONS AND PRESENT PLAQUES

Attachments: [Ordinance No. 2143 - MBMC Chapter 10.86](#)
 [Cultural Significant Landmark Applications and Property Documentation](#)

Jan Dennis, representing the Manhattan Beach Historical Society introduced four additional houses that have been designated as landmarks and presented accomplishments made. She distributed copies of the latest Historical Society newsletter to City Council and introduced Robin Kurt for a brief presentation.

Ms. Kurt presented information on each of the four landmark properties including the property owners, previous property owners, a history and reasons for nomination of each. She distributed plaques to each property owner expressed congratulations on behalf of the Manhattan Beach Historical Conservancy.

Mayor Lesser expressed appreciation to Ms. Dennis and others who established the Landmark Commission. He commented on the historical properties and styles within the City and lauded the efforts of the Manhattan Beach Historical Society.

Ms. Dennis invited those interested in joining the group or designating their homes as landmarks, to contact the Society.

The Mayor opened the floor for public comments.

Viet Ngo congratulated former Mayor Jan Dennis for her work in the community and the Manhattan Beach Historical Society. He commented on the lack of City government action to protect landmark properties and felt that development within the City has been promoted for personal gain. He urged City Council to continue its support of the history of the City and its legacy.

There being no others wishing to address City Council on this matter, Mayor Lesser closed the public comment period.

A motion was made by Councilmember Powell, seconded by Councilmember Burton, to accept the designations and designate the four properties as culturally significant landmarks, in that the properties meet the criteria listed in MBMC Section 10.86.050 as set forth in this report. The motion carried by the following vote:

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

G. COMMUNITY ANNOUNCEMENTS (One Minute Per Person)

Bill Victor announced an upcoming National Lifeguard Competition and urged City Council to support the event.

Viet Ngo announced daily meetings of the anti-corruption advocacy group at Starbucks on Highland and Manhattan Beach Boulevards.

Councilmember Powell announced the upcoming Concerts in the Park series noting that a Beatles tribute band will be performing at the event this coming Sunday with a special City Council MC.

Mayor Pro Tem Howorth commended City staff and participants for the success of the Six-Man Volleyball Tournament. She reported attending the Lifeguard Medal of Valor dinner and commented positively on the events. She acknowledged that the National Lifeguard Competition will be held in the City.

Mayor Lesser reported that the City hosted the International Surf Festival this year and received a plaque. He commended staff for their execution of the events and reported that a review of the Six-Man Volleyball Tournament will be heard at the August 20, 2013 City Council meeting.

Parks and Recreation Director Mark Leyman reported that the Youth event will be Wednesday, August 7, 2013 and the Adult Lifeguard Competition will be Thursday, August 8th through Saturday, August 10, 2013 south of the pier from 8th Street to the pier. He added that most events start at 8:00 a.m.

H. AUDIENCE PARTICIPATION (Three Minutes Per Person)

Steve Wible reported calling the Police Department because of excessive noise coming from the Shade Hotel at a recent event. He stated that the entrance to the hotel was roped off, alleging violations of the Building and Fire Codes, complained that the problem has been going on for eight (8) years and asked that the matter be addressed.

Nate Hubbard commented on a meeting with Don McPherson and the City Prosecutor to review the possibility of replacing the drapes at the Shade Hotel with sound-absorbing fabric to mitigate the excessive amount of noise that continually bothers the neighborhood. He added that the concept was also presented to City Council, complained that nothing has been resolved and suggested covering the terrace with sound-absorbing fabric as well. Mr. Hubbard referenced the 2010 Conditional Use Permit (CUP) requirements to address noise pollution and noted it will soon expire. He asked that City Council extend the expiration in order to address sound mitigation issues.

Don McPherson urged City Council to extend the expiration of the 2010 CUP to mitigate the issues related to the Shade Hotel and have it comply with code requirements. He listed various communications with the City and requested placing the matter on an upcoming City Council agenda, before September 6, 2013, to consider the matter.

Viet Ngo distributed an article from "The Beach Reporter", made allegations regarding the City Treasurer and complained about alleged violations of the law related to the Shade Hotel. He alleged public corruption by public officials.

Mayor Lesser reminded public speakers that certain behaviors and actions are grounds for ejection from the City Council meeting.

Jacque May briefly commented on specific allegations.

Bill Victor thanked the Parks and Recreation Department and the Police Department for helping to make the Six-Man Volleyball Tournament a safe and successful event. He spoke about the closure of the library and stressed the need for improved information technology in the City. Additionally, he stated that the previous speaker, Steve Wible, has many health issues and should not be made forced to suffer from sleep deprivation due to excessive noise. He reported overcrowding at the Shade Hotel and urged City Council to place the matter on an agenda for consideration,

before the CUP expires.

Peter Goodwin spoke regarding Item No. 19 and asked about the difference between a public hearing and a public meeting, how public participation will be received and possible outcomes. He wondered if Beach Area Street Parking Policies will be discussed and whether removal of a parking space at 217 4th Place may be addressed.

In response to Mayor Lesser's inquiry regarding the status of Shade Hotel, City Manager David Carmany reported that complaints are taken seriously and that Building and Fire Code issues are being monitored. Regarding building modifications, he reported that it is a work-in-progress including the possibility of replacement of the drapes to mitigate noise and the exiting from the building. He added that any solution will need to strictly comply with the Building Codes.

City Attorney Barrow reported that issues are being presently addressed, that the suggestions need to be approved by the Fire Department and that ADA issues will be resolved soon. He added that the City Prosecutor recently received a complaint which is currently being investigated. He addressed steps moving forward and noted that staff continues to work on the issues at hand.

Regarding computer issues at the Library, City Manager Carmany stated that staff is aware of the problem and will address the request for Sunday service. This matter was referred to staff.

Regarding Item No. 19, City Attorney Barrow stated that certain items require a public hearing with appropriate public noticing and that the notice sent regarding this specific item was not legally required but was sent as a courtesy to residents. He did not speculate with respect to possible outcomes.

