

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Tuesday, December 1, 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

Will Langton, Robinson Elementary School student, led the Pledge of Allegiance.

Ella Dabney, Manhattan Beach Middle School student, performed the National Anthem.

B. ROLL CALL

Present: 5 - Mayor Burton, Mayor Pro Tem D'Errico, Councilmember Lesser, Councilmember Howorth and Councilmember Powell

C. CEREMONIAL CALENDAR

1. Presentation of Certificates of Recognition for School Achievements.

[15-0533](#)**PRESENT**

Mayor Burton, on behalf of the City Council, presented certificates of recognition to the following:

The Party of Five: Maxine Finster, Shae Harvey, Abigail McMillan, Mollie O'Grady, Carly Weber;

Manhattan Beach Middle School Drama Club: Clare Arnold, Hayley Balen, Ema Brown, Jessica Bruhns, Ella Butler, Katie Cottle, Chloe Nicole Cruz, Ella Dabney, Caitlyn De Baets, Jellybean Deepak, Kelly Delgado, Julia DiGregorio, Gabby Faulkner, Lucy Fiorito, Abby Glavin, Emma Gray, Hope Harry, Ruby Hirsch, Carlotta Invrea-Lizcano, Maddy Lathbury, Lizzie Leach, Jonas Lee, Olivia Mngan, Camden McGuire, Max Newman, Flona Okida, Tali Papouchado, Alexia Pepemehmetoglu, Tia Podlubny, Mary Clare Powell, Ansley Rowell, Kelly Shea, Lauren Sosa, Tucker St. Ivany, Hailey Staszgow, Abby Taylor, Collete Tibbets, Emma Treyvaud, Sofia Trieff, Kate Warren, Megan Yeh;

Manhattan Beach Middle School Mock Trial Group: Viraj Arora, Carson Breus, Mia Cho, Stevie Clarke, Charlotte Estrin, Sofia Franck, Thomas Gerken, Ben Hant, Hope Harry, Bridget Hawkins, Chloe Kim, Audrey Lee, Jake Lewin, Tristan McPherson, Cecilia Morriss, Josh Reback, Michelle Rembert, Adi Rich, Evanne Rochelson, Anthony Saliba, Jack Shaffer, Joe Staszgow, Sophia Vaughan;

Manhattan Beach Middle School Robotics Club: Daniel Block, Rohil Dave, Emily Doami, Ethan Ferguson, Audry Lee, Alex Rochelle, Kevin Sabbe, Cara Susilo, Adrian Trott;

Mira Costa High School Girls Golf Team:

CIF Playoffs Players - Veronica Chen, Ashley Kim, Andrea Lee, Marni Murez, Lexi Nielsen, Danielle Richman;

*Team Players - Briana Andrade, Phoebe Gunn, Caroline Hanna, Klara Nagy, Sanjana Chopra, Sammy Grubman, Delilah Gunn, Malia Kiger, Katelyn Levitt, Rachel Levitt, Maggie Weller, Angelica Bigler, Sydney Blum, Emma Davis, Michelle Drandell, Sydney Hamilton, Leila Hazen, Monique Kazamek, Jamie Lee, Kennedy McIntosh, Lucy Taylor, Naomi Tsuang, Carmen Weiss;
Head Coach - Coach Thomas Cox.*

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

[15-0457](#)

APPROVE

Mayor Burton introduced the item and Finance Director Bruce Moe provided a summary of the recognition program.

Mayor Burton, on behalf of the City Council, presented a plaque to Manhattan Academy for 40 years of service to the community.

Mayor Burton, on behalf of the City Council, presented a certificate of recognition to the businesses with 20 years of service:

Behind the Wheel Driving Program

Gail's Frames & Gallery

Reliable Plant Service

Skechers USA Inc.

Subway #14669

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

Mayor Burton announced that Section I. Public Comment would be advanced before Sections F and G and Agenda Item Nos. 3 and 4 would be heard concurrently.

A motion was made by Mayor Pro Tem D'Errico, seconded by Councilmember Powell, to approve the agenda and waive further reading of ordinances as amended with Section I. (Public Comment) advanced before Section F. (City Council and Community Announcements) and Section G. (City Manager Report); and ,Agenda Item Nos. 3 and 4 heard concurrently. The motion carried by the following vote:

Aye: 5 - Burton, 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 announcement:

James McCleary, North Manhattan Beach Business Improvement District Chairman - Regarding North End Holiday Open House and Walk About on Thursday December 10 from 5 PM to 9 PM, and North End holiday decoration.

Kelly Stroman, Downtown Manhattan Beach Business and Professional Association Executive Director - Regarding new store grand opening in Downtown this Saturday from 9 AM, Old Venice hosting a cancer fundraising for the Fly Buddha organization all day Sunday, and red-bag parking meter program.

Councilmember Powell - Regarding Manhattan Beach Kiwanis Club taking over the operation of the traditional Santa Float running from now until the December 17, City Council will be the elves on the float tomorrow night, and Santa parade route could be checked at manhattanbeachsantafloat.com.

