

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Final

Tuesday, December 15, 2015

6:00 PM

Regular Meeting

City Council Chambers

City Council Regular Meeting

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

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A. PLEDGE TO THE FLAG

Management Fellow Kendra Davis led the Pledge of Allegiance.

B. ROLL CALL

- Present:** 4 - Mayor Pro Tem D'Errico, Councilmember Lesser, Councilmember Howorth and Councilmember Powell
- Absent:** 1 - Mayor Burton

C. CEREMONIAL CALENDAR

None.

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

City Attorney Quinn Barrow announced that there would be no closed session that evening.

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

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

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

The following individuals provided Community Announcements:

Laura Frakes, Manhattan Beach County Library - Regarding upcoming library events, virtual library and online newsletter information.

Councilmember Howorth - Regarding upcoming Parks and Recreation's Blue Suede Christmas performance on December 19, 2015.

Councilmember Powell - Complemented Staff and Downtown businesses on the Holiday Fireworks event and the North Manhattan Beach Businesses Improvement District businesses for their 8th Annual Holiday Open House Stroll.

G. CITY MANAGER REPORT

City Manager Mark Danaj reported on the recent school closures and introduced Police Chief Eve Irvine who provided information regarding the threats.

Furthermore, Police Chief Irvine updated City Council on the threats' response provided by the Manhattan Beach Police Department and Manhattan Beach School District, and the joint cooperative investigation with the Federal Bureau of Investigation (FBI) and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Councilmember Howorth commented on the difficult decisions taken by the institutions involved in the incidents.

Councilmember Powell commented on Manhattan Beach Schools' current evacuation and shelter-in-place plans which are rehearsed regularly to ensure the safety of the students.

Police Chief Irvine noted the school's excellent coordination and execution of their emergency response plan with the students evacuation.

Mayor Pro Tem D'Errico inquired after the El Porto armed robbery and the neighborhood's petition.

Police Chief Irvine provided information about the incident's police response, victims assistance and public safety measures which were taken before the submission of the petition.

H. CITY ATTORNEY REPORT

None.

I. PUBLIC COMMENTS (2 MINUTES PER PERSON FOR ONE ITEM, A MAXIMUM OF 5 MINUTES IF A SPEAKER WANTS TO COMMENT ON MORE THAN ONE ITEM)

Mayor Pro Tem D'Errico opened the floor to public comments.

The following individuals provided public comments:

Tom Corley - Regarding the proposed hotel project on Parkview Avenue.

Azize Engin, Mira Costa High School Junior, and Bruce Franklin, Manhattan Beach Leadership Class member - Regarding the project for the Manhattan Beach Leadership class (installing ping pong and foos ball tables).

Beth Kelleher - Regarding Agenda Item No. 1 and provided information regarding Prop 215 as pertinent to that item.

Robert Bush - Regarding David Carmany and City lawsuits for Patricia Schilling, Sensible Citizens of Manhattan Beach, and Nora Goodbody.

Jackie May - Regarding Sea Lions initiative.

Bob Sievers - Regarding recent El Porto robbery, the neighborhood petition and crime deterrent ideas such as community response and the use of property taxes for cameras.

Burt Fuller - Regarding El Porto robbery, police patrols, and traffic cameras.

Councilmember Howorth - Clarified the property tax appropriation.

Teresa Lang - Regarding El Porto robbery, the neighborhood petition, suggested cameras, more lighting and enhanced area security.

Viet Ngo - Regarding alleged corruption and police activity, proposed hotel in Parkview Avenue, and Agenda Item No. 8.

Aamir Bhamani - Regarding Agenda Item No. 2.

Tom Nordberg - Regarding El Porto robbery.

Patrick McBride - Regarding mall parking, Parkview Senior Villa and proposed hotel, scout house, and City Manager's office locked door.

Ximena Outon - Regarding El Porto robbery and poor lighting on most El Porto streets.

Craig Cadwallader - Supporting Agenda Item No. 2.

Bill Victor - Regarding open government initiative and City Manager's office locked door, marijuana usage, Agenda Item No. 4, and Sunshine Ordinance.

Robert Bush - Regarding City Council and City Manager, short term loan to the Assistant City Manager, and school bomb threats.

Bob Sievers - Regarding postponed El Porto project and the El Porto area in need of

attention.

Mayor Pro Tem D'Errico closed the floor to public comments.

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

None.

K. CONSENT CALENDAR (APPROVE)

Councilmember Howorth requested Agenda Item No. 1 under Section K. Consent Calendar to be continued to January 5, 2016 City Council meeting.

Seeing no objections, it was so ordered by the Chair.