I. CITY MANAGER REPORT(S)

City Manager Carmany reported that an announcement regarding the new Public Works Director is forthcoming. He stated that for personal reasons the new Cultural Arts Manager candidate will not be able to join the City and that staff will continue recruiting efforts for that position. He provided a status report as follows: Marine Park Soccer Field project is proceeding well and opening day is scheduled for September 7, 2013; Park Services Enforcement Officer Paul Rubio received a commendation from a resident for his quick response regarding removal of graffiti at Sand Dune Park and addressing a facility problem; Facility Condition Assessment report is underway and a report will be presented to City Council; "Little Free Library" has been installed at the Civic Center Plaza; and noted upcoming community events including Concerts in the Park, U.S. Lifesaving Association's National Lifeguard Championships, Library Commission meeting, Cultural Arts Commission meeting, Downtown Summer Sidewalk Sale, Manhattan Beach Open and AVP Tournament and Park and Recreation Commission meeting.

J. CONSENT CALENDAR

In response to an inquiry from Councilmember Powell regarding Item No. 6 and the possibility of the City extinguishing the abandoned Southern California Edison power lines, City Manager Carmany stated that he is not prepared to respond at this time but will look into the matter.

Councilmember Powell pulled Item 13I from the Consent Calendar for separate consideration.

Councilmember Burton pulled Items No. 3, 7, 9, 13e and 13g for separate consideration.

Members of the public pulled Items No. 6 and 13 for separate consideration.

A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Powell, to approve the Consent Calendar with the exception of items 3, 6, 7, 9, and 13. The motion carried by the following vote:

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

4. Final Payment in the Net Amount of \$40,692 to Lightning Fence Co.; Change Order No. 1 (\$40,692); Formally Accept the Sand Dune Park and Marine Avenue Park Fence Project as Complete; and Authorize the Filing of the Appropriate Notice of Completion and Release of Retention in the Amount of \$6,601.05.

APPROVE

Attachments: [Budget/Expenditures and Progress Payments](#)

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

5. Progress Payment No. 3 in the Net Amount of \$60,428.69 to Ramona, Inc. for the 2012-2013 Gravity Sewer Main Rehabilitation Project Including Sewer Spot Repairs at 34 locations in Areas 1, 2, and 3 (bounded by Manhattan Beach Boulevard, Ardmore Avenue, Aviation Boulevard and the Southerly City Limit) and Sewer Main Replacement in 11th Place from Ardmore Avenue to Highview Avenue.

APPROVE

Attachments: [Budget, Expenditures and Contract Payments](#)
[Location Map](#)

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

8. Progress Payment No. 2 for \$309,027.11 to Asphalt Fabric & Engineering, Inc., and Change Order No. 1 for \$202,179.49 for the Marine Avenue Park Synthetic Turf Installation Project.

APPROVE

Attachments: [Budget, Expenditures and Contract Payments](#)

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

10. Adopt Resolution No. 13-0048 Authorizing Installation of Stop Signs on 6th Street at Larsson Street as Recommended by the Parking and Public Improvements Commission.

ADOPT RESOLUTION

Attachments: [June 27, 2013 Parking and Public Improvements Commission Staff Report](#)
[June 27, 2013 Parking and Public Improvements Commission Draft Minutes](#)
[Resolution No. 13-0048](#)

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

11. Planning Commission Approval of a Coastal Development Permit and Minor Exception for an Addition and Remodel to an Existing Duplex and Conversion to a Single Family Residence at 121-20th Street.

RECEIVE AND FILE

Attachments: [Resolution No. PC 13-08](#)
[Planning Commission Staff Report and Attachments July 10, 2013](#)
[Draft Planning Commission Minutes dated July 10, 2013](#)

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

12. Financial Reports:
a) Ratification of Demands: July 16, 2013
b) Payroll Register: July 18, 2013

RATIFY

- c) Investment Portfolio for the Month Ending June 30, 2013
d) Financial Reports for the Month Ending June 30, 2013 (Preliminary)

RECEIVE AND FILE

Attachments: [Warrant Register for July 16, 2013](#)
[Payroll Register for July 18, 2013](#)
[Investment Portfolio for the Month Ending June 30, 2013](#)
[Preliminary Financial Reports for the Month Ending June 30, 2013](#)

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

K. PUBLIC HEARINGS

14. Public Hearing Regarding the Annual Storm Water Service Charge for Fiscal Year 2013-2014.

ADOPT RESOLUTION NO. 13-0050

Attachments: [Resolution No. 13-0050](#)

Finance Director Bruce Moe presented a report. In response to an inquiry from Mayor Lesser, Finance Director Moe reported the action required presently and added that discussion regarding the inadequacy of the subject fee will occur during the August 20, 2013 City Council meeting.

Councilmember Burton commented on the existing fee and wondered what the fee should be for successful cost recovery.

Finance Director Moe reported that the latter will depend on City Council's direction.

The Mayor opened the floor for public comments.

Bill Victor wondered how the rate is computed for multi-family dwellings and whether an estimate of costs will be provided at the next meeting.

Viet Ngo stressed that any fee increase must comply with applicable law and that the City Attorney should provide an opinion on the matter. He indicated opposition to increased fees without voter approval.

Mayor Lesser closed the public comment period.

In response to Mayor Lesser's inquiry regarding the assessment for multi-family dwellings, Finance Director Moe reported that he can speak with Mr. Victor regarding his specific case but that the assessment for single-family dwellings is \$19.00 per year. He will follow up with Mr. Victor regarding multi-family dwellings.

Regarding the number of votes required, City Attorney Barrow reported that the state statute requires a two-thirds vote when the assessment is established but the statute is silent as to whether such a vote is required at the time the assessment is acted on each year. Thus, he recommended that the City require a two-thirds vote. He added that voter approval is not required because there has not been a fee increase and that if there is a majority protest, the action could not be taken but that one person protesting is not sufficient.

A motion was made by Councilmember D'Errico, seconded by Mayor Pro Tem Howorth, to adopt Resolution No. 13-0050. The motion carried by the following vote:

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

L. GENERAL BUSINESS

- 15. Review of the City's Rules and Procedures to alleviate Construction Impacts in Residential Neighborhoods.
DISCUSS AND PROVIDE DIRECTION**

Attachments: [Map of Major projects currently under construction](#)
[List of Construction Rules](#)
[Original Staff Report from July 2, 2013](#)
[Original PowerPoint Presentation from July 2, 2013](#)
[Construction Rules signs](#)

City Manager Carmany introduced the item noting increased construction in the City and asked staff for a report.

A staff report was given by Building Official Sal Kaddorah. A PowerPoint Presentation was displayed. He addressed Code Enforcement staffing, loud radio and construction noise, expansion of the construction notification area from 100 feet to 300 feet, construction rules and regulations and a map of major projects. Additionally, he addressed procedures for hot spots.

