

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Final

Tuesday, December 2, 2014

6:00 PM

Regular Meeting

City Council Chambers

5:00 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

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A. PLEDGE TO THE FLAG

Ruby Gentzler, 5th Grade Student, Pennekamp Elementary School led the Pledge of Allegiance.

B. NATIONAL ANTHEM

Dennis McNeil sang the National Anthem.

Mayor Powell, on behalf of the City Council, presented Dennis McNeil with a certificate and City pin.

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 had been properly posted.

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

After discussion regarding whether to continue Item No. 7, the following motion was made:

A motion was made by Councilmember Lesser, seconded by Councilmember Howorth, that the agenda be approved and waive full reading of ordinances.

The agenda was approved by the following vote:

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

Nay: 1 - Burton

F. CEREMONIAL CALENDAR

1. Presentation of the "I ♥ MB Award" to M. McDade.

[14-0530](#)

PRESENT

Mayor Powell, on behalf of the City Council, presented the "I ♥ MB Award" to Mary Beth McDade.

10. **Presentation of Commendations to the 2014 Annual "Home Escape Plan" Winners.**

PRESENT

Mayor Powell introduced Firefighter/Engineer/Paramedic Brian Yount who presented a video featuring second grade students from Manhattan Beach Schools. He then introduced the winners of the "Home Escape Plan" from each school: Josephine Urbon (American Martyrs Elementary School), Tessa Lukas (Grandview Elementary School), Marlee Becker (Meadows Elementary School), Olivia Tang (Pacific Elementary School), Sadie Lee (Pennekamp Elementary School) and Jack Jadon (Robinson Elementary School).

2. Annual City Recognition of Longstanding Local Businesses (Finance Director Moe).

[14-0507](#)

APPROVE

Mayor Powell, on behalf of the City Council, presented certificates, plaques, and City pins to long standing Manhattan Beach Businesses.

G. CITY MANAGER REPORT

City Manager Mark Danaj announced the appointment of Community Development Director Marisa Lundstedt.

Newly appointed Community Development Director Marisa Lundstedt thanked the City Council, staff, and the community for the warm welcome and stated that she is looking forward to working in the City.

H. CITY ATTORNEY REPORT

None.

I. CITY COUNCIL ANNOUNCEMENTS AND REPORTS

Councilmember David Lesser reported on the Symposium to be held on Saturday, December 6, 2014, from 9 AM to 2 PM at the Joslyn Community Center. This will be an intergenerational event with the Senior Advisory Council and the Mayors Youth Council.

Mayor Powell recognized Councilmember Lesser for the great job he has done with the Symposiums.

Councilmember Howorth announced the 22nd Annual Beach Cities Toy Drive, and noted that on Saturday, December 20, 2014, there will be a toy wrapping party at the Joslyn Community Center at 11 AM.

Mayor Powell announced the "I ♥ MB Art Contest/Competition". The deadline for submission is Wednesday, December 17, 2014. The exhibition will take place from December 29, 2014 to January 15, 2015, at City Hall.

J. COMMUNITY ANNOUNCEMENTS REGARDING UPCOMING EVENTS

None.

K. PUBLIC COMMENT ON NON-AGENDA ITEMS

Craig Cadwallader, Resident and Representing Surfrider Foundation South Bay Chapter, spoke regarding Measure O asking City Council to consider a Resolution opposing the oil drilling project in the City of Hermosa Beach.

George Schmeltzer, Former Hermosa Beach City Councilmember, spoke in opposition of Measure O and requested that City Council consider passing a Resolution concerning the possible Regional impact on Manhattan Beach due to the E&B Oil Drilling Project in Hermosa Beach.

Michelle Murphy, President of the Manhattan Beach Residents Association (MBRA), requested the assistance of City Manager Danaj with finding the MBRA a meeting location while the new library is under construction. She also began commenting on the Mall Project when Mayor Powell asked her to stop.

Mayor Powell informed Michelle Murphy that the Mall Project is an agenda item and asked her to reserve her comment until that item is considered.

