

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Tuesday, June 2, 2015

6:00 PM

Regular Meeting

City Council Chambers

5:30 PM Adjourned Regular Meeting - Closed Session

City Council

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

A. PLEDGE TO THE FLAG

Grace Trpin, 5th Grade Student from Meadows Elementary School, led the Pledge of Allegiance.

B. NATIONAL ANTHEM

Manhattan Beach Middle School Madrigal Singers sang the National Anthem including: Avery Berman, Nathan Caridad, Ella Dabney, Kamilah Davila, Allyson Doyle, Lauren Dressler, Azaan Esmail, Tyler Fermanian, Alexander Gill, Abby Glavin, Christopher Holton, Madison Jackson, Caitlynn Keenan, Lily Kohler, Kate Kresser, Madelyn Lathbury, Evely Le, Trevor Mahony, Carson Nguyen, Nathaniel Peel, Cody Singiser, Kelly Woicik, Nora Yang and Choir Teacher Heather Gold.

C. ROLL CALL

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

D. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

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

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

A motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Burton, to approve the agenda. The motion carried by the following vote:

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

F. CEREMONIAL CALENDAR

1. Presentation of a Certificate of Recognition to "Londoner Salon and Blowdry Lounge" and "Peroxide Beauty and Barbershop" for Outstanding Community Service in Providing Free Haircuts to Over 100 Men, Women and Children at the "First Annual Free Haircut Day" at the Richstone Family Center.

[15-0237](#)

PRESENT

Mayor Powell, on behalf of the City Council, presented certificates of recognition to the "Londoner Salon and Blowdry Lounge" and "Peroxide Beauty and Barbershop" for providing free haircuts to over 100 men, women and children at the "First Annual Haircut Day" at the Richstone Family Center.

2. Presentation of Commendations to the Presidential Volunteer Service Award Recipients. [15-0238](#)

PRESENT

Mayor Powell introduced Fire Battalion Chief Frank Chiella and Fire Battalion Chief Ron Larsen who read a letter from President Obama for the President's Volunteer Service Award. A Lifetime Achievement Award was presented to George Butts and the Gold Award was presented to Jeannie Hendricks, Paul Williams, Arthur Herring, Christopher Richardson and Wayne Powell.

3. Presentation of Certificates of Recognition to the Manhattan Beach Little League All-Stars. [15-0273](#)

PRESENT

Mayor Powell, on behalf of the City Council, presented certificates of recognition to the Manhattan Beach Little League All-Stars: Nick Solan, Nathan Nykaza, Chris Penna, Joey Acosta, Nick Locke Henderson, Jesse Storey, Wyatt Robb, Dylan Dennis, Sean McDonald, Garrett Auville, Merrick Baldo, Jake Gordon, Logan Kane, Coaches: Matt Sugarman, Jackson Morrow and Manager Keith Ramsey.

G. CITY MANAGER REPORT

None.

City Manager Mark Danaj responded to questions from Mayor Pro Tem Burton regarding the status of the Manhattan Village Mall, the Urban Land Institute (ULI) Final Report and the date for the Urgency Ordinance to lapse.

Mayor Pro Tem Burton also asked for the status on two consulting contracts regarding Fire Station #2 and the Skatepark.

Mayor Powell requested a status report on the Rite-Aid Letter and asked for a copy of the letter to be distributed to all City Councilmembers.

H. CITY ATTORNEY REPORT

In response to Mayor Pro Tem Burton's request for a Manhattan Village Mall update, City Attorney Quinn Barrow reported that the administrative record is being finalized and the trial setting conference was continued to July 8, 2015.

I. CITY COUNCIL ANNOUNCEMENTS AND REPORTS

Mayor Powell reported that the Coast Guard is the lead agency on the oil debris on the beaches and that the beaches are open.

Mayor Powell also announced the "Salute to the Troops" on June 28, 2015, from 4-7 PM which officially kicks-off the Concerts in the Park.

Mayor Pro Tem Burton announced an "Open House" on Sunday, July 12, 2015, from 1-3 PM at his residence to celebrate his term as Mayor.