Councilmember Powell commented on shoring operations and pile driving and referenced his previous proposal to require a surety bond from contractors to ensure accountability. He noted that the Municipal Code requires a surety bond and

insurance and wondered regarding enforcement.

Building Official Kaddorah reported that a minimum \$2 million insurance policy is required by Cal/OSHA and that a Cal/OSHA permit is required in order to perform construction in the City. Regarding the bond, he stated that it is difficult for staff to track.

Councilmember Powell reiterated that a bond is required by the Municipal Code.

Building Official Kaddorah stated that a Cal/OSHA permit is being required but indicated that staff will look into the matter and return to City Council with a response.

Councilmember D'Errico referenced an email received from a resident who offered suggestions regarding noticing of residents within a reasonable distance of the project and setting construction hours and days to coincide with City Hall operating hours. He addressed the need for stronger penalties and suggested keeping a list in order to identify repeat offenders. Additionally, he commented on a builder who posted their own rules which are more stringent than those required by the City and suggested that clear and simple signs be visibly posted.

Building Official Kaddorah reported that staff posts enforceable regulations and can potentially look into other options for signage beyond the minimum requirements.

Mayor Lesser commented on concerns received from neighbors regarding possible limitations on Saturdays, red curbing on alley ways, construction staging areas and the possibility of the Planning Commission or the Board of Building Appeals to conduct proceedings to allow consideration of other tools the City may utilize.

Building Official Kaddorah presented challenges with delaying construction and stated that staff will look into the matter.

Councilmember Burton commented on banning radios and City Attorney Barrow addressed Municipal Code Section 5.48.060 which prohibits any person to have a radio that can be heard outside the construction site. He felt that the ordinance is adequate and that it is a matter of enforcement.

Councilmember Burton reported submitting suggestions for City rules and procedures to alleviate impacts of construction and wondered regarding its status.

City Manager Carmany reported reviewing the document with the City Attorney and stated that some of the suggestions exist in the Municipal Code and some would require City Council's amendment of the Municipal Code.

Councilmember Burton requested a report regarding the issue.

The Mayor opened the floor for public comments.

Marty Friedman commented on a recent challenging construction project as well as a project currently being planned. He requesting placing the project on hold until the shoring impacts of basements in the sand area can be understood.

Jan Dennis spoke regarding a house adjacent to her property that will soon be under construction. She expressed concerns with the project and with the possibility of breakage to her collection. Ms. Dennis voiced support for requiring contractor surety bonds.

Karol Wahlberg stated she does not believe that OSHA covers damage to neighboring properties and voiced support for requiring and enforcing contractor surety bonds. She complained that streets are not being cleaned thoroughly and hoped that City Council will address the matter.

Bill Victor complained about cigarette butts and other debris left on his property by construction workers and suggested that City Council consider a smoking ordinance. With respect to shoring, he complained about noise and vibration and suggested considering environmental impacts to residents when planning construction projects.

Jane Guthrie spoke regarding vibrations and impacts to her water quality and home from a nearby construction project. She stressed that the geology of the land should be taken into account in the planning process.

Kathy Clark reported that construction signs are not being posted as they were posted under the City's previous Residential Construction Officer. She felt that there should be a fine imposed for those who do not post signs as necessary. She stressed the need for having a parking pad to avoid alleys from being blocked and provide parking for residents.

Viet Ngo commented on problems with construction in the City and stressed the need for City Council to act in order to alleviate inconveniences faced by residents. He suggested forming a task force, observing the law and getting people involved to develop a solution.

Upon seeing no one else interested in speaking, Mayor Lesser closed the floor for public comments.

Mayor Pro Tem Howorth stated that consideration must be given to the shoring impacts of basements in the sand area. She stated that the City is not set up to handle the topic of shoring since it is a relatively new phenomenon. She suggested the possibility of having the Building Appeals Board look into the matter and expressed concerns that banning construction on Saturdays will have the unintended consequence of delaying projects. Additionally, she addressed increased construction in the City and suggested the possibility of hiring another Residential Construction Officer. She expressed interest in knowing how many violations are occurring and addressed the need for increased enforcement.

Councilmember Powell commented on fines and suggested that after a pre-determined number of fines, constructors forfeit the right to do business in the City. He addressed shoring for basements, referenced the applicable Municipal Codes and felt that it needs to be updated and that a surety bond must be imposed in order to make the contractor responsible and have the bond forfeited if a contractor does not go to mediation. He stressed that the matter for shoring must be considered whether by the Building Appeals Board or a task force.

Councilmember D'Errico clarified that he was not suggesting banning construction on Saturdays, but rather avoid situations where the City is not staffed or manned when needed by a resident. He believed that one of the most important issues to consider is the quality of life of City residents and suggested that staff provide information as to how it will ensure that there will be minimal impacts to same.

Building Official Kaddorah referenced Shoring Guidelines and Requirements and reported that staff continually seeks ways to minimize impacts to residents.

Councilmember Burton felt that requiring a surety bond and/or insurance is proper

risk management and suggested the amount needs to be increased and that consideration should be given to the maximum height of buildings which will impact basements. He stated that hours of construction are violated throughout the City and addressed notification of residents and challenges with delivery trucks. Regarding the latter, he suggested limiting deliveries from 9:00 a.m. to 3:00 p.m. in Residential Districts 3 and 4 and urged staff to develop quick fixes. Additionally, he suggested increasing the noticing area and beginning with enforcing existing requirements.

Building Official Kaddorah clarified the action to be taken at this time. In response to questions from City Council, he addressed enforcement of fines, construction signs and noticing requirements.

Mayor Lesser indicated he would like to understand current practices regarding shoring and how they may be improved, damage to neighboring properties and procedures for addressing impacts to water quality. He urged staff to be proactive in addressing some of the concerns voiced at this time.

A motion was made by Councilmember Burton, seconded by Councilmember Powell, to direct staff to enforce Manhattan Beach Municipal Code Section 7.16.060 and 7.16.070. The motion carried by the following vote:

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

With respect to private property, City Attorney Barrow reported that the Municipal Code is designed to protect public streets and property, but would like the opportunity to explore expanding those provisions in the Code as well as with respect to the amount of surety bond to require.

City Attorney Barrow was directed to look into the matter of protecting private property.

Discussion followed regarding the possibility of hiring another Residential Construction Officer and directing staff to return in three to six months with a status update on staffing efficiency.

Ensuing discussion pertained to noticing all homes that share alleys affected by construction and setting a specific radius for noticing.