Jon Chaykowski, Manhattan Beach resident, stated that the widening of the bridge is a great idea and expressed concerns for the traffic safety on Sepulveda Blvd.

Mark Olson, Representative for Southern California Edison, advised there will be a new manager representing Manhattan Beach in January 2015.

Stacy Armado, Hermosa Beach resident, urged City Council to consider a Resolution opposing Measure O, not just for the City of Hermosa Beach, but also due to its possible impact on the Santa Monica Bay.

Hany Fangary, Hermosa Beach City Councilmember, requested that the City Council consider adopting a Resolution opposing the proposed oil drilling project in the City of Hermosa Beach stating that it's not a Hermosa Beach issue, but that it's a South Bay issue, emphasizing the fact that environmental issues do not recognize city boundaries.

Joe Galliani, South Bay 350 Climate Action Group, expressed concern regarding the oil drilling, reminded the City Council that they are leaders regarding environmental issues and commented that the City Council needs to move from the fossil fuel era to renewable energy.

Bill Victor, Property Owner, stated that he has been involved with environmental cases since 2006 and spoke in support of comments made by Jon Chaykowski regarding the concern for the safety lane on Sepulveda Boulevard. He also expressed concern for the lack of follow-through regarding the request submitted in December 2013 to the Los Angeles County Public Works Department regarding the intersections on Manhattan Beach Boulevard/Manhattan Avenue and Manhattan Beach Boulevard and Highland Avenue.

Mayor Powell asked City Manager Danaj to follow-up with Bill Victor regarding the above.

Frank McCoy, Police Chief of Oceanside, stating that Marisa was a great asset to the City of Oceanside and that she will be a great asset to the City of Manhattan Beach.

Gerry O'Connor, Manhattan Beach Resident, expressed concern about oil drilling in

Hermosa Beach. He stated that there may be potential problems in Manhattan Beach if Measure O passes in Hermosa Beach. His request to City Council was to determine, under the agenda item under "Other City Council Business," if there is a willingness to place this matter on a future agenda. He encouraged the City Council to take a stand and represent the City.

Mayor Powell, seeing no further public comments, closed the floor to public.

L. CONSENT CALENDAR

Prior to the Consent Calendar vote, City Attorney Quinn Barrow read into the record the Title of Ordinance No. 14-0023 – Regarding Franchises for Vehicles for Hire.

A motion was made by Councilmember Howorth, seconded by Councilmember Lesser, that the Consent Calendar Item Nos. 3-5 be approved. The motion carried by the following vote:

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

3. Planning Commission Approval of a Sign Exception for a New Sign Program for a Remodeled Office Building at 1888 Rosecrans Avenue (Associate Planner Haaland / Community Development Director Lundstedt). [14-0514](#)

RECEIVE REPORT

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

4. Ordinance No. 14-0023 Amending and Restating Municipal Code Provisions Governing Franchises for Vehicles for Hire (City Attorney Barrow). [ORD 14-0023](#)

WAIVE FURTHER READING; INTRODUCE ORDINANCE NO. 14-0023

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

5. Minutes: [14-0519](#)
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 Regular Meeting of November 5, 2014
 - b) City Council Adjourned Regular Meeting of November 6, 2014
 - c) City Council Regular Meeting of November 18, 2014
- (City Clerk Tamura).

APPROVE

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

M. PUBLIC HEARINGS

None.

N. GENERAL BUSINESS

6. South Bay Cities Council of Government (SBCCOG) Annual Work Program - Successful Collaborations and Plans for 2014-2015 (City Clerk Tamura).

[14-0525](#)

RECEIVE REPORT - 5 MINUTES

Mayor Powell introduced Executive Director Jacki Bacharach of the South Bay Cities Council of Government (SBCCOG), who gave a brief presentation on their programs and what the SBCCOG has been doing.

Mayor Powell opened the floor to public comment.

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

Motion was made by Mayor Powell to Receive the Report. Hearing no objections, it was so ordered.

