

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Tuesday, February 19, 2013

6:00 PM

Regular Meeting

City Council Chambers

City Council

Mayor Wayne Powell

Mayor Pro Tem David J. Lesser

Councilmember Amy Howorth

Councilmember Richard P. Montgomery

Councilmember Nicholas W. Tell, Jr.

MANHATTAN BEACH'S CITY COUNCIL WELCOMES YOU!

BELOW ARE THE AGENDA ITEMS TO BE CONSIDERED. THE RECOMMENDED COUNCIL ACTION IS LISTED IMMEDIATELY AFTER THE TITLE OF EACH ITEM IN BOLD CAPITAL LETTERS.

A. PLEDGE TO THE FLAG & NATIONAL ANTHEM

Emma Binks was not able to attend tonight's meeting; therefore Ari Howorth led the Pledge of Allegiance.

B. ROLL CALL

Present: 5 - Mayor Powell, Mayor Pro Tem Lesser, Councilmember Howorth, Councilmember Montgomery and Councilmember Tell

C. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

City Clerk Tamura confirmed the meeting was properly posted.

D. CLOSED SESSION ANNOUNCEMENT

There was no Closed Session.

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

No changes were made to the agenda at this time.

F. CEREMONIAL CALENDAR

1. Recognition of Hometown Olympian. **13-0082**
PRESENT

Mayor Powell, on behalf of the City Council, presented a certificate to Olympic volleyball player Kerri Walsh as a Recipient of the Mayor's I Heart MB Award.

G. COMMUNITY ANNOUNCEMENTS (One Minute Per Person)

Mark Lipps spoke about the Sustainable and Green Environment Expo on April 20 and 21, 2013 at the National Guard Armory.

Viet Ngo spoke of alleged conspiracy and alleged election fraud.

Manhattan Beach Librarian Don Gould spoke about upcoming library events.

Robert Bush spoke of the armed forces who died for our right to vote and encouraged the public to vote for the candidates that will do the most for the City of Manhattan Beach.

President and CEO of the Manhattan Beach Chamber of Commerce Jim O'Callahan announced upcoming Chamber events.

Councilmember Tell reminded everyone to vote on March 5, 2013.

Mayor Powell announced that the city will provide free income tax service for residents 55 and older and that a Candidate Forum will take place during the Dine-n-Discover luncheon this Thursday.

H. AUDIENCE PARTICIPATION (Three Minutes Per Person)

Don McPherson requested that the City explain how the Shade Hotel was able to revert back to its 2005 Conditional Use Permit (CUP) when it was voided upon the approval of the 2010 CUP.

Esther Besbris stated that residents deserve the assurance that approved CUPs are going to be enforced and that issues brought up before the City Council will be dealt with and not just swept aside.

Cory Mendelsohn spoke about the issues he has with the gymnasium next door to his home.

Stephanie Hubbard spoke about the Shade CUP.

Bill Victor expressed his frustration over the CUP with the Shade Hotel.

President of the Community Emergency Response Team (CERT) George Butts spoke of upcoming CERT, Cardiopulmonary Resuscitation (CPR) and Automatic External Defibrillator (AED) classes.

Cheryl Lynn urged the City Council to uphold the 2010 Shade Hotel CUP.

Karol Wahlberg expressed her concern over the Shade Hotel CUP adding that she believes that the residents deserve to have this issue brought back before the City Council.

Joan Mueller asked for help in mitigating the noise from the Shade Hotel.

Robert Bush spoke about Utility Undergrounding and Southern California Edison.

Viet Ngo spoke of alleged conspiracy and alleged election fraud.

Patrick McBride inquired whether something could be done about the previous speaker's decorum.

Ed Caprielian spoke about the Shade Hotel CUP and the expansion of alcohol related problems in the city.

Steve Wible spoke about the Shade CUP and the lack of enforcement.

Jon Chaykowski spoke about making Manhattan Beach a more family-oriented city.

Councilmember Montgomery expressed condolences to Jeannie Buss on the passing of her father, Jerry Buss, and agreed with a previous speaker on the right to vote.

Mayor Powell concurred stating that we owe the right to vote to those who are defending our freedoms overseas.

Community Development Planning Manager Jester discussed the status of the Shade Hotel Conditional Use Permit.

City Attorney Barrow explained that mediation between Mr. Mendelsohn and the operator of Level 10 Fitness was not successful and they are now in private litigation. He added that he will provide an update to the City Council on the matter.

I. REORGANIZATION

2. City Council Reorganization: **13-0086**
a) Recognition of Outgoing Mayor Wayne Powell.
b) Selection of Mayor and Mayor Pro Tem.

PRESENT, APPROVE

The Council recognized outgoing Mayor Powell and presented him with various mementos in appreciation of his service to Manhattan Beach.

Hermosa Beach Mayor Kit Bobko and Steve Napolitano, Field Deputy to Los Angeles County Supervisor Don Knabe, presented Mayor Powell with commendations.

