

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Wednesday, November 5, 2014

6:00 PM

Regular Meeting

City Council Chambers

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

Jack Storer led the Pledge of Allegiance.

B. NATIONAL ANTHEM

Mayor Powell introduced the Mira Costa High School Ensemble who sang the National Anthem. On behalf of the City Council, Mayor Powell presented Certificates of recognition to Nina Kemper, Sean Langley, Natalie Winzen, Kendall Dominguez and Andrew Anton.

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 the meeting was properly posted.

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

Mayor Pro Tem Burton asked to continue Item No. 13 Status Report on Construction Rules until a new Community Development Director comes on board.

After City Council discussion, Mayor Pro Tem Burton withdrew his motion.

A motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Burton, to approve the agenda and waive full reading of ordinances. The motion carried by the following vote:

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

F. CEREMONIAL CALENDAR

1. Presentation of a Commendation Recognizing Madonna Newburg for her Contributions to the City of Manhattan Beach. [14-0484](#)

PRESENT

On behalf of the City Council, Mayor Powell presented a Commendation to the family of Madonna Newburg recognizing her contributions to the City of Manhattan Beach.

2. Presentation of a Proclamation Declaring the Month of November, [14-0485](#)

2014, as National Family Caregivers Month.

PRESENT

On behalf of the City Council, Mayor Powell presented a Proclamation to Mulan McBride declaring the month of November, 2014, as National Family Caregivers Month.

G. CITY MANAGER REPORT

City Manager Mark Danaj spoke about the recent power outages and said that Southern California Edison will be invited to a City Council Meeting to provide project updates.

City Manager Danaj responded to City Council questions and stated that this will be an agenda item, so residents will have the opportunity to speak.

H. CITY ATTORNEY REPORT

None.

I. CITY COUNCIL ANNOUNCEMENTS AND REPORTS

Mayor Pro Tem Burton announced on behalf of Sandy Goodman and the Movember Foundation, that the "Movember" event is to bring attention to mens health issues.

Mayor Powell reported that the month of November is also Pancreatic Cancer Month. Mayor Powell congratulated all of the winners in the November election and all of the candidates that participated. He also stated that the Mayor's Town Hall Meeting is now available to view on the City's website. He further added that Tuesday, November 11, 2014 is Veterans' Day and the City will be having a Memorial Ceremony.

J. COMMUNITY ANNOUNCEMENTS REGARDING UPCOMING EVENTS

Manhattan Beach Fire Captain Tyler Wade announced the upcoming Neptunian Women's Club event, the South Bay Chili Cook-Off for the benefit of the Burn Foundation.

Don Gould, Manhattan Beach Library, reported that the library project is moving along and invited residents to use the Hermosa Beach or Redondo Beach Libraries.

K. PUBLIC COMMENT ON NON-AGENDA ITEMS

Robert Bush, resident, spoke about the lack of voter participation, and multiple issues from street sweeping fees to the Manhattan Village Mall.

Fire Chief Robert Espinosa announced that the Fire Department will go out to residents homes to change their batteries for their smoke detectors. Residents can call and schedule an appointment.

L. CONSENT CALENDAR

Councilmember Howorth made a motion, seconded by Councilmember D'Errico to approve the Consent Calendar. City Attorney Quinn Barrow read into the record the title of the Ordinance.

Councilmember Lesser requested to amend the motion and remove Item No. 7 pertaining to Ordinance No. 14-0020.

A motion was made by Councilmember Howorth, seconded by Councilmember D'Errico, to approve the Consent Calendar Item Nos. 3-9 as amended, removing Item No. 7. The motion carried by the following vote:

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

3. Award Contract to Hazen and Sawyer for Engineering Services to Evaluate and Optimize City's Water Disinfectant Process in the Amount of \$55,725 (Public Works Director Olmos). [CON 14-0045](#)

APPROVE

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

4. (a) Reclassify the Existing Senior Deputy City Clerk position from the Teamsters Bargaining Group to Management Confidential. [14-0493](#)
(b) Establish a Salary Range and Benefits for the previously Council-approved and Budgeted Full- Time Graphic Artist Classification (Human Resources Director Hanson).