A motion was made by Councilmember Howorth, seconded by Councilmember Powell, to approve the Consent Calendar Items Nos. 2, 3, 4, and 5. The motion carried by the following vote:

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

Absent: 1 - Burton

1. Second Reading of Ordinance No. 15-0037 Prohibiting Delivery of Medical Marijuana and Mobile Marijuana Dispensaries in the City (Continued from the December 15, 2015 City Council Meeting) (City Attorney Barrow). [ORD 15-0037](#)
ADOPT ORDINANCE NO. 15-0037

This item was removed from the Consent Calendar and continued to the January 5, 2016 City Council meeting.
2. Resolution No. 15-0062 Establishing Fees for the Tobacco Retail Permit (Public Works Director Olmos) [RES 15-0062](#)
ADOPT RESOLUTION NO. 15-0062

The recommendation for this item was approved on the Consent Calendar.
3. Award of Bid to Ford of Orange for Two Budgeted Replacement Patrol Utility Interceptors (\$64,413.37) and to DCH Gardena Honda for a Honda Accord Sedan (\$32,650.98) for the Police Department (Finance Director Moe). [15-0521](#)
APPROVE

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

4. Financial Report: [15-0460](#)
a) Schedule of Demands: November 12, 2015
b) Investment Portfolio for the Month Ending October 31, 2015
c) Month End Report for October 31, 2015
(Finance Director Moe).

ACCEPT REPORT AND DEMANDS

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

5. City Council Minutes: [15-0547](#)
This Item Contains Action Minutes of the Following City Council Meeting Presented for Approval:
a.) City Council Strategic Planning Retreat Meeting Minutes of November 4, 2015 (**Continued from the December 1, 2015, City Council Regular Meeting**).
b.) Joint City Council/Planning Commission Meeting (Mobility Plan) Minutes of November 19, 2015.
c.) City Council Adjourned Regular Meeting Closed Session Minutes of November 23, 2015.
d.) City Council Strategic Planning Retreat Follow Up Meeting Minutes of November 30, 2015.
e.) City Council Regular Meeting Minutes of December 1, 2015 (City Clerk Tamura).

APPROVE

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

L. PUBLIC HEARINGS (2 MINUTES PER PERSON)

6. Council Review of Planning Commission's Decision to : (1) Approve Issuance of Two Coastal Development Permits No. CA 15-05 (VTPM 73511) and CA 15-06 (VTPM 73086) and (2) Approve Subdivision Maps for the Demolition of a Duplex and Construction of Two Three-Story Residential Condominium Units on Each of the Two Lots, for a Total of Four New Condominium Units at 2616 and 2620 Alma Avenue (Community Development Director Lundstedt).
- CONDUCT HEARING, DISCUSS AND ADOPT RESOLUTION NO. 15-0063 AND RESOLUTION NO. 15-0070 APPROVING THE PROJECTS**

[RES 15-0063](#)

Mayor Pro Tem D'Errico read into the record a statement from Mayor Burton in support of this project and Planning Manager Laurie Jester provided the powerpoint presentation.

Councilmember Powell confirmed with City Attorney Quinn Barrow that it is a de novo hearing for this agenda item.

City Attorney Barrow, Fire Chief Robert Espinosa, Planning Manager Jester, Traffic Engineer Eric Zandvleit, and Community Development Director Marisa Lundstedt responded to City Council questions.

Elizabeth Srour, applicant representative, presented the case to the City Council. Howard Crabtree, applicant's architect, provided additional comments to the City Council.

At 7:47 PM, Mayor Pro Tem D'Errico open the floor to the public hearing.

Bill Victor - Alleged that the hearing was not given a proper notice as required by the Local Coastal Act and the City Municipal Code and he did not see attached maps and list of individuals being notified.

City Attorney Quinn Barrow addressed the notice issue by confirming that notice was given and its details were included on page 127 of the staff report.

At 7:51 PM, Mayor Pro Tem D'Errico closed the floor to the public hearing.

Mayor Pro Tem D'Errico noted that there are two parts that require separate actions by the City Council: the project and the conditions.

A motion was made by Councilmember Howorth, seconded by Councilmember Powell, to approve the projects: 1) issuance of two coastal development permits No. CA 15-05 (VTPM 73511) and CA 15-06 (VTPM 73086) and (2) approve subdivision maps for the demolition of a duplex and construction of two three-story residential condominium units on each of the two lots, for a total of four new Condominium units at 2616 and 2620 Alma Avenue.

City Attorney Barrow clarified that the motion includes the two projects.

Councilmember Howorth confirmed.

The motion carried by the following vote:

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

City Council discussed the proposed conditions and asked follow up questions to Fire Chief Robert Espinosa.