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)

Section I. Public Comments was taken out of order and heard at this time.

The following individuals provided public comments:

Shivaji Deshmukh, West Basin representative speaking for himself and on behalf of colleague Edward Caldwell - Regarding Agenda Item No. 10.

Aamir Bhamani - Regarding Agenda Item No. 6.

Martha Andreani - Regarding Agenda Item No. 12.

Diane Wallace - Regarding Agenda Item No. 10, Agenda Item No. 11, and New Ordinance Regarding Solar Panels.

George Kaufman - Regarding Agenda Item No. 10, Agenda Item No. 12, renting challenges, Downtown parking.

Jim Barton - Regarding Agenda Item No. 12, Agenda Item No. 10 and Mobility Plan.

Viet Ngo - Regarding the students recognized earlier in the evening, alleged corruption and violation of the Election Code, and Assistant City Manager's Housing Assistance (four minutes).

Bill Victor - Regarding Agenda Item No. 12, crosswalk repairs, and City Manager's and City Attorney's goals.

Craig Cadwalder, Surf Rider Foundation representative - Regarding Agenda Item No. 6 and Agenda Item No. 10.

Jim Quilliom - Regarding Downtown Residents Group's response to the ULI Report and preserving small town environment.

Viet Ngo - Regarding Agenda Item No. 11 (one minute).

Tami Zamrazil - Regarding Agenda Item No. 12 and preserving the small town environment.

PLEASE NOTE: AGENDA ITEMS NOS. 3 AND 4 WERE HEARD CONCURRENTLY.

G. CITY MANAGER REPORT

3. Adoption of City Manager Fiscal Year 2016-17 Goals.

[15-0538](#)

ADOPT

Mayor Burton introduced Item Nos. 3 and 4 to be heard concurrently and noted that City Council completed the annual performance evaluation of the City Manager and City Attorney expressing high appreciation for their services.

A motion was made by Councilmember Howorth, seconded by Councilmember Powell, to approve the adoption of the City Manager Fiscal Year 2016 - 2017 goals and City Attorney Fiscal Year 2016 - 2017 goals. The motion carried by the following vote:

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

City Manager Mark Danaj provided updates on strategic planning efforts and labor negotiations.

PLEASE NOTE: AGENDA ITEMS NOS. 4 AND 3 WERE HEARD CONCURRENTLY.

H. CITY ATTORNEY REPORT

4. Adoption of City Attorney Fiscal Year 2016-17 Goals.

[15-0539](#)

ADOPT

A motion was made by Councilmember Howorth, seconded by Councilmember Powell, to approve the adoption of the City Manager Fiscal Year 2016 - 2017 goals and City Attorney Fiscal Year 2016 - 2017 goals. The motion carried by the following vote:

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

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)

This item was taken out of order and heard after Section F. City Council and Community Organization Announcements.

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

None.

K. CONSENT CALENDAR (APPROVE)

A motion was made by Councilmember Powell, seconded by Councilmember Lesser, to approve the Consent Calendar, Item Nos. 5 - 9. The motion carried by the following vote:

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

- 5. Financial Report: [15-0459](#)
Schedule of Demands: November 5, 2015 (Finance Director Moe).
ACCEPT REPORT AND DEMANDS

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

- 6. Adopt Ordinance No. 15-0020 to Institute a Tobacco Retail Licensing Program in Manhattan Beach (Public Works Director Olmos). [ORD 15-0020](#)
ADOPT

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

- 7. Approve Plans and Specifications for the Rosecrans Avenue Widening Project and Award a Construction Contract to KTB Construction, Inc. in the amount of \$368,750 (Public Works Director Olmos). [CON 15-0054](#)
APPROVE

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

- 8. Approve Final Payment to Ruiz Brothers - Fast-Track Construction Joint Venture for the Strand Wall Repair and Enhancement Project; Formally Accept the Strand Wall Repair and Enhancement Project as Complete; Authorize Filing of the Appropriate Notice of Completion and Release Retention (Public Works Director Olmos). [15-0505](#)
APPROVE

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

9. City Council Minutes: [15-0531](#)
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 Minutes of November 3, 2015
(Continued from the November 17, 2015, Regular City Council Meeting).
 - b) City Council Retreat Meeting Minutes of November 4, 2015
(Continue to the December 15, 2015, Regular City Council Meeting).
 - c) City Council Adjourned Regular Meeting Closed Session Meeting Minutes of November 16, 2015.
 - d) City Council Regular Meeting Minutes of November 17, 2015.
(City Clerk Tamura).
- APPROVE**

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

L. PUBLIC HEARINGS (2 MINUTES PER PERSON)

None.

M. OLD BUSINESS

10. Letter Opposing Construction of a Water Desalination Plant by West Basin Municipal Water District (Community Development Director Lundstedt/Public Works Director Olmos). [15-0510](#)
APPROVE

Mayor Burton requested that Agenda Item No. 10 be removed from tonight's agenda.

Hearing no objections, it was so ordered by motion of the chair.

13. Appoint to the Vacant Parking and Public Improvements Commission Business