

City Council Regular Meeting

Regular Meeting
Tuesday, August 16, 2016
6:00 PM
City Council Chambers



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

Executive Team

Mark Danaj, City Manager
Quinn Barrow, City Attorney

Robert Espinosa, Fire Chief
Teresia Zadroga-Haase, Human Resources Director
Eve R. Irvine, Police Chief
Mark Leyman, Parks & Recreation Director
Bruce Moe, Finance Director
Sanford Taylor, Information Technology Director

Nadine Nader, Assistant City Manager
Raul Saenz, Interim Public Works Director
Liza Tamura, City Clerk
Marisa Lundstedt, Community
Development Director

MISSION STATEMENT:

The City of Manhattan Beach is recognized for providing exemplary municipal services and contributing to the exceptional quality of life afforded to residents, businesses and visitors who enjoy living in and visiting California's safest beach community

MANHATTAN BEACH'S CITY COUNCIL WELCOMES YOU!

Your presence and participation contribute to good city government.

By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, this agenda provides an early opportunity for public comments under "Public Comments," at which time speakers may comment on any matter within the subject matter jurisdiction of the City Council, including items on the agenda. In addition, speakers may comment during agenda items and during any public hearing after the public hearing on an item has been opened.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City's website at www.citymb.info, the Police Department located at 420 15th Street, and are also on file in the Office of the City Clerk for public inspection. Any person who has any question concerning any agenda item may call the City Clerk's office at (310) 802 5056.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact the Office of the City Clerk at (310) 802 5056 (voice) or (310) 546 3501 (TDD). Notification 36 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting. The City also provides closed captioning of all its Regular City Council Meetings for the hearing impaired.

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**B. ROLL CALL****C. CEREMONIAL CALENDAR****D. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING**

I, Liza Tamura, City Clerk of the City of Manhattan Beach, California, state under penalty of perjury that this notice/agenda was posted on Wednesday, August 10, 2016, on the City's Website and on the bulletin boards of City Hall, Joslyn Community Center and Manhattan Heights.

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

By motion of the City Council, this is the time to: (a) notify the public of any changes to the agenda; (b) remove items from the consent calendar for individual consideration; or (c) rearrange the order of the agenda.

F. CITY COUNCIL AND COMMUNITY ORGANIZATION ANNOUNCEMENTS OF UPCOMING EVENTS (1 MINUTE PER PERSON)

City Councilmembers and community organization representatives may inform the public about upcoming events.

G. CITY MANAGER REPORT

H. CITY ATTORNEY REPORT

I. PUBLIC COMMENTS (3 MINUTES PER PERSON FOR ONE ITEM, A MAXIMUM OF 6 MINUTES IF A SPEAKER WANTS TO COMMENT ON MORE THAN ONE ITEM)

Speakers may provide public comments on any matter that is within the subject matter jurisdiction of the City Council, including items on the agenda. The Mayor may determine whether an item is within the subject matter jurisdiction of the City Council. While all comments are welcome, the Brown Act does not allow City Council to take action on any item not on the agenda. Each speaker may speak for up to 3 minutes per matter, up to a total of 6 minutes if a speaker wants to comment on more than one matter. With respect to non-public hearing agenda items, speakers may provide their comments during "Public Comments" or at the time the agenda item is being considered. This is also the time for speakers to comment on items on the consent calendar that have not been previously removed by the City Council for individual consideration. For public hearings, speakers are encouraged to speak during the public hearing, if they want their comments to be included in the record for the public hearing.

Please complete the "Request to Address the City Council" card by filling out your name, city of residence, the item(s) you would like to offer public comment, and returning it to the City Clerk.

J. PLANNING COMMISSION QUASI-JUDICIAL DECISIONS (RECEIVE AND FILE)

This is an opportunity for a Councilmember to submit a written request that the City Council review the Planning Commission decision, in which case a duly noticed public hearing on the matter will be scheduled for a later date. In the absence of a written request, the matter will be received and filed by order of the chair.