Councilmember Powell directed staff to explore the possibility of forfeiture of surety bonds for builders who violate the Municipal Code.

Staff was directed to engage the Building Appeals Board on this item and notice those proceedings to ensure public participation.

Planning Manager Laurie Jester indicated that some of the suggestions provided can be implemented right away for quick solutions. Those issues that need additional study and staff can return in two months with a short report indicating which issues have been resolved and which will require additional study.

Mayor Lesser called for a recess at 8:33 p.m. The assembly reconvened at 8:44 p.m. with all Councilmembers present.

16. Protocols on How to Address Non-City Issues.**DISCUSS AND PROVIDE DIRECTION**

Attachments: [Legislative Policies Staff Report](#)
 [Amended Proposed Policy of Non-Partisanship](#)

A staff report was given by City Manager Carmany.

Mayor Pro Tem Howorth wondered whether the options can be combined or mixed and City Attorney Barrow indicated in the affirmative.

City Manager Carmany addressed practices from other local cities.

In response to Councilmember Powell's inquiry, City Manager Carmany reported that it is staff's intent to provide a system that will work for City Council.

Discussion followed regarding organizations in which the City participates that engages in legislative advocacy and there are many avenues in which the City can engage in same.

Ensuing discussion pertained to City Council meeting times, requiring a 4/5ths or a 2/3rds vote and parliamentary procedures included in the Municipal Code including adherence to Robert's Rules of Order and the Brown Act.

City Attorney Barrow reported that some actions require a 4/5ths vote, some a 2/3rds vote and others, a majority vote.

In response to Councilmember Powell's inquiry regarding situations where there are only three Councilmembers present, City Attorney Barrow reported that a unanimous vote would be required to approve that item.

The Mayor opened the floor for public comments.

Don McPherson stated that non-City issues should be addressed as minimally as possible by City Council.

Viet Ngo commented on the importance of complying with existing laws, act on local issues and stay out of State and Federal matters.

Bill Victor stated that City Council has been elected to deal with City matters and that policies could be suspended regarding the 4/5ths vote in cases of emergency. He stated that it is not necessary or expected of City Council to deal with national or State issues and recommended a common sense approach to omit those issues from its agenda.

Mayor Lesser closed the public comment period.

Councilmember Burton commented on a previous City Council meeting where it considered a divisive issue and commended Mayor Lesser for his statements at that time. He recommended implementing a non-partisan approach for one year, re-evaluate the matter and make appropriate changes, subsequently. He recommended approving the policy to allow City Council the flexibility to address issues that impact the City, directly. He noted that Councilmembers have the option to write individual letters and commented on the need to interact with legislators on issues that affect the City.

Councilmember Powell stated that City Council should not be involved in partisan politics. He felt that the real issue relates to local versus non-local issues and quality of life and that City Council should not get involved in national issues. However, it should be engaged in Federal and State issues that have a direct impact on the community, for example, Proposition 22 and the Helicopter Noise and Safety Act. He commented on issues where City Council should have taken a stand and addressed the 4/5ths rule.

Councilmember D'Errico requested clarification regarding applicability of the proposal relative to items for City Council to consider and inquired regarding Federal and State issues relative to quality of life. He expressed concerns that the issues he will be asked to vote on are the issues that constituents want him to vote on.

Mayor Pro Tem Howorth noted that many of the issues are non-partisan and listed issues that could affect the City. She expressed her support of non-partisanship, believes that Councilmembers should not be endorsed by political parties and expressed agreement with staff recommendations.

Mayor Lesser indicated that he would like to reach a compromise, stated opposition to a 4/5ths vote and support for a simple majority. He noted that issues are subject to opinions and will vary by Councilmember regarding quality of life. He suggested forming a template or protocol that will provide City Council with direction. He felt that the issue of partisanship is getting mixed with jurisdiction, addressed local-control funding and AB66 and felt that City Council should have the flexibility to address issues of immediate concern.

Councilmember Powell commented on the need to define what issues are local and what issues are not but noted there will be times when the line is blurred but the majority of City Council can figure out what to do and has for many years.

Councilmember D'Errico inquired regarding possible Brown Act violations related to discussions that may not be in the jurisdiction of the City. City Attorney Barrow stated that it can often be a judgment call and that this issue is not Brown Act related.

Councilmember Burton stated that the policy does not prohibit individual Councilmembers from individually approaching State legislators on issues but rather sends a message to them to avoid soliciting support from Councilmembers. He suggested trying out the policy for a year and re-evaluating it at that time.

Mayor Pro Tem Howorth indicated she doesn't see the need for such a policy but suggested eliminating the 4/5ths vote, approving a majority vote and addressing issues on a case-by-case basis.

In response to an inquiry from Mayor Lesser, City Attorney Barrow stated that the issue that is ambiguous is the definition of "local control".

Discussion followed regarding adding language to increase clarity, challenges with setting policy to be reviewed at a later date, the negative and presumptive nature of the policy, the possibility of striking the notes on the policy and re-evaluating the policy at a later date.

Brief discussion pertained to the lack of provisions for exemptions and directing staff to develop alternative protocols on a case-by-case basis and capturing the intent of the policy.

City Attorney Barrow made reference to a City Council Handbook that will be considered during an upcoming City Council meeting.

A motion was made by Councilmember Burton, seconded by Councilmember D'Errico, to adopt a protocol regarding taking positions on non-city issues such as State or Federal legislation, propositions or pending court decisions and including the requirement of a 4/5ths vote to establish policy. The motion failed by the following vote:

Aye: 2 - Burton and D'Errico

Nay: 3 - Lesser, Howorth and Powell

Mayor Pro Tem Howorth reiterated her values of non-partisanship and felt that going forward; issues should be addressed on a case-by-case basis.

Councilmember Powell stated agreement with Mayor Pro Tem Howorth and commended Councilmember Burton for bringing the matter forward.

Mayor Lesser suggested continuing to explore a protocol as something that could be included in the City Council Handbook.

Councilmember Burton explained reasons he brought the item forward.

17. Planning Commission Certification of a Final Environmental Impact Report (EIR) and Approval of a Master Use Permit Amendment and Height Variance for the Manhattan Village Shopping Center Enhancement Project at 2600 through 3600 Sepulveda Boulevard and 1220 Rosecrans Avenue.

THAT THE MATTER BE APPEALED PURSUANT TO MUNICIPAL CODE SECTION 10.100.040B AND STAFF BE REQUESTED TO SCHEDULE PUBLIC HEARINGS ON SEPTEMBER 3 AND 17, 2013

Attachments: [Planning Commission Resolution PC No. 13-10](#)

Planning Manager Jester presented a report including staff recommendations.