APPROVE

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

5. Award Contract with Martin & Chapman in the Amount Not-to-Exceed \$60,000 for Election Services Related to the Tuesday, March 3, 2015 General Municipal Election (City Clerk Tamura). [CON 14-0046](#)

APPROVE

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

6. Contract Amendment with Tyler Technologies for a Cashiering System Module for the Existing Financial System in an Amount not to Exceed \$60,000 as Provided for in the City's Information Systems Master Plan and Budget (Finance Director Moe). [CON 14-0049](#)

APPROVE

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

7. Ordinance No. 14-0020 Amending Chapter 4.108 of the Manhattan Beach Municipal Code (Vehicles for Hire) to Update the Requirements for Clean Air Vehicles (Finance Director Moe). [ORD 14-0020](#)

WAIVE FURTHER READING; INTRODUCE ORDINANCE NO. 14-0020

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

8. Approve an Amendment to the Memorandum of Understanding between the Cities of Manhattan Beach, Redondo Beach, Hermosa Beach, Torrance and the Los Angeles County Flood Control District for [CON 14-0048](#)

Administration and Cost Sharing for Development of Phase II of the Enhanced Watershed Management Program (Public Works Director Olmos).

APPROVE

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

9. Minutes:

[14-0344](#)

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-Closed Session of October 7, 2014
 - b) City Council Regular Meeting of October 7, 2014
 - c) City Council Special Meeting - Closed Session of October 15, 2014
 - d) City Council Adjourned Regular Meeting - Closed Session of October 24, 2014
- (City Clerk Tamura).

APPROVE

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

M. PUBLIC HEARINGS

None.

N. GENERAL BUSINESS

10. Government Access Channel Broadcast Capabilities (Finance Director Moe).

[14-0465](#)

RECEIVE REPORT; DISCUSS AND PROVIDE DIRECTION

Mayor Powell introduced Information Systems Manager Leilani Emnace who presented a PowerPoint Presentation.

Information Systems Manager Emnace responded to City Council questions.

Mayor Powell opened the floor to public comment.

Kenneth Thompson, member of the Senior Advisory Council, suggested starting with online content such as YouTube.

Patrick McBride, resident, spoke about having a license to produce and air content.

Mayor Powell closed the public comment.

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember Howorth, to direct the City Manager and Staff to explore expanding the use of our government channel, including giving outside groups program opportunities, and to come back with a draft policy and guidelines. The motion carried by the following vote:

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

At 7:24 PM City Council recessed and reconvened at 7:35 PM with all Councilmembers present.

11. Fiscal Year 2014-2015 First Quarter (July-September) Budget Update [14-0480](#)
Status Report and Implementation of the OpenGov Financial
Application (City Manager Danaj).

RECEIVE REPORT; COMMENT

Mayor Powell introduced City Manager Mark Danaj who announced that this is a dual debut of two new initiatives, the quarterly budget updates and OpenGov, which is a new user friendly web application that is an example of the City becoming more digital and allowing more open access.

City Manager Danaj introduced Finance Director Bruce Moe who gave a PowerPoint Presentation on the budget. Director Moe introduced Budget Analyst Eden Serena who gave a Power Point Presentation on OpenGov.

Finance Director Moe responded to City Council questions.

Mayor Powell opened the floor to public comment.

Esther Besbris, resident, spoke about the new positions and the need to resolve other current issues before hiring these new people.

Gary Osterhout, resident, spoke about expenditures and stated that he did not support the OpenGov platform and doesn't feel it is robust enough.

Mayor Powell closed the floor to public comment.

City Council discussion continued and Finance Director Moe responded to City Council questions.

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember D'Errico, that this item be received and filed and to direct the City Manager to report at the mid-year review how to fund the 4 new positions, and right size the full time employee work force. The motion carried by the following vote:

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

At 9:17 PM City Council recessed and reconvened at 9:25 PM with all Councilmembers present.

12. Advanced Gas Meter Installations Update and Presentation (Public [14-0477](#)
Works Director Olmos).

RECEIVE REPORT

Mayor Powell introduced City Engineer Joe Parco, who then introduced General Affairs Manager of Southern California Gas Company, Marcella Low who provided a PowerPoint Presentation on the Advanced Meter Project and the five Data Collector Units (DCUs).

City Council discussion continued and questions were responded to by Public Works Director Tony Olmos, General Affairs Manager Low and Site Acquisition Manager Shaun Baptiste.

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 Report. Hearing no objections, it was so ordered.

13. Status report on Construction Rules, Surety Bonds, and Construction Parking Permits (Community Development Director Thompson). [14-0371](#)
RECEIVE REPORT

Mayor Powell introduced Building Official Sal Kaddorah who presented a PowerPoint Presentation.

City Council discussion continued and Building Official Kaddorah and City Attorney Quinn Barrow responded to Councilmembers questions.

Mayor Powell opened the floor to public comment.