The Planning Commission recently took action on the following matter(s):

1. Planning Commission Approval of a Use Permit for a New Mixed Use Building at 1762 Manhattan Beach Boulevard (Community Development Director Lundstedt).

[16-0384](#)

BY ORDER OF THE CHAIR, RECEIVE AND FILE

Attachments: [Planning Commission Resolution No. PC 16-04](#)
[Planning Commission Staff Report and Attachments- July 27, 2016](#)
[Planning Commission Draft Minutes- July 27, 2016](#)

K. CONSENT CALENDAR (APPROVE)

Items on the "Consent Calendar" are routine and customary business items and will be enacted with one vote. Removal of items from the Consent Calendar for individual consideration will be at a City Councilmember's discretion. In such case, the item will be heard during general business.

2. Completion of the Construction Contract for the 2013-14 Water Main Replacement Project (Interim Public Works Director Saenz).

[16-0367](#)

APPROVE

Attachments: [2013-14 Water Main Replacement Project - Budget and Expenditures](#)

-
3. Second Reading for Ordinance No. 16-0007 Amending the Municipal Code to Provide a Process for Modifying Construction Hours Under Limited Circumstances (Community Development Director Lundstedt). [ORD 16-0007](#)
SECOND READING AND ADOPT ORDINANCE NO. 16-0007
Attachments: [Ordinance No. 16-0007](#)
[Legislative Digest](#)
[City Council Regular Meeting Minutes of June 7, 2016 \(Excerpt\)](#)
4. Second Reading for Ordinance No. 16-0015 to Amend Municipal Code Provisions Regulating the Retail Sale of Tobacco Products to Change the Minimum Smoking Age to 21 to be Consistent with State Law (Interim Public Works Director Saenz). [ORD 16-0015](#)
SECOND READING AND ADOPT ORDINANCE NO. 16-0015
Attachments: [Ordinance No. 16-0015](#)
[Legislative Digest](#)
5. Financial Report: [16-0320](#)
a) Schedule of Demands: July 21, 2016
b) Investment Portfolio for the Month Ending June 30, 2016
c) Preliminary Month End Report for June 30, 2016
(Finance Director Moe).
ACCEPT REPORT AND DEMANDS
Attachments: [Schedule of Demands for July 21, 2016](#)
[Investment Portfolio for the Month Ending June 30, 2016](#)
[Preliminary Month End Report for June 30, 2016](#)
6. City Council Minutes: City Council Regular Meeting Minutes of August 2, 2016 (City Clerk Tamura). [16-0388](#)
CONTINUE TO THE SEPTEMBER 6, 2016 CITY COUNCIL MEETING
Attachments: [Note Regarding Continued Minutes of August 2, 2016](#)

L. PUBLIC HEARINGS (2 MINUTES PER PERSON)

7. Public Hearing To Consider Extending Interim Ordinance No. 16-0009-U Requiring a Use Permit for the Following Uses in the Downtown Commercial Zone: (1) Any Business or Professional Office; Bank and Savings & Loan; Catering Service; or Communications Facility Proposed to be Located on the Ground Floor Streetfront; and (2) Any Retail Sales Use Proposed to Have More Than 1,600 Square Feet of Buildable Floor Area; and Imposing Additional Use Permit Findings (Community Development Director Lundstedt).

[ORD
16-0013U](#)

**CONDUCT PUBLIC HEARING AND ADOPT URGENCY ORDINANCE
NO. ORD 16-0013U EXTENDING THE IZO FOR 10 MONTHS AND 15
DAYS**

Attachments: [Proposed Ordinance No. 16-0013 U](#)
[Ordinance No. 16-0009U-July 5-2016](#)
[MBMC 10.84.060 A-Required Use Permit Findings](#)

M. OLD BUSINESS

8. Statement of Intent Process to Address Blight (City Attorney Quinn Barrow).

[ORD 16-0017](#)

**CONSIDER FIRST READING OF ABANDONED PROPERTY
ORDINANCE NO. 16-0017**

Attachments: [Draft Ordinance No. 16-0017](#)

9. Administration Citation Ordinance, Construction Rules Ordinance and Neighborhood Bill of Rights (Community Development Director Lundstedt).