At 7:31 PM City Council recessed and reconvened at 7:43 PM with all Councilmembers present.

7. Consideration of Certification of a Final Environmental Impact Report and Approval of a Master Use Permit Amendment, Height Variance and Master Sign Program/Exception for the Manhattan Village Shopping Center Enhancement Project at 2600 through 3600 Sepulveda Boulevard and 1220 Rosecrans Avenue (Planning Manager Jester / Community Development Director Lundstedt).
ADOPT RESOLUTION NO. 14-0025 CERTIFYING THE FINAL EIR AND RESOLUTION NO. 14-0026 APPROVING THE PROJECT WITH CONDITIONS

[14-0517](#)

Mayor Powell introduced the aforementioned item, explained that this is the time to consider approving the EIR and the Mall project, and that consistent with prior related City Council direction, staff has presented a number of options to consider, including Option A, the Council direction in May 2014, and Option B, the Council direction in January 2014. He informed the public that the City would provide another opportunity to comment on each of the options, the draft resolutions, and the proposed conditions.

City Planning Manager Laurie Jester provided a PowerPoint presentation summarizing the staff report in the agenda. She explained that Option A is the Council direction from May 2014 Option B is the Council direction from January 2014 and Options C and D. She requested that after presenting an opportunity for the public to speak, the Council select one of the options.

Mayor Powell announced that representatives from RREEF and 3500 Sepulveda will be allowed to address the Council. He added that the project is the same project presented in January 2014, with minor differences between Options A and B.

Mr. Joe Saunders of RREEF provided a brief summary of the mall ownership, addressed its intent and expressed agreement with all Conditions of Approval set forth in January 2014.

Ms. Amber Richane provided a PowerPoint presentation including a virtual tour of the proposed project.

Mark Neumann, 3500 Sepulveda, LLC, stated that he has not met with staff recently and clarified that he has met twice with the City Manager. He requested that he be allowed 20 minutes to speak.

Mr. Saunders requested that Council approve the project in order to move it forward. He referenced a letter from Macy's in support of the project.

Mayor Powell requested that staff post the Macy's letter on the City's website.

City Attorney Quinn Barrow added that there have been a number of other documents submitted regarding this matter that will also be posted on the City's website.

Cory Briggs, attorney for a number of clients, alleged that if Council approves this project tonight, it will be committing a number of violations. He opined that Mayor Powell should recuse himself and stated that the City should not proceed with this matter at this time since the matter has not been properly agendized because the system was down last night and the agenda was not available to the public. He stated that the Brown Act states that it must be up 72 continual hours prior to the

meeting. He added that the EIR needs to be recirculated, that changes to the project have been made from previous meetings and that this meeting should have been noticed as a public hearing. He added that the pictures presented are not accurate representations of the proposed project and submitted a letter into the record.

Mark Neumann of 3500 Sepulveda, LLC, and 13th and Crest Associates, LLC, referenced a settlement agreement on the mall expansion and provided a PowerPoint presentation addressing the settlement agreement, site plan comparisons, concerns of residents and small businesses, Deutsche Bank's proposal, incorrect economic impacts, incomplete vision, Deutsche Bank's responses to conditions, Fry's corner connectivity, responses to Macy's consolidation and responses to various Conditions of Approval. He addressed parking ratios, non-core parking and core mall parking ratios.

Vicki Neumann asked for the City's help in resolving this matter.

Mr. Neumann continued with the PowerPoint presentation addressing Deutsche Bank's responses to conditions.

Mayor Powell granted another five minutes to Mr. Neumann.

Mr. Neumann commented on the lack of construction parking plans and provided a list of residents who provided written comments regarding the project.

Brant H. Dveirin, attorney on behalf of the owners of the 3500 Sepulveda building, referenced two letters submitted by his office including one with changes to the resolution. He stated that the changes should have been incorporated. He requested that the matter be continued and provided information in support of his request. He referenced the settlement agreement and its requirements.