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

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember Lesser, to direct the City Manager to report back in 120 days, reach out to Southern California League of Cities to see if there are any successful surety bond programs, return to City Council with any new suggested construction rules, and for the City Attorney to bring in language for mandatory mediation rules. The motion carried by the following vote:

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

14. Ordinance No. 14-0017 Amending and Restating Municipal Code Provisions Governing Nuisances and Nuisance Abatement Procedures (City Attorney Barrow). [ORD 14-0017](#)
WAIVE FURTHER READING, INTRODUCE ORDINANCE NO. 14-0017

Mayor Powell introduced City Attorney Quinn Barrow who gave a presentation on the new Ordinance.

City Attorney Barrow responded to City Council questions.

Mayor Powell opened the floor to public comment.

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

City Attorney Barrow read the title of Ordinance No. 14-0017 into the record.

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember Lesser, to waive further reading and introduce Ordinance No. 14-0017 Amending and Restating Municipal Code Provisions Governing Nuisances and Nuisance Abatement Procedures. The motion carried by the following vote:

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

O. ITEMS REMOVED FROM THE CONSENT CALENDAR

7. Ordinance No. 14-0020 Amending Chapter 4.108 of the Manhattan Beach Municipal Code (Vehicles for Hire) to Update the Requirements for Clean Air Vehicles (Finance Director Moe).

[ORD 14-0020](#)

WAIVE FURTHER READING; INTRODUCE ORDINANCE NO. 14-0020

Councilmember Lesser asked for clarification from City Attorney Barrow to explain the new ordinance document presented at tonight's meeting.

City Attorney Barrow responded to Councilmember Lesser's questions, stating that the version distributed at the meeting had format changes.

Mayor Powell opened the floor to public comment.

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

City Attorney Barrow read the title of the Ordinance No.14-0020 in to the record.

A motion was made by Councilmember Howorth, seconded by Mayor Pro Tem Burton, to waive further reading and introduce Ordinance No. 14-0020 Amending Chapter 4.108 of the Manhattan Beach Municipal Code (Vehicles for Hire) to Update the Requirements for Clean Air Vehicles. The motion passed by the following vote:

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

P. OPTIONAL ADDITIONAL PUBLIC COMMENTS ON NON-AGENDA ITEMS

None.

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

Mayor Pro Tem Burton asked that a resolution be discussed so that the Hometown Fair would not be held on Yom Kippur.

City Attorney Quinn Barrow responded to City Council questions.

Mayor Pro Tem Burton asked to have agendized a Utility User Tax (UUT), and the Transient Occupancy Tax (TOT), along with the upcoming Stormwater Fund item.

City Manager Danaj clarified Mayor Pro Tem Burton's request and said that it would be possible.

Mayor Pro Tem Burton also requested information on how cases are being settled and achieving greater transparency.

Mayor Pro Tem Burton further requested that the blue Strand Alcove Benches be discussed.

City Manager Danaj confirmed that there will not be any more blue benches installed before there is City Council discussion.

Mayor Powell mentioned that the polystyrene cups that were banned had been used in the beer garden at the Old Hometown Fair, and asked that Environmental Programs Manager Sona Coffee reach out to organizations before another event.

R. RECEIVE AND FILE ITEMS

Mayor Powell opened the floor to public comments.

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

A motion was made by Mayor Pro Tem Burton, seconded by Councilmember Lesser, that Item Nos. 15-16 be received and filed. The motion carried by the following vote:

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

- 15.** Financial Reports: [14-0473](#)
- a) Schedule of Demands: October 9, 2014
 - b) Investment Portfolio for the Month Ending September 30, 2014
 - c) Financial Reports for the Month Ending September 30, 2014
(Finance Director Moe).

RECEIVE AND FILE

This item was Received and Filed.

- 16.** Commission Minutes: [14-0489](#)
- 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) Cultural Arts Commission Meeting of September 9, 2014
(Parks and Recreation Director Leyman)

RECEIVE AND FILE

This item was Received and Filed.

S. ADJOURNMENT

At 11:05 PM the Regular City Council Meeting was adjourned to the Adjourned Regular Meeting at 6 PM November 6, 2014, in the City Council Chambers in said City.

Mayor Powell also mentioned that there is a Special Meeting at 10 AM on Thursday, November 6, 2014, in the City Council Chambers in said City and the City Council will then go to the Waste Management CORe Food Waste Diversion Facility at 2050 N Glassell Street, in Orange, CA.

Matthew Cuevas
Recording Secretary

Wayne Powell
Mayor

ATTEST:

Liza Tamura
City Clerk