[ORD 16-0018](#)

**INTRODUCE ORDINANCE NO 16-0018, AN ORDINANCE
ESTABLISHING AN ADMINISTRATIVE CITATION PROCESS AND
PROVIDE DIRECTION REGARDING ROUGH DRAFT ORDINANCE
CODIFYING CONSTRUCTION RULES**

Attachments: [Draft Ordinance No. 16-0018](#)
[Rough Draft Construction Rules Ordinance](#)
[Bill of Rights](#)

-
10. Consider Ordinance No. 16-0010 Prohibiting Targeted Residential Picketing (City Attorney Barrow). [ORD 16-0010](#)
CONSIDER ORDINANCE NO. 16-0010

Attachments: [Public Comment - James Essman](#)
[Draft Ordinance No. 16-0010](#)
[Alternate Draft Ordinance No. 16-0010](#)
[Targeted residential picketing cases – Frisby v. Schultz; Klein v. County of San](#)

11. Award of Professional Services Agreement with Anderson Penna Partners, Inc. for Project Management Services for the Roundhouse Aquarium Project; Authorize the City Manager to Execute Agreement in the Amount of \$ 145,898; Authorize the City Manager to Approve a Professional Services Contingency in the Amount Not-to-Exceed \$14,590 (Interim Public Works Director Saenz). [16-0362](#)
APPROVE

Attachments: [Professional Services Agreement with Anderson Penna Partners, Inc.](#)
[Anderson Penna Presentation MB Roundhouse Aquarium](#)

N. NEW BUSINESS

12. Fiscal Year 2015-2016 Fourth Quarter Budget and Capital Improvement Plan Status Reports (Finance Director Moe/Interim Public Works Director Saenz). [16-0312](#)
RECEIVE REPORTS; APPROPRIATE

Attachments: [FY 15-16 Budget Report Fourth Quarter](#)
[FY 15-16 CIP Project Status List Fourth Quarter](#)
[PowerPoint Presentation](#)

13. Report on Southern California Gas Company's Capital Improvement Program (Interim Public Works Director Saenz). [16-0298](#)
RECEIVE REPORT

Attachments: [Southern California Gas Company PowerPoint Presentation](#)

14. Establishment of a Pension Stabilization Trust Fund (Finance Director Moe). [RES 16-0053](#)
ADOPT RESOLUTION NO. 16-0053; APPROPRIATE

Attachments: [Resolution No. 16-0053](#)
[High Mark Investment Options](#)

O. CITY COUNCIL REPORTS, OTHER COUNCIL BUSINESS, AND COMMITTEE AND TRAVEL REPORTS

P. FORECAST AGENDA AND FUTURE DISCUSSION ITEMS

15. Agenda Forecast (City Clerk Tamura).
DISCUSS AND PROVIDE DIRECTION

[16-0389](#)

Attachments: [August 10, 2016 Agenda Forecast](#)

Q. INFORMATIONAL ITEMS

This section is for items that do not require City Council action.

16. Commission Minutes:
This Item Contains Minutes of the following City Commission Meeting:
Planning Commission Action Minutes of July 27, 2016 (Community
Development Director Lundstedt).
INFORMATION ITEM ONLY

[16-0390](#)

Attachments: [Planning Commission Action Minutes of July 27, 2016](#)