Mayor Powell commented on the process for proceeding at this time and responded to statements made by speakers by stating that all the documents have been on line. He noted that he has no financial interest in the project, that he is unbiased and always waits until the end of the process to make up his mind. Therefore, he will not recuse himself.

City Attorney Barrow reported that the agenda was posted at least 72 hours before the meeting, in fact it was posted early and that the City has fully complied with the Brown Act. With respect to Mr. Briggs' comments, the City Attorney referred to the legislative digest to show that there has been no change in the project. He added that prior to the public hearing in May, staff incorporated revisions to the resolution requested by 3500 Sepulveda but there were other changes requested by 3500 Sepulveda that have not been incorporated. He noted the minor revisions to the language in the resolutions. He stated there is no need to recirculate the EIR because the project, in both Options A and B, is the same project that was before the Council at the public hearings in January and May. The only differences between Option A and B is whether Phase III should be approved at this time and the size of the parking structure, subjects that the public, including 3500 Sepulveda, have commented on at length in the public hearings. Mr. Briggs' clients have had ample opportunity to discuss Phase III and the size of the parking structure, and there has been so much testimony on the two topics. Council Mayor Powell referenced the settlement agreement between RREEF and 3500 Sepulveda, LLC, and noted that the City is not a party to the agreement. City Attorney Barrow concurred.

Mayor Powell stated he does not meet with applicants, appellants or property owners, outside of Council meetings. There has been one exception in relation to the

Mayor's Walk-and-Talk where Mr. Neumann participated on November 3.

Councilmember Howorth commented that she understood that 3500 Sepulveda has concerns regarding the construction parking plan.

City Planning Manager Jester stated the EIR had a detailed analysis regarding construction parking and a schedule that shows that there are no problems with construction and there is more than adequate parking.

In response to Councilmember Lesser's inquiry, City Attorney Barrow reported that the matter was properly noticed and that another public hearing is not legally required because the project is the same as was presented in January 2014 and May 2014.

City Attorney Barrow reiterated that the City is not a party to the private settlement agreement.

Mr. Saunders and Mr. Neumann responded to questions from Councilmember Lesser regarding the Council's conditions, negotiating with each other, the adequacy of allocating 30 parking spaces to 3500 Sepulveda, LLC, the location of those parking spaces and other amenities including elevators. Mr. Neumann repeated that parking is what is driving 3500 Sepulveda's opposition to the project, and that 30 spaces in the culvert are not enough, especially without ADA ramps. The elevator and the stairs were promised to him years ago.

City Planning Manager Jester stated that the Mall is in full compliance with ADA standards, and that handicapped spaces are typically closest to the entrance, as they are in the present case where the handicapped spaces are adjacent to 3500 Sepulveda.

The Mayor read from a letter attached to the staff report. The independent environmental consultant confirmed that in her professional opinion, the proposed conditions to add a stairway and elevator, interim landscaping, 30 parking spaces and the turning lane would not result in any new significant adverse environmental effect and thus recirculation of the EIR is not required. The independent traffic consultant confirmed that in his professional opinion, the impacts from the project with the additional conditions would be slightly less than those reported in the EIR.

Councilmember D'Errico reported meeting with Mr. Saunders and other representatives of Deutsch Bank, as well as with Mr. Neumann, but not with Macy's. During those meetings, he only asked questions and did not form an opinion.

Discussion followed regarding the author of the Macy's letter, his authority to make decisions, Macy's intention to consolidate and expanding and extending the Fry's lease in relation to Phase 3.

In response to Councilmember D'Errico's question, Ms. Richane reported that all renderings are to scale.

Mr. Neumann responded to questions from City Council.

Mayor Powell invited those interested in addressing Council.

Michelle Murphy, 4400 The Strand, expressed concerns that the public did not have sufficient notice and stated that the public should be allowed more time to speak.

William Victor stated that the public deserves more time to review the matter and

alleged Brown Act violations.

Roz Bliss, Manhattan Village, asked that City Council consider placing cell towers on the property to enhance cell service in the City.