In response to Mayor Lesser's inquiry, Planning Manager Jester stated that she and the City Manager and City Attorney will need to discuss the best way to ensure that both of the proposed meetings are effective. She addressed the process during Planning Commission meetings including presentation of expert testimony and receipt of public input.

Discussion followed regarding whether two meetings will be sufficient and the possibility of scheduling a study session.

City Manager Carmany stated that he is not convinced two meetings will be sufficient.

Councilmember Powell indicated he liked the idea of scheduling study sessions.

Mayor Pro Tem Howorth addressed the importance of proper noticing. She felt that the EIR and the Master Use Permit Amendment and Height Variance should be considered separately if only two meetings are held.

Planning Manager Jester stated that she would like the EIR and Traffic consultants to give presentations during one of the meetings.

Councilmember Burton felt that the matter will take more than two meetings. He suggested rescheduling the joint meeting with the Building Appeals Board set for September 10, 2013 to later in the year and holding a meeting at Joslyn Community Center on that date to receive community input. He suggested scheduling the joint meeting with the Building Appeals Board to November 12, 2013.

The Mayor opened the floor for public comments.

Ed Caprielian expressed concerns with City Council's approach to the matter; felt that a community workshop would be useful, that the process lends itself to increase divisiveness between community members and that City Council should consider some type of a community engagement process to promote mutual problem solving.

Karol Wahlberg expressed concerns with having the meeting at another venue noting the benefits of having the meetings televised to people who are unable to physically attend meetings.

Bill Victor felt that the financial impacts of the project need to be addressed and agreed with increased community involvement.

Mayor Lesser closed the public comment period.

Discussion followed regarding the parties' rights and rules related to processing appeals.

City Manager Carmany suggested that City Council allow staff to work on the details of scheduling the dates and venues for the meeting. He indicated he preferred to have the meetings in City Council Chambers.

Councilmember D'Errico commented on a case that was resolved among the parties and suggested engaging the subject parties to develop solutions.

Councilmember Powell commented on previous contentious issues that succeed with increased community engagement. He recommended wide-scale publication of notices for the meeting.

Discussion followed regarding engaging the community while respecting the parties' rights and timelines related with the project.

City Attorney Barrow reported that the hearing must be scheduled within thirty days from receipt of an appeal.

City Manager Carmany stated that the proposed schedule meets with the Municipal Code and adding another meeting on September 10, 2013 will be beneficial. He also announced an upcoming meeting with Macy's and noted that staff has more work to do on other aspects of the project before coming before City Council.

Councilmember Burton requested a public hearing on the matter pursuant to Code Section 10.100.040B.

City Attorney Barrow reported that no motion is needed and that any one Councilmember may request an appeal.

Mayor Pro Tem Howorth voiced her request to appeal this matter and schedule public hearings on the project appeal and the final Environmental Impact Report appeal on September 3 and 17, 2013.

Brief discussion followed regarding reserving September 10, 2013 for an additional meeting, if warranted.

18. Creation and Appointment of the Information Systems Master Plan Ad Hoc Subcommittee.

APPROVE; APPOINT SUBCOMMITTEE MEMBERS

Attachments: [IS Governance Model](#)

Finance Director Bruce Moe provided a staff report.

In response to an inquiry from Mayor Lesser, Finance Director Moe reported that City Council's role will not change and will receive monthly updates to the Master Plan in the City Manager's report. The Ad Hoc Subcommittee may chose to provide additional details. Mayor Lesser suggested setting up criteria to have the Ad Hoc Subcommittee report to City Council on a regular basis.

Councilmember D'Errico asked what the subcommittee will create and Finance Director Moe stated that it will not create a work product but rather provide input to staff and report to City Council as an advisory board in executing the IS Master Plan.

The Mayor opened the floor for public comments.

Mayor Lesser closed the public comment period.

Councilmember D'Errico commented on the need to distinguish City Council's work from staff's work and stated that he sees City Council's role as developing policy. He expressed concern with allowing staff the flexibility to accomplish its work.

City Manager Carmany felt it important for City Council to be involved. He proposed forming a Subcommittee similar to the Finance Subcommittee.

Councilmember D'Errico felt strongly about distinguishing the roles of City Council and staff.

Finance Director Moe spoke regarding the value of the Subcommittee and City Council's input in order for staff to manage the operational functions.

Councilmember Burton stated he is not a fan of Ad Hoc committees and suggested having Nexlevel report to City Council on a monthly basis.

Finance Director Moe reported that staff will be doing the work and that Nexlevel only provide the framework and is not involved in day-to-day operations.

Discussion followed regarding the role of Nexlevel in creating a governance structure.

Councilmember Burton suggested that staff report to City Council on a monthly basis rather than establishing a Subcommittee.

Mayor Pro Tem Howorth noted that creation of a Subcommittee was recommended by the consultant and that it is needed for setting the workflow for staff to function at a

certain pace and ensure that policy is being followed. A report of the Subcommittee would be presented as a monthly City Council agenda item. She volunteered to be on the Subcommittee because of her passion for technology.

Councilmember Powell commented on Ad Hoc Subcommittees; felt that it should perform fact-finding functions and volunteered to be on the Subcommittee because of his experience in IT.

Councilmember Burton suggested invited the consultant to City Council's next meeting to discuss the matter further and indicated he would also like to participate.

Councilmember D'Errico wondered if the Subcommittee will create IT governance and stressed the importance of staff's expertise in creating operational IT governance. He expressed no interest in being involved in the Subcommittee.

Mayor Lesser commented on Subcommittees and addressed their advantages and disadvantages. He recommended Mayor Pro Tem Howorth and Councilmember Burton to serve on the Ad Hoc Subcommittee and develop criteria for reporting to the full City Council.

Councilmember D'Errico stated he would support the matter as long as the expectations of the Subcommittee are defined and reported back to City Council.

Finance Director Moe addressed the charter of the Subcommittee which clearly lays out the roles and responsibilities.

A motion was made by Councilmember Powell, seconded by Councilmember D'Errico, to appoint Mayor Pro Tem Howorth and Councilmember Burton to the Information Systems Master Plan Ad Hoc Subcommittee. The motion carried by the following vote:

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

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Howorth, to suspend the rules under Resolution No. 12-6411 and continue the meeting beyond 11:00 p.m.