J. COMMUNITY ANNOUNCEMENTS REGARDING UPCOMING EVENTS

The following individuals provided public comment:

*Kathleen Terry
Yolande Wilburn
Councilmember Howorth
Jackie May
Viet Ngo
Mayor Powell*

K. PUBLIC COMMENT ON NON-AGENDA ITEMS

The following individuals provided public comment on non-agenda items:

*Yury Gurchich
Patrick McBride
James McCleary
Robert Bush
Steve Packwood
Craig Cadwallader
Viet Ngo*

L. CONSENT CALENDAR

*Patrick McBride pulled Item No.8.
Vet Ngo pulled Item No.11.
Mayor Pro Tem Burton and Councilmember Lesser pulled Item No. 4.*

A motion was made by Councilmember Howorth, seconded by Mayor Pro Tem Burton, to approve the Consent Calendar item Nos. 4-12, with the exception of Item Nos 4, 8 and 11. The motion carried by the following vote:

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

4. Ordinance No. 15-0013 to Introduce an Amendment to the Municipal Code Section 4.48.090 - Limited Alcoholic Beverage Use on Public Property - Special Permit - Ordinance 15-0013, requiring that the permit provides a public benefit to the community, First Reading (Continued from the 6-2-15 City Council Meeting) (Parks and Recreation Director Leyman).

[ORD 15-0013](#)

INTRODUCE ORDINANCE NO. 15-0013

This item was removed from the Consent Calendar and continued to the June 16, 2015, City Council Meeting.

5. Adopt Ordinance No. 15-0008 which will revise *Title 7 - Public Works, Chapter 7.44 - Water Conservation* of the Manhattan Beach Municipal Code (Public Works Director Olmos).

[ORD 15-0008](#)

ADOPT

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

6. Declare Vacant the Parking and Public Improvements Commission Business Community Seat No. 2 (Apostol) (City Clerk Tamura). [15-0274](#)
DECLARE VACANCY, CONDUCT PUBLIC OUTREACH

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

7. Renewal of Five Year Professional Services Agreement with HdL, Coren & Cone to Provide Property Tax Reporting, Analytic and Audit Services for an Estimated Cost of \$60,500 (Finance Director Moe). [15-0190](#)
APPROVE

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

8. Purchase of One Budgeted Dial-A-Ride Paratransit Van from Nations Bus in the Amount of \$68,944.39 Using AB 2766 (Motor Vehicle Registration Fee) Subvention Funds (Parks and Recreation Director Leyman). [15-0221](#)
WAIVE FORMAL BIDDING; APPROVE

This item was removed from the Consent Calendar and heard later under Item No. O, Items removed from the Consent Calendar.

9. Review Draft Enhanced Watershed Management Program (EWMP) and Authorize the City Manager to Submit the Draft EWMP to the Los Angeles Regional Water Quality Control Board (Public Works Director Olmos). [15-0265](#)
AUTHORIZE REPORT SUBMITTAL

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

10. Award Contract to Provide and Install Refurbished Modular Office Furniture to Concept Consultant, Inc. for an Amount Not-to-Exceed \$27,820 (Public Works Director Olmos). [CON 15-0028](#)
APPROVE

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

11. Consideration of the Parking and Pubic Improvement Commission's Recommendation to Approve a Long-Term Commercial Use Encroachment Permit for Two Eave Mounted Patio Heaters in the Public Right-of-Way at 124 Manhattan Beach Boulevard (BREWCO) (Community Development Director Lundstedt). [15-0207](#)
APPROVE

This item was removed from the Consent Calendar and heard later under Item No. O, Items removed from the Consent Calendar.

12. Minutes: [15-0017](#)
This Item Contains Action Minutes of City Council Meetings which are Presented for Approval. Staff Recommends that the City Council, by Motion, Take Action to Approve the Action Minutes of the:
a) City Council Adjourned Regular Meeting-Budget Study Session #2 of May 11, 2015
b) City Council Regular Meeting of May 19, 2015
c) City Council Adjourned Regular Meeting-Budget Study Session #3 of May 21, 2015
(City Clerk Tamura).
APPROVE

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

M. PUBLIC HEARINGS

13. Consideration of Amendments to the Municipal Code to Include a Council Review Procedure for Quasi-Judicial Decisions and Modernizing Chapter 10.100 (Appeals), and Amending Chapter 10.12 (Residential Districts) and Related Municipal Code Sections Regarding Commercial and Transient Uses in Residential Zones (Community Development Director Lundstedt). **ORD 15-0009**
CONDUCT PUBLIC HEARING, INTRODUCE ORDINANCE NO.15-0009
14. Consideration of Amendments to the Local Coastal Program (LCP) to Include a Council Review Procedure for Quasi-Judicial Decisions and Modernizing Chapter A.96.160 (Appeals), and Amending Chapter A.12 (Residential Districts) and Related LCP Sections Regarding Commercial and Transient Uses in Residential Zones (Community Development Director Lundstedt). **ORD 15-0010**
CONDUCT PUBLIC HEARING, INTRODUCE ORDINANCE NO. 15-0010

Please note that the Public Hearings on Item Nos. 13 and 14 were consolidated.

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember D'Errico, that Item Nos. 13-14 be bifurcated discussing Transient Uses and Short-Term Rentals first, and second an amendment to the Appeals Process. The motion carried by the following vote:

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

Item Nos. 13-14 were heard concurrently, first regarding Transient Uses.

Mayor Powell introduced Community Development Director Marisa Lundstedt who summarized the items and Planning Manager Laurie Jester provided the PowerPoint Presentation.

Community Development Director Lundstedt, Planning Manager Jester and City Attorney Quinn Barrow responded to City Council questions.

Mayor Powell opened the floor to public comment.

The following individuals provided public comment:

*Marjorie Bowen
Robert Bush
Jose Ramirez
Madelyne Ramirez
Karol Wahlberg
Joan Allen
Heather Rezner
Steve Packwood
Monica Myrtle
Ashely Denker
Will Arvizo
Jackie May
Kristin Pekarik
Julie Profet
Marjorie Bowen
Kristin McKerrick
Tahereh Barnes
Julie Profet
Viet Ngo*

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

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember D'Errico, to have a complete ban on Short-Term Rentals, an exemption to be allowed for those license holders or permittees as of March 30, 2015, until December 31, 2015, (approximately 57), to give notice of the proposed ban to the license holders and those within a 100 foot radius, subleasing is not allowed unless the sublease is over 30 days and to return Ordinances on the Consent Calendar at the next City Council Meeting. A friendly amendment accepted by the maker, was made to change the date from March 30, 2015, to April 30, 2015. The motion carried by the following vote:

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

*City Attorney Barrow read into the record the Title of ORDINANCE NO. 15-0009
AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING
MANHATTAN BEACH MUNICIPAL CODE CHAPTER 10.12 (RESIDENTIAL
DISTRICTS) AND RELATED MUNICIPAL CODE SECTIONS TO PROHIBIT
COMMERCIAL AND TRANSIENT USES IN RESIDENTIAL ZONES as AMENDED.*

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember D'Errico, to introduce Ordinance No. 15-0009, as amended. The motion carried by the following vote:

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

*City Attorney Barrow read into the record the Title of ORDINANCE NO. 15-0010
AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING THE
MANHATTAN BEACH LOCAL COASTAL PROGRAM TO AMEND CHAPTER A.12
(RESIDENTIAL DISTRICTS) AND RELATED MUNICIPAL CODE SECTIONS TO
PROHIBIT COMMERCIAL AND TRANSIENT USES IN RESIDENTIAL ZONES as
AMENDED.*

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember D'Errico, to introduce Ordinance No. 15-0010, as amended. The motion carried by the following vote:

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

At 8:57 PM City Council recessed and reconvened at 9:11 PM with all Councilmembers present.

Planning Manager Laurie Jester presented the PowerPoint Presentation for the City Council review procedure for quasi-judicial decisions.

Planning Manager Jester and City Attorney Barrow responded to City Council questions.

Mayor Powell opened the floor to public comment.

The following individual provided public comment:

Viet Ngo

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

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember Lesser, to have a written form for City Council Review, to have Planning Commission actions placed on the City Council agenda at the end of the agenda, allow 20 days after the Planning Commission action to request a review, and one City Council member can request a review. The motion carried by the following vote:

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

City Attorney Barrow read into the record the Title of ORDINANCE 15-0015 AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING THE MANHATTAN BEACH MUNICIPAL CODE TO INCLUDE A COUNCIL REVIEW PROCEDURE FOR QUASI-JUDICIAL DECISIONS AND MODERNIZING CHAPTER 10.100 (APPEALS) as AMENDED.

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember Lesser to Introduce Ordinance N0. 15-0015, as amended. The motion carried by the following vote:

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

City Attorney Barrow read the Title OF ORDINANCE 15-0016 AN ORDINACE OF THE CITY OF MANHATTAN BEACH AMENDING THE MANHATTAN BEACH LOCAL COASTAL PROGRAM TO INCLUDE A COUNCIL REVIEW PROCEDURE FOR QUASI-JUDICIAL DECISIONS AND MODERNIZING CHAPTER A.96.100 (APPEALS) as AMENDED.

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember Lesser to Introduce Ordinance N0. 15-0016, as amended. The motion carried by the following vote:

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

N. GENERAL BUSINESS

15. Consideration of Nikau Kai Waterman Shop and Hermosa Cyclery to Provide Beach Concessions and a Welcome/Information Center in the Sand Lot South of the Lower South Pier Parking Lot (Continued from 5-26-15 Budget Study Session #4 City Council Meeting) (Parks and Recreation Director Leyman). [15-0281](#)

APPROVE

Mayor Powell introduced City Manager Mark Danaj who summarized the item and Parks and Recreation Director Mark Leyman provided the Staff presentation.

Mayor Powell opened the floor to public comment.

The following individuals provided public comment:

*Phil Ranger
Ginger Shearer
Bill Victor
Craig Cadwallader
Jackie May
Steve Collins, Larry, Mark and Ken
Robbie French
Julian Katz
Mike Simms
Mike Zislis
Lisa Nowak
Nick Wells
Jason Shanks
Rachel
Kelly Stroman
Viet Ngo*

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

Parks and Recreation Director Leyman, Sports and Aquatics Manager Jessica Vincent and City Manager Danaj responded to City Council questions.

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember Howorth, to approve the proposal of Nikau Kai Waterman Shop (Beach Days Perfected) to continue the seasonal pilot program to provide beach rentals and a Welcome/Information Center in the Sand Lot South of the lower South Pier Parking Lot, including no more than 8 beach cruisers, direct Staff to report back to City Council thirty days prior to the end of the six month trial period, to further direct Staff to look at alternate locations west of the bike path (options only), limit advertising to only the name of the company, obtain requisite approval from State Agencies, direct Staff to report back at the end of the season if existing containers can be removed permanently (in the interim paint as soon as possible). The motion carried by the following vote:

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

At 11:41 PM City Council recessed and reconvened at 11:51 PM with all Councilmembers present.

16. Final Review and Direction for the Fiscal Year 2015-2016 Budget, [15-0202](#)
Including the CIP, Prior to Adoption (Continued from the 6-2-15 City
Council Meeting) (Finance Director Moe).

DISCUSS AND PROVIDE DIRECTION

This item was continued to the June 8, 2015, Adjourned Regular City Council Meeting.

A motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Burton to continue Item No. 16 Final Review and Direction for the Fiscal Year 2015-2016 Budget Prior to Adoption to Monday, June 8, 2015, an Adjourned Regular City Council Meeting and to continue Item No. 4 Introduce an Amendment to the Municipal Code Section 4.48.090 - Limited Alcoholic Beverage Use on Public Property - Special Permit - Ordinance 15-0013, requiring that the permit provides a public benefit to the community, First Reading to the June 16, 2015, Regular City Council Meeting. The motion carried by the following vote:

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

17. Presentation of Draft Urban Forest Master Plan (Public Works Director [15-0259](#)
Olmos).

RECEIVE REPORT AND PROVIDE DIRECTION

Mayor Powell introduced Public Works Director Tony Olmos who summarized this item and introduced Davey Resource Group Consultant and Certified Arborist Dana Karcher who provided the PowerPoint Presentation.

Public Works Director Olmos, Consultant Karcher, and Maintenance Superintendent Juan Price responded to City Council questions.

Mayor Powell opened the floor to public comment.

The following individual provided public comment:

Karol Wahlberg

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

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember Lesser, to receive the report and direct the City Manager and Staff to pursue the management of parkway trees. The motion carried by the following vote:

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

A motion was made by Councilmember Howorth, seconded by Mayor Pro Tem Burton to direct Staff to streamline the Municipal Tree Codes. The motion carried by the following vote:

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

City Council gave direction to Staff to okay a Citywide canopy study.

A friendly amendment was made by Councilmember Lesser and accepted by the maker to have the Urban Forester position on-board before moving forward to identify the significant high-value tree guidelines. The motion carried by a unanimous voice vote.

O. ITEMS REMOVED FROM THE CONSENT CALENDAR

4. Ordinance No. 15-0013 to Introduce an Amendment to the Municipal Code Section 4.48.090 - Limited Alcoholic Beverage Use on Public Property - Special Permit - Ordinance 15-0013, requiring that the permit provides a public benefit to the community, First Reading (Continued from the 6-2-15 City Council Meeting) (Parks and Recreation Director Leyman).

[ORD 15-0013](#)

INTRODUCE ORDINANCE NO. 15-0013

This item was continued to the June 16, 2015, Regular City Council Meeting.

8. Purchase of One Budgeted Dial-A-Ride Paratransit Van from Nations Bus in the Amount of \$68,944.39 Using AB 2766 (Motor Vehicle Registration Fee) Subvention Funds (Parks and Recreation Director Leyman).

[15-0221](#)

WAIVE FORMAL BIDDING; APPROVE

Mayor Powell opened the floor to public comment. Seeing no requests to speak the following motion was made.

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember Lesser, to waive formal bidding and purchase one budgeted Dial-A-Ride Paratransit Van from Nations Bus in the Amount of \$68,944.39 Using AB 2766 (Motor Vehicle Registration Fee) Subvention Funds. The motion carried by the following vote:

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

11. Consideration of the Parking and Public Improvement Commission's Recommendation to Approve a Long-Term Commercial Use Encroachment Permit for Two Eave Mounted Patio Heaters in the Public Right-of-Way at 124 Manhattan Beach Boulevard (BREWCO) (Community Development Director Lundstedt).

[15-0207](#)

APPROVE

Mayor Powell opened the floor to public comment.

The following individuals provided public comment:

*Viet Ngo
Mike Zislis*

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

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember Howorth, to approve the Parking and Public Improvement Commission's Recommendation to Approve a Long-Term Commercial Use Encroachment Permit for Two Eave Mounted Patio Heaters in the Public Right-of-Way at 124 Manhattan Beach Boulevard (BREWCO). The motion carried by the following vote:

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

P. OPTIONAL ADDITIONAL PUBLIC COMMENTS ON NON-AGENDA ITEMS

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

Mayor Pro Tem Burton requested to set an end time for future City Council Meetings.

R. RECEIVE AND FILE ITEMS

Mayor Powell opened the floor to public comment.

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

A motion was made by Councilmember Howorth, seconded by Mayor Pro Tem Burton, that Item Nos. 18-19 be received and filed. The motion carried by the following vote:

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

18. Minutes: [15-0270](#)
This Item Contains Minutes of City Commission Meetings. Staff Recommends that the City Council, by Motion, Take Action to Receive and File the Minutes of the:
- a) Parking and Public Improvements Commission Meeting of April 23, 2015 (Continued from the 5-19-15 City Council Meeting) (Community Development Director Lundstedt).
 - b) Planning Commission Meeting of May 13, 2015 (Community Development Director Lundstedt).
 - c) Parks and Recreation Commission Meeting of May 18, 2015 (Parks and Recreation Director Leyman).

RECIEVE AND FILE

This item was received and filed.

19. Financial Report: [15-0254](#)
Schedule of Demands: May 7, 2015 (Finance Director Moe).

RECEIVE AND FILE

This item was received and filed.

S. ADJOURNMENT

At 12:45 AM Mayor Powell adjourned the June 2, 2015, Regular City Council Meeting to the 6:00 PM June 8, 2015, Adjourned Regular City Council Meeting (Study Session) to be held in the City Council Chambers, in said City.

Tatyana Roujenova-Peltekova
Recording Secretary

Wayne Powell
Mayor

ATTEST:

Liza Tamura
City Clerk