DeAnn Chase stated that RREEF has bent over backwards to accommodate residents. She expressed frustration that the City has spent so much time on this matter while losing sales tax revenue and key retailers. She spoke in support of the project as presented at this time and encouraged Council not to delay any further.

June Wang, Manhattan Village, inquired regarding the construction timeline.

Marie Colmy spoke in support of Option B of the proposal as presented this evening and asked Council to approve the matter in order to move forward.

Esther Besbris addressed previous comments from Council regarding the project, expressed concerns regarding Macy's commitment and noted that City Council's decision will affect City residents.

Darryl Rosen spoke in support of Option B of the proposed project.

Neil Boyer encouraged Council to deny the project and expressed concerns with increased density, congestion and the loss of open space. Additionally, he expressed concerns with the lack of sufficient noticing of the matter.

Vicki Neumann, Manhattan Beach, thanked Members of Council who asked the right questions for clarification. She questioned whether the mechanics of the plan will work as well as the connectivity of Fry's. She encouraged Council to continue asking questions.

Chris Prodromides, 3000 Oak, felt that this matter was presented at the last minute and that the public has not had sufficient notice to review the proposed project. He opined that Council should approve Option A and commented on the feasibility of Phase 3.

Mayor Powell stressed that there was advance notice for this matter, on November 17 and November 26.

Speaker, addressed parking, made suggestions for changes and stated that the renderings are inaccurate. He encouraged City Council to stand by the community and not compromise.

Mr. Neumann reported meeting with Councilmembers Burton and D'Errico and encouraged City Council to be bold and take care of its own: require that Macy's be consolidated first, then do Fry's second, and add a ton of parking.

Jon Chaykowski, John Street, voiced opposition to the three-level parking structure and expressed concerns with increased density and congestion.

Richard Rizika, an owner of 3500 Sepulveda wanted to collaborate with RREEF. He said his only issue is to make sure the project is the best that it can be. He wanted the project to be consistent with the settlement agreement, and he didn't think the parking structure is three stories in the agreement. He wants an enhanced mall, but thinks all three phases should be done in one development. Additionally, he commented on Option B, encouraged circulation through the project and suggested developing an all encompassing Master Plan, including Fry's, for the site, that would

double the square footage, stimulate increased sales and property taxes, and have a comprehensive circulation plan that would benefit 3500 Sepulveda and the public.

Mayor Powell noted giving Mr. Rizika additional time to speak as he is a property owner.

Scott King noted that it is time to take action and that the action should be to approve the project. He expressed frustration that an inaccurate history of the project is being presented to Council.

Diane Wallace, Manhattan Village, commented positively on RREEF's efforts and responsiveness to community input. She agreed with the City Attorney that the Brown Act has not been violated because the agenda was posted long before 72 hours in advance, and spoke in support of Option B.

Gerry O'Connor expressed concerns that Council is being presented with specific options that it has not chosen. He expressed concerns with the process and reported that the project has morphed. He added that Council's direction has not been met and felt that there is a lot more discussion that needs to take place before moving forward with this project.

Joe Saunders stated RREEF is in full agreement with the conditions set in January 2014. He reported they are fully committed to this project and requested elimination of the condition involving further reduction of the north parking deck. Otherwise, RREEF is in full agreement with the January conditions and the other conditions added.

Mr. Dveirin, attorney for 3500 Sepulveda, stated there were two changes from the City Council direction in May: the third level of the parking deck, and the elimination of Phase III. He further stated that RREEF has not negotiated in good faith with them.

Mark Neumann provided a copy of Condition No. 6 and repeated that the Council should think about the residents, competing with the Point across the street, that if ugly Fry's stays for more 5-6 years, "we lose." He suggested making Macy's go first, renovate the Fry's corner, make it beautiful and require Macy's to produce the agreement, and do what's best for us, not some guy who flies in from Atlanta.

Mayor Powell closed public comments.