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

At 10:32 p.m. the City Council recessed and reconvened at 10:38 p.m. with all Councilmembers present.

**19. Discussion of Beach Area Street Parking Policies.
DISCUSS AND PROVIDE DIRECTION**

Attachments: [May 21, 2013 City Council Staff Report for Administrative Process for On-Street Beach Area Parking Types](#)
[Example Photos of Beach Parking Types](#)
[May 9, 2013 Letter and Attachments from Francey Marzicola](#)
[May 9, 2013 Letter from Richard Lesser](#)
[July 9, 2013 Letter and Attachments from Peter Goodwin & Mary Anderson](#)
[July 15, 2013 Letter to Mary Anderson & Peter Goodwin from City Attorney](#)
[Mailed Public Meeting Notice](#)

City Traffic Engineer Erik Zandvleit provided a PowerPoint Presentation.

Councilmember Powell inquired regarding objective standards relative to parking on red curbs.

Traffic Engineer Zandvleit reported those are citable offenses and it is up to the specific Officer whether or not to issue a citation. He noted the need to have consistency in enforcement among Officers which is addressed through regular meetings. He provided information regarding the Traffic Committee and its responsibilities.

Discussion followed regarding changing conditions and factors in considering parking restrictions.

The Mayor opened the floor for public comments.

Peter Goodwin requested clarity regarding the outcome of this matter.

Francey Seckinger did not feel the discussion relates to one particular parking space, but rather to protect and preserve the community. She addressed parking challenges in the City and felt that everyone needs to learn to give and take for choosing to live in a tight, beach city. She spoke in opposition to eliminating parking spaces and expressed concerns with setting precedence.

Mayor Lesser closed the public comment period.

City Attorney Barrow noted the action to be taken on this item. He referenced a letter from a resident provided as an exhibit to the staff report and stated that with regards to parking spaces on public property, the City retains the right to preserve the public health, safety and welfare and may decide to remove a space when necessary, add a space when necessary or make changes as appropriate. He addressed the process for residents to request removal of addition of parking spaces.

In response to an inquiry from Councilmember Burton regarding Title 10 and Title 14, City Attorney Barrow explained that Title 10 is the Zoning Code and relates primarily to the use of private property and includes due process consideration. Title 14 is the Traffic section of the Code and deals with public property and does not include due process consideration. He added that the City has established a process to provide increased public engagement and participation and distinguished between the types of hearings related to Title 10 and Title 14.

Brief discussion followed regarding parking in front of garages or driveways.

Mayor Lesser commented on the importance of providing clarity regarding the

process. He added that the judicial process applies to private property but does not apply to public roadways.

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Howorth, to direct the City Manager to work with staff to see if a parking space can be installed at the bottom of 4th Place on either side, consistent with the City's rules and regulations. The motion carried by the following vote:

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

ADJOURN CITY COUNCIL MEETING TO A MEETING OF THE MANHATTAN BEACH CAPITAL IMPROVEMENTS CORPORATION

M. CAPITAL IMPROVEMENTS CORPORATION

1. CALL MEETING TO ORDER

Mayor Lesser called the meeting to order at 11:08 p.m.

2. ROLL CALL

Present: 5 - Mayor Lesser, Mayor Pro Tem Howorth, Councilmember Powell, Councilmember Burton and Councilmember D'Errico

3. PUBLIC COMMENT ON CAPITAL IMPROVEMENTS CORPORATION AGENDA

Viet Ngo addressed surpluses in the City and a debt of \$39 million and urged City Council to clarify the matter to the public.

Bill Victor asked regarding the City's present surplus and financial condition as well as the purpose of the Capital Improvements Corporation.

Finance Director Moe reported that the Capital Improvements Corporation was established as a conduit for issuing debt and is a legal structure required to issue Certificates of Participation. He addressed the By-laws and structure of the Corporation and reported that it is anticipated that at year end, the City will have approximately \$2 million in surplus.

4. GENERAL BUSINESS

A. Reorganization of the Manhattan Beach Capital Improvements Corporation.

ELECT A NEW PRESIDENT AND VICE PRESIDENT

A motion was made by Councilmember Powell, seconded by Councilmember Burton, to elect Mayor Lesser as the President of the Manhattan Beach Capital Improvements Corporation and Mayor Pro Tem Howorth as the Vice President. The motion carried by the following vote:

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

ADJOURN MANHATTAN BEACH CAPITAL IMPROVEMENTS CORPORATION AND RECONVENE CITY COUNCIL MEETING

The August 6, 2013, Manhattan Beach Capital Improvements Corporation Meeting was adjourned at 11:16 p.m. and reconvened to the August 6, 2013, City Council Regular Meeting.

N. ITEMS REMOVED FROM THE CONSENT CALENDAR (5 MINUTES PER ITEM)

3. Strategic Plan Update. RECEIVE AND FILE

Attachments: [Strategic Plan Monitoring Matrix \(071013\)](#)

This item was pulled by Councilmember Burton for separate discussion and consideration. He commented on a previous meeting where members of a special interest group commented. Additionally, he referenced an all-day meeting and discussions with staff regarding placing the Strategic Plan Update as a General Business item rather than on the Consent Calendar. He inquired regarding the person responsible for providing regular update and City Manager Carmany responded that Marcus Raymond has been assigned to coordinate the updates for which each department is responsible. He noted some vacancies and that once they are filled the responsibility will be assigned to the Senior Management Analyst.

Mayor Lesser commented on items removed and on a meeting scheduled for November 19, 2013 for City Council to review the process.

City Manager Carmany commented positively on the Police facilitator and suggested the possibility of issuing an RFP to determine whether a different process would be helpful going forward. He commented on improvements made so far and stated that staff will continue to improve the process so that it will result in a better working document for the City.

Mayor Lesser stated a correction to the document regarding Item No. 6 related to the three-year goal and proposed changing the responsibility to the City Manager.

The Mayor opened the floor for public comments.

Ed Caprielian commented on the July 10, 2013 meeting and concerns voiced at the time. He reported that the recording of the meeting was cut off and did not include comments. He expressed concerns about the process and the Strategic Plan elements; requested information regarding the various issues raised during the July 10, 2013 meeting and wondered if key performance measures are part of the Plan. He suggested getting a clear understanding of what is needed before soliciting a facilitator.

Viet Ngo commented on hiring a consultant to do staff's and City Council's work. He encouraged stopping waste and fraud in order to maintain the City's financial viability.