Mayor Pro Tem D'Errico did not support the addition of four feet of street improvements because it puts a burden on property owners to know the City code and regulations and the inconsistency in applying a policy on project by project basis.

However, the majority of the City Council concurred that the project should proceed forward with all the conditions approved by the Planning Commission and directed staff to review the red striped zone for future City Council discussion.

City Attorney Barrow clarified that there are two resolutions for Council consideration and suggested that Council makes a motion for each resolution.

A motion was made by Councilmember Howorth, seconded by Councilmember Powell, to adopt Resolution No. 15-0063 including the standard conditions with respect to the Coastal Development Permit and the map. The motion carried by the following vote:

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

Absent: 1 - Burton

A motion was made by Councilmember Lesser, seconded by Councilmember Powell, to adopt Resolution No. 15-0070 including the 4-foot street improvement widening and the landscaping conditions. The motion carried by the following vote:

Aye: 3 - Lesser, Howorth and Powell

Nay: 1 - D'Errico

Absent: 1 - Burton

At 8:17 PM, the City Council recessed and reconvened at 8:26 PM with all four Councilmembers present.

M. OLD BUSINESS

7. Update of El Porto Beach Traffic Circulation Study (Community Development Director Lunstedt).

[15-0530](#)

RECEIVE AND FILE

Mayor Pro Tem D'Errico introduced the item and City Traffic Engineer Erik Zandvliet provided the staff report and answered City Council questions.

City Council directed staff to return for additional traffic counts in Spring and to provide updates to the City Council at that time.

By the order of the chair, this item was received and filed.

N. NEW BUSINESS

8. Memoranda of Understanding with the Manhattan Beach Police Management Association and the Manhattan Beach Police Officers' Association

[RES 15-0067](#)

APPROVE, ADOPT RESOLUTION NO. 15-0067

Mayor Pro Tem D'Errico introduced the item and City Manager Mark Danaj provided the staff report.

Human Resources Director Teresia Zadroga-Haase gave an overview of the contracts.

Human Resources Teresia Zadroga-Haase and Finance Director Bruce Moe answered City Council questions.

Mayor Pro Tem D'Errico read into the record a note on behalf of Mayor Burton in support of the reached Memoranda of Understanding.

All Councilmembers expressed appreciation to the Manhattan Beach Police Department staff and supported the proposed agreements.

A motion was made by Councilmember Howorth, seconded by Councilmember Powell, to approve Memoranda of Understanding with the Manhattan Beach Police Management Association and the Manhattan Beach Police Officers' Association and to adopt Resolution No. 15-0067. The motion carried by the following vote:

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

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

Councilmember Powell reported on his recent attendance at the Independent Cities Association conference and his plan to attend the upcoming January 2016 conference in Santa Barbara.

Mayor Pro Tem D'Errico reported that he attended, on behalf of Mayor Burton, the older adult meeting at the Joslyn Center where parking issues were expressed.

Councilmember Powell added that he also attended the older adults meeting and there was an additional concern regarding the subsidy for the Beach Cities Transit Line 109 and the potential impact on the existing Dial-A-Ride program.

Councilmember Lesser reported on Library Commission training where online resources are available for free to the public through the library website.

P. FORECAST AGENDA AND FUTURE DISCUSSION ITEMS

9. Agenda Forecast (City Clerk Tamura). [15-0548](#)
DISCUSS AND PROVIDE DIRECTION

Mayor Pro Tem D'Errico introduced the item.

After discussing the item, the City Council had no further actions for staff.

Q. INFORMATIONAL ITEMS

10. Commission Minutes: [15-0551](#)
This Item Contains Minutes of the following City Commission Meetings: Parks and Recreation Commission Meeting Minutes of October 26, 2015 (Parks and Recreation Director Leyman).
INFORMATION ITEM ONLY

Mayor Pro Tem D'Errico introduced the item and stated that this item is Information Item only and no further City Council action was required.

R. CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATOR

(Government Code Section 54957.6)

Agency Negotiator: Mark Danaj, City Manager

**Employee Groups: Manhattan Beach Firefighters' Association;
Management \ Confidential;
Unrepresented Employees;
Teamsters; and
Part-Time Employees**

As previously stated by City Attorney Quinn Barrow under Section E. "Approval of Agenda and Waiver of Full Reading of Ordinances", there was no closed session held this evening.

S. ADJOURNMENT

At 8:52 PM, the City Council was adjourned to the 6:00 PM City Council Regular Meeting on January 5, 2016 in Council Chambers in said city.

Martha Alvarez
Recording Secretary

Mark Burton
Mayor

ATTEST:

Liza Tamura
City Clerk