Mayor Powell listed options available for Council's consideration: Option A is the City Council's direction on May 20, 2014; Option B is the City Council's direction on January 14, 2014, with additional enhancements offered by RREEF; Option C is adding any additional reasonable conditions; and Option D is directing staff to come back with a resolution for denial.

Councilmember Howorth spoke in support of Option B.

Councilmember D'Errico stated that the timing of the meeting is wrong and that Council should focus on the facts and not on opinions. He stated that Macy's consolidation and Fry's renovation are the two most paramount mechanics, and he doesn't think we have them here. A strong Sepulveda corridor, regardless of the City boundaries, is good for everyone, and people will shop where the best deals are. He agreed with the comments made by Mr. Rizika, especially his comments that we need the best project it can be, and we need a master plan.

Councilmember Lesser commented on the evolution of the project since 2007 which has resulted in a smaller project, and he is prepared to support Option B. The top level of the parking structure has been scaled back, and the public courtyard has been expanded. There has been an attempt to accommodate 3500 Sepulveda by providing the elevator, stairs and parking spaces near their building. The project has been scaled back, in January, and by deferring Phase III.

Mayor Powell called for a recess at 11:08 p.m. The assembly reconvened at 11:14 p.m., with all Members, present.

Mayor Pro Tem Burton stated that Phase III was the flash point of the project and other conditions should be imposed such as keeping Village Drive open and requiring more right turn lanes. He is troubled by the delay of the project. He listed five "must haves" of the project. He commented on the options presented for consideration and suggested changes, such as moving the north parking structure to the northwest and build a greater pedestrian mall. He felt the City could negotiate more conditions. He advocated for a City Council subcommittee to travel to Macy's headquarters and continuing the matter in order to work with the new negotiators to make something magical.

Mayor Powell spoke in support of Option B. He noted the need to adopt Resolution No. 14-0025 first if Options A or B are selected.

Mayor Pro Tem Burton responded to some of Mayor Powell's comments and noted the need for discussions relative to the EIR.

City Attorney Barrow stated that the EIR has been discussed, at length, at the numerous public hearings.

A motion was made by Councilmember Howorth, seconded by Councilmember Lesser, to adopt Resolution No. 14-0025 certifying the final EIR, and adopting the mitigation monitoring program, with corrections to minor errors.

Mayor Pro Tem Burton stated he cannot agree with the findings listed in the draft resolution.

The motion carried: 3– 2, with Mayor Pro Tem Burton and Councilmember D'Errico voting no.

A motion was made by Councilmember Howorth, seconded by Councilmember Lesser, to adopt Resolution No. 14-0026 effectively Option B, and direct staff to let City Council know how it can help during the process and making sure that the construction plan is fair and equitable, with corrections to typographical errors.

City Attorney Barrow referenced the legislative digest and reported that if the motion is adopted it will approve Option B and explained that option in detail. He added that if Option B is approved, he would walk through a tracked version of the Resolution so that the public can see the final version. In essence, language that was deleted or added in the legislative digest would be restored. For instance, where the Resolution states that Phase III is approved, would be restored to Phase III is not approved.

Councilmember Lesser commented on providing adequate notice to the public. City Attorney Barrow noted that Option B was clearly identified in the staff report, including Option B as one of the Council's options; it is clearly within the scope of potential Council options that can take place tonight. Thus, Brown Act requirements and due process considerations have been met.

Discussion followed regarding voting on the motion and the possibility of adding conditions after the motion is approved.

A substitute motion was made by Mayor Pro Tem Burton, seconded by Councilmember D'Errico to approve Option C, approve Phase 2 at this time and direct the City Manager and Community Development Director to assist with negotiations with all property owners with emphasis on the Fry's corner, integrating it, outdoor pedestrian experience and placement of parking decks and report back to City Council in no later than 120 days.

Discussion followed.

Mayor Pro Tem Burton amended the substitute motion asking that staff report back to City Council in no later than 60 days. Councilmember D'Errico agreed with the amendment.

Councilmember Burton stated the substitute motion is being done "in a vacuum".