R. CLOSED SESSION**S. ADJOURNMENT**

T. FUTURE MEETINGS**CITY COUNCIL MEETINGS**

Sep. 6, 2016 – Tuesday -- 6:00 PM - City Council Meeting
Sep. 13, 2016 - Tuesday -- 6:00 PM - Special City Council Meeting
Sep. 20, 2016 – Tuesday -- 6:00 PM - City Council Meeting
Oct. 4, 2016 - Tuesday -- 6:00 PM - City Council Meeting
Oct. 18, 2016 - Tuesday -- 6:00 PM - City Council Meeting
Nov. 1, 2016 - Tuesday -- 6:00 PM - City Council Meeting
Nov. 15, 2016 - Tuesday -- 6:00 PM - City Council Meeting
Dec. 6, 2016 - Tuesday -- 6:00 PM - City Council Meeting
Dec. 20, 2016 - Tuesday -- 6:00 PM - City Council Meeting
Jan. 3, 2017 - Tuesday -- 6:00 PM - City Council Meeting
Jan. 17, 2017 - Tuesday -- 6:00 PM - City Council Meeting
Feb. 7, 2017 - Tuesday -- 6:00 PM - City Council Meeting
Feb. 21, 2017 - Tuesday -- 6:00 PM - City Council Meeting

BOARDS, COMMISSIONS AND COMMITTEE MEETINGS

August 22, 2016 - Monday - 6:30 PM - Parks and Recreation Commission Meeting
August 24, 2016 - Wednesday - 6:30 PM - Planning Commission Meeting
August 25, 2016 - Thursday - 6:30 PM - Parking & Public Improvements Commission Meeting
September 12, 2016 - Monday - 6:30 PM - Library Commission Meeting
September 13, 2016 - Tuesday - 6:00 PM - Cultural Arts Commission Meeting
September 14, 2016 - Wednesday - 6:30 PM - Planning Commission Meeting
September 22, 2016 - Thursday - 6:30 PM - Parking & Public Improvements Commission Meeting
September 26, 2016 - Monday - 6:30 PM - Parks and Recreation Commission Meeting
September 28, 2016 - Wednesday - 6:30 PM - Planning Commission Meeting
October 11, 2016 - Tuesday - 6:00 PM - Cultural Arts Commission Meeting
October 12, 2016 - Wednesday - 6:30 PM - Planning Commission Meeting
October 24, 2016 - Monday - 6:30 PM - Parks and Recreation Commission Meeting
October 26, 2016 - Wednesday - 6:30 PM - Planning Commission Meeting
October 27, 2016 - Thursday - 6:30 PM - Parking & Public Improvements Commission Meeting
November 8, 2016 - Tuesday - 6:00 PM - Cultural Arts Commission Meeting
November 9, 2016 - Wednesday - 6:30 PM - Planning Commission Meeting
November 14, 2016 - Monday - 6:30 PM - Library Commission Meeting
November 23, 2016 - Wednesday - 6:30 PM - Planning Commission Meeting
November 28, 2016 - Monday - 6:30 PM - Parks and Recreation Commission Meeting

U. CITY OFFICES CLOSED**CITY HOLIDAYS:**

*Sep. 5, 2016 - Monday - Labor Day
Oct. 10, 2016 – Monday – Columbus Day
Nov. 11, 2016 – Friday – Veterans Day
Nov. 24-25, 2016 - Thursday & Friday - Thanksgiving Holiday
Dec. 26, 2016 - Monday - Christmas Day Observed
Jan. 2, 2017 – Monday – New Years Day Observed
Jan. 16, 2017 – Monday – Martin Luther King Day
Feb. 20, 2017 - Monday - Presidents Day
May 29, 2017 – Monday – Memorial Day
July 4, 2017 - Tuesday - Independence Day*

CITY OFFICES CLOSED ON FOLLOWING ALTERNATIVE FRIDAYS:

*Aug. 19, 2016 - Friday
Sep. 2, 2016 - Friday
Sep. 16, 2016 - Friday
Sep. 30, 2016 - Friday
Oct. 14, 2016 - Friday
Oct. 28, 2016 - Friday
Nov. 11, 2016 - Friday
Nov. 25, 2016 - Friday
Dec. 9, 2016 - Friday
Dec. 23, 2016 - Friday
Jan. 6, 2017 - Friday
Jan. 20, 2017 - Friday
Feb. 3, 2017 - Friday
Feb. 17, 2017 - Friday*