A motion was made by Mayor Powell to appoint Mayor Pro Tem Lesser to serve as Mayor. The motion was seconded by Councilmember Tell. The motion carried by the following vote:

Aye: 5 - Powell, Lesser, Howorth, Montgomery and Tell

A motion was made by Councilmember Montgomery to appoint Councilmember Howorth as Mayor Pro Tem. The motion was seconded by Councilmember Tell. The motion carried by the following vote:

Aye: 5 - Powell, Lesser, Howorth, Montgomery and Tell

RECESS AND RECONVENE

At 8:03 p.m. the Council recessed and reconvened at 8:23 p.m. with all Councilmembers present.

J. CONSENT CALENDAR

A motion was made by Councilmember Powell, seconded by Councilmember Tell, that this item be approved with the exception of Item Nos. 3, 6 and 10 which were considered later in the meeting under "Items Removed from the Consent Calendar.". The motion carried by the following vote:

Aye: 5 - Tell, Montgomery, Lesser, Howorth and Powell

4. Donation of One Surplus 2005 Ford Expedition Sport Utility Vehicle to the El Camino College Police Department. **13-0049**
APPROVE

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

5. Ratification of Motor Fuel Purchase from Merrimac Energy Group in the Amount of \$29,539.38. **13-0093**
APPROVE

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

7. Final Payment in the net amount of \$303,354.40 to All American Asphalt; Formally Accept the 2012 Slurry Seal Project as Complete; and Authorize Filing of the Appropriate Notice of Completion and Release Retention in the Amount of \$33,706.04. **13-0002**

APPROVE

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

8. Progress Payment No. 2 in the Net Amount of \$275,487.08 to Blois Construction, Inc. for the Greenbelt Low Flow Infiltration Project. **13-0064**

APPROVE

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

9. Progress Payment No. 3 in the Net Amount of \$269,315.74 to Vido Samarzich, Inc. for the Fiscal Year 2012-13 Water Main Replacement and Fire Hydrant Installation Project (Area 1, Hill Section; 8th, 9th, 10th, 11th and John Streets; and Highview, Pacific and Poinsettia Avenues). **13-0077**

APPROVE

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

11. Minutes **13-0078**

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 Closed Session Meeting of February 5, 2013.

APPROVE

b) City Council Regular Meeting of February 5, 2013.

APPROVE

c) Planning Commission Meeting of February 13, 2013.

RECEIVE AND FILE

d) Draft Cultural Arts Commission Minutes January 8, 2013.

RECEIVE AND FILE

e) Draft Library Commission Minutes January 14, 2013.

RECEIVE AND FILE

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

K. PUBLIC HEARINGS

L. GENERAL BUSINESS

M. ITEMS REMOVED FROM THE CONSENT CALENDAR

3. Fiscal Year 2012-2013 Mid-Year Budget Review. **13-0079**
RECEIVE AND FILE

City Manager Carmany introduced this item and Budget Analyst Eden Serina gave a brief PowerPoint presentation on the Mid-year Budget Review.

The following individuals spoke on this item:

*Ed Caprielian
Bill Victor
Viet Ngo*

A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Montgomery, that this item be received and filed. The motion carried by the following vote:

Aye: 5 - Tell, Montgomery, Lesser, Howorth and Powell

6. 2010 State Homeland Security Grant Funded Purchase of Mobile Data Computer Communications Equipment from South Bay Regional Public Communications Authority in an Amount Not to Exceed \$32,000. **13-0092**

WAIVE FORMAL BIDDING, APPROVE

City Manager Carmany explained that after finding out that the current Fire Department radios can be re-programmed, staff is returning with a request to use this grant money for mobile digital equipment.

The following individuals spoke on this item:

*Jon Chaykowski
Viet Ngo*

A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Powell, that this item be approved. The motion carried by the following vote:

Aye: 5 - Tell, Montgomery, Lesser, Howorth and Powell

10. Financial Reports: **13-0065**
a) Schedule of Demands: January 29, 2013.
b) Payroll Register: January 31, 2013.

RATIFY

The following individuals spoke on this item:

*Viet Ngo
Ed Caprielian*

A motion was made by Councilmember Powell, seconded by Councilmember Montgomery, that this item be approved. The motion carried by the following vote:

Aye: 5 - Powell, Lesser, Howorth, Montgomery and Tell

N. CITY MANAGER REPORT(S)

City Manager Carmany explained that because the Police Department is down six officers, the City is stepping up its recruitment efforts by trying to add lateral police officers and recent graduates and would also be willing to pay to send someone to the police academy. He also reported that a committee of City Managers has been focusing on the cost of the Independent Cities Risk Management Association as it seems to be very high compared to other similar organizations.

O. OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS

Councilmember Tell expressed his concern over how the Shade Hotel Conditional Use Permit was handled and why it was not communicated to the City Council. He also stressed the importance of Councilmembers not publicly discussing matters brought up in Closed Session until they are fully approved.

P. ADJOURNMENT

City Attorney Barrow reminded the public that the next regularly scheduled City Council meeting will take place on Wednesday, March 6, 2013, due to the Tuesday, March 5, 2013, General Municipal Election.

At 9:03 p.m. the Regular City Council Meeting of February 19, 2013, was duly adjourned, to the 4:30 p.m., March 6, 2013, City Council Meeting (Closed Session) to be followed by the 6:00 pm Regular City Council Meeting on Wednesday, March 6, 2013, in the City Council Chambers of City Hall, 1400 Highland Avenue, in said City.