Mayor Lesser requested the speaker to stay on topic.

Bill Victor commented on performing tasks in-house and expressed concerns with missing records of meetings and suggested implementing a backup system.

Mayor Lesser closed the public comment period.

Mayor Lesser reported there were technical difficulties in connection with the video of the July 10, 2013 meeting.

In response to Mayor Lesser's inquiry regarding video capabilities in the Police/Fire Community room, Finance Director Moe explained that funding was allocated for video equipment and will provide the capability to stream live video from the Joslyn Community Center and the Police/Fire Community room with backup capability. He reported that an RFP will be issued in September with a contract award in November with the goal of completion by March, 2014.

Mayor Pro Tem Howorth suggested holding the November 19, 2013 meeting in City Council Chambers to ensure accurate recording.

Councilmember D'Errico commented on the need for a consultant and suggested changing the name of the document from Strategic Plan to an Operational Plan.

Mayor Lesser recommended placing the item on a Business Item agenda rather than on the Consent Calendar.

Councilmember Powell addressed broadcast issues in the Chamber and suggested testing the system before the start of every City Council meeting.

6. Grant of Easement to Southern California Edison Company for Los Angeles County Public Library project.

APPROVE

Attachments: [Letter of June 28, 2013 From Spectrum Land Requesting the Easement](#)
[The Easement Grant and Legal Description](#)
[Exhibit A Depicting the Proposed Easement](#)
[Exhibit B Depicting the Existing Edison Conduits Serving this Facility](#)

This item was pulled by Viet Ngo, who expressed concerns over gifts of public funds and addressed the Subdivision Land Act. He opined that City Council has no authority of Edison easements without complying with the law.

City Manager Carmany noted the matter concerns the grant of an easement to provide power to the new library. He noted this is not a tract map or subdivision of land but rather a grant of an authority to use land. He added that the County has begun demolition and that the matter is of some time urgency.

The Mayor entertained additional comments.

A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Powell, to grant Southern California Edison Company an easement across lots 9 and 10 of Block 94 of the Manhattan Beach Division No. 2 as requested by the Southern California Edison Company. The motion carried by the following vote:

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

7. Request for Proposal for Community Survey.

APPROVE

Attachments: [Request for Proposal for Community Survey 2013](#)
[2006 City of Manhattan Beach Survey Results Report](#)

Councilmember Burton pulled this item for separate discussion and consideration.

Councilmember Burton requested a description of the matter.

City Manager Carmany presented a brief report.

In response to Mayor Lesser's inquiry regarding avoiding a perception that elected officials are paying for information that it knows, City Manager Carmany reported that the City may know things anecdotally that may be wrong. He presented options for the survey and felt it important that it be done in accordance with best practices for performance measurements using statistically valid techniques.

Discussion followed regarding the possibility of using utility bills for distribution of the survey, unreliable informal methodologies and getting responses with representative samples.

Finance Director Moe added the importance conducting of a statistically valid survey and presented challenges with using the utility bill. He addressed how the data will be used in terms of allocation of resources and the benefits of the information.

Councilmember Powell concurred with the need for a statistically valid survey. He pointed out that questions should be open-ended.

The Mayor opened the floor for public comments.

Ed Caprielian commented on the importance of how questions are framed to obtain the information desired, felt that public engagement should be included in the RFP and wondered if it would be beneficial to exclude True North from doing the next survey because of a possible conflict of interest. He hoped that the public will have an opportunity to review the survey before it is finalized.

Bill Victor commented on the RFP, the sample size and elimination of those who have listed telephone numbers. He noted that many people do not have land lines but rather unlisted cell phones and felt that the data may be skewed if those people are eliminated. He spoke in support of a survey and allowing the public to review the survey.

Mayor Lesser closed the public comment period.

At 11:57 p.m. the City Council recessed and reconvened at 12:00 a.m. with all Councilmembers present.

Mayor Pro Tem Howorth noted that the Verizon feed is not working and that it is not a City issue. She spoke in support of statistical research and the importance of how the questions are formulated. She addressed the importance of providing good direction to obtain good information and commented on challenges with open-ended questions.

Councilmember Burton stated he would like to find out what the City is not doing right and how it can improve. He felt that City Council should have a role in formulating the survey questions to obtain the desired information. He indicated that the survey should not be conducted during the holiday season.

Councilmember D'Errico concurred with previous City Council comments and wants to find out what the problems are and how they can be corrected. He stated that with City Council's direction, the right firm can produce the appropriate questions.

Councilmember Powell commented on the firms' expertise and felt that it should be left up to them.

In response to an inquiry from Mayor Lesser, Finance Director Moe presented possible actions as to whether City Council wants to proceed with a survey. He reported that the timing can be adjusted to meet City Council requirements and addressed the methodology for sampling and distribution. He added that the RFP will require respondents to define the methodology and address cost estimates.

Discussion followed regarding the possibility of conducting an internal survey, issuing the RFP, review of the entire proposals by City Council and the possibility of establishing a Subcommittee to evaluate and screen the proposals.

Councilmember Burton suggested expanding the scope of services. He requested reviewing the RFP prior to its distribution.

Mayor Pro Tem Howorth addressed possible topics and the need for proper definition of the information desired.

A motion was made by Councilmember Powell, seconded by Councilmember Burton, to approve a subcommittee consisting of Mayor Pro Tem Howorth and Councilmember D'Errico to work with staff to develop an RFP. The motion carried with the following vote:

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

Staff was directed to bring the RFP back to City Council for consideration and public input prior to its distribution.

**9. Annual Investment Policy.
APPROVE**

Attachments: [Investment Policy 2013-2014](#)

Councilmember Burton pulled this item for separate discussion and consideration.

At his request, Finance Director Moe provided a brief report including changes in the policy.

The Mayor opened the floor for public comments.

Bill Victor wondered if the City relies on outside experts regarding the bond market.

Mayor Lesser closed the public comment period.

City Manager Carmany reported that the City uses outside professional investment brokers.