Councilmember D'Errico commented positively on Mayor Pro Tem Burton's proposal. We all agree on Phase II, but we don't know how to get to Phases I and III. Macy's consolidation is still uncertain. We take 60 days to attempt to obtain further agreement.

Mayor Powell responded to comments relative to Macy's consolidation. Macy's told us that consolidation would happen.

Mayor Pro Tem Burton noted that he has met with Macy's and reiterated his position.

The substitute motion failed: 2 – 3, with Mayor Powell and Councilmembers Howorth and Lesser voting "no".

Discussion followed regarding the construction plan and providing protection to 3500 Sepulveda. After the discussion, the maker of the motion removed that direction.

Councilmember Howorth restated her motion, seconded by Councilmember Lesser, to adopt Option B. At the request of the City Attorney, Option B was placed on the monitor, and he read Option B from the staff report: adopt Resolution No. 14-0026, modified as follows: approving Phase I and II only, maintaining a G+2 north parking structure, but with a 90-foot setback, adding conditions requiring installation of interim landscaping and interim signage, installation of 30 additional parking spaces and a stairway leading directly to 3500 Sepulveda and accepting RREEF's offer of a right turn deceleration lane. It was noted that the motion included corrections to typographical errors.

Mayor Pro Tem Burton suggested additional conditions but these were not accepted by the maker of the motion.

Discussion followed regarding maintaining Village Drive open.

Pat Gibson, Gibson Transportation, noted that Village Drive will remain open and the only change is adding stop signs and speed bumps.

The motion carried: 3 – 2, with Mayor Pro Tem Burton and Councilmember D'Errico voting "no".

Mayor Powell called for a recess at 12:33 a.m. to provide time to the City Attorney to walk through Option B for the benefit of the public. The assembly reconvened at 12:45 a.m. with all Members, present.

City Attorney Barrow displayed a tracked version of Resolution No. 14-0026 on the monitor, and pointed out each of the minor language changes that reflect the motion adopting Option B. As adopted with the modifications, Resolution No. 14-0026 eliminates all references to approving Phase III, modifies the condition regarding the north parking structure, and adds conditions regarding the additional 30 parking spaces and right turn lane. He added that all of the changes were identified in the staff report, were fully discussed by the public and were fully analyzed by the CEQA consultant. He clarified the condition that RREEF would provide the agreement with Macy's within 10 days of the execution of the agreement, not within 10 days of the approval of the project.

Councilmembers concurred, on the record, that the tracked version of the Resolution captures the motion.

O. ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

P. OPTIONAL ADDITIONAL PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

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

Councilmember Howorth stated that she would like the topic of Measure O to be agendized at a future meeting. The City Council concurred that the item be agendized under "Other Council Business" on the December 16, 2014, City Council agenda with staff attaching the draft Resolution as proposed by the Surfrider Foundation.

R. RECEIVE AND FILE ITEMS

Mayor Powell opened the floor to public comment.

Seeing no 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, that Item Nos. 8-9 be Received and Filed. The motion carried by the following vote:

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

8. Financial Report: [14-0506](#)
Schedule of Demands: November 6, 2014 (Finance Director Moe).
RECEIVE AND FILE

This item was Received and Filed.

9. Commission Minutes:

[14-0528](#)

This item contains minutes of City Council subcommittees and other City commissions and committees which are presented to be Received and Filed by the City Council. Staff recommends that the City Council, by motion, take action to Receive and File the minutes of the:

a) Planning Commission Meeting of November 12, 2014
(Planning Manager Jester / Community Development Director Lundstedt)

RECEIVE AND FILE

This item was Received and Filed.

S. ADJOURNMENT

At 1:10 AM Mayor Powell adjourned the Regular City Council meeting to the 4:30 PM Adjourned Regular City Council Meeting (Closed Session) to be followed by the Regular City Council Meeting on Tuesday, December 16, 2014, to be held in the City Council Chambers, in said City.

Matthew Cuevas
Recording Secretary

Wayne Powell
Mayor

ATTEST:

Liza Tamura
City Clerk