A motion was made by Councilmember Burton, seconded by Councilmember Powell, to approve the Annual Investment Policy. The motion carried by the following vote:

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

13. Minutes:

This item contains minutes of City Council meetings which are presented for approval and minutes from City Council subcommittees and from 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 approve the minutes of the:

a) City Council Budget Study Session #1 of May 9, 2013

APPROVE

b) City Council Budget Study Session #2 of May 14, 2013

APPROVE

c) City Council Budget Study Session #3 of May 16, 2013

APPROVE

d) City Council Budget Study Session #4 of May 28, 2013

APPROVE

e) City Council Regular Meeting of May 21, 2013

APPROVE

f) City Council Regular Meeting of June 18, 2013

APPROVE

g) City Council Adjourned Regular Meeting of June 25, 2013

APPROVE

h) City Council Closed Session Meeting of June 18, 2013

APPROVE

i) City Council Closed Session Meeting of June 25, 2013

APPROVE

j) Joint City Council-Parks & Recreation Commission Meeting of July 23, 2013

APPROVE

k) Library Commission Meeting of July 8, 2013

RECEIVE AND FILE

l) Cultural Arts Commission Meeting of July 9, 2013

RECEIVE AND FILE

m) Planning Commission Meeting of July 24, 2013

RECEIVE AND FILE

Attachments: [City Council Budget Study Session #1 Minutes of May 9, 2013](#)
[City Council Budget Study Session #2 Minutes of May 14, 2013](#)
[City Council Budget Study Session #3 Minutes of May 16, 2013](#)
[City Council Budget Study Session #4 Minutes of May 28, 2013](#)
[City Council Regular Meeting Minutes of May 21, 2013](#)
[City Council Regular Meeting Minutes of June 18, 2013](#)
[City Council Adjourned Regular Meeting Minutes of June 25, 2013](#)
[City Council Closed Session Meeting Minutes of June 18, 2013.pdf](#)
[City Council Closed Session Meeting Minutes of June 25, 2013](#)
[Joint City Council-Parks & Recreation Commission Meeting Minutes of July 2](#)
[Library Commission Meeting Minutes of July 8, 2013](#)
[Cultural Arts Commission Meeting of July 9, 2013](#)
[Planning Commission Meeting Minutes of July 24, 2013](#)

This item was pulled by a member of the public.

In response to Mayor Lesser's inquiry regarding the different minute formats, City Manager Carmany reported that an outside firm has been contracted to help the City with the backlog meeting minutes. He added that once they are approved, they will be posted to the City's website. He added that the firm will continue to be used for the foreseeable future.

Mayor Lesser recognized a member of the public, Bill Victor, who had expressed interest in commenting on Item 13d.

Bill Victor commented positively on the quality of the minutes and offered corrections to his comments in the meeting minutes of City Council Budget Study Session #4 of May 28, 2013. He offered corrections to his comments in the meeting minutes of City Council Regular Meeting of May 21, 2013, City Council Regular Meeting of June 18, 2013 and the Library Commission Meeting of July 8, 2013. In addition, he inquired regarding action minutes.

Discussion followed regarding inclusion of action minutes so that City Council will be immediately aware of the Planning Commission actions. Formal, complete minutes will accompany staff reports. It was noted that if members of the public have corrections to Planning Commission minutes, they can do so during regular Planning Commission meetings and are posted on the City's website.

Councilmember Burton requested clarification regarding Item 13e relative to the forecast and asked when it will be available for City Council and public review.

It was noted that staff is working with Granicus to determine how it will be presented and that it may be presented to City Council within one month.

Regarding Item 13g, Councilmember Burton corrected his motion noting that it was related to approving landscape guidelines contained within the Master Plan for Veterans Parkway.

Regarding Item 13j, Councilmember Powell made corrections to the minutes relative to the venue and his title.

Regarding Item 13I, Councilmember Powell commended Gina Allen regarding the Cultural Arts Commission and a list of items they wanted to address. He expressed concerns regarding a statement in the minutes that indicates City Council silence is constitutes acceptance.

Mayor Lesser encouraged ideas from the Cultural Arts Commission and expressed the need for City Council to address their concerns because they may have fiscal and/or policy implications to which City Council should opine.

Discussion followed regarding the process for getting items from commissions on City Council's agenda through a staff report, a letter from the Chair or through a prioritization of motions and approvals as contained in City Council's Handbook.

City Attorney Barrow felt that a letter from commissions or requests to place items on agendas would be acceptable. He added that simply approving proposals through approval of minutes would be cause for concern especially where it requires expenditure of funds.

City Attorney Barrow clarified that formal City Council action is required before any expenditure of funds for items recommended by the Commission.

Mayor Pro Tem Howorth suggested receiving and filing the minutes and provide direction to staff under Other City Council Business.

A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Powell, to receive and file the City Council Subcommittee and City Commission minutes as amended. The motion carried by the following vote:

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

A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Powell, to approve minutes from City Council meetings as listed above and amended. The motion carried by the following vote:

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

O. OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS (5 MINUTES PER CITY COUNCILMEMBER FOR TOTAL OF 25 MINUTES)

Mayor Pro Tem Howorth reported that the City has set up a public meeting to discuss the Sharrows matter on Monday, August 12, 2013 from 6:00 p.m. to 8:00 p.m. She recommended scheduling a second meeting since many people are on vacation.

City Manager Carmany noted this would require extending the project schedule and that a second meeting will be scheduled as requested by Mayor Pro Tem Howorth.

Mayor Pro Tem Howorth referenced a previous item considered by City Council regarding a walkway to the sea and asked that a status update be placed on a future agenda.

City Attorney Barrow provided a brief update and noted that the County has promised to respond this week.

Councilmember D'Errico reported on discussions with members of the volleyball

community regarding the Six-Person event where they expressed interest in creating a group to evaluate and recap the matter.

City Manager Carmany reported that the issue will be debriefed at staff level with a subsequent report provided to City Council.

Councilmember Burton addressed concerns with the Shade Hotel and requested a status update be placed on a future agenda with input from the City Prosecutor's office. Regarding the South Bay COG he reported that "Cars-to-Go" is coming. Additionally, he reported attending the Water Board meeting and the Beach Cities Health District. He presented the idea of having a joint City Council and Beach Cities meeting on an annual basis and implementing a mentoring program with Manhattan Village Seniors.

Mayor Lesser reported attending a meeting of Regional Los Angeles County Mayors at the Garcetti House to exchange information with other mayors. He commented positively on the event and discussions had.

City Manager Carmany reported that the Shade Hotel will be presented to City Council as soon as possible.

Members of City Council expressed their support.

P. ADJOURNMENT

The Regular City Council Meeting of August 6, 2013, was duly adjourned to the 9:00 a.m. Adjourned City Council Meeting on Tuesday, August 13, 2013, in City Council Chambers, in said City.

Vida Barone
Recording Secretary

David J. Lesser
Mayor

ATTEST:

Liza Tamura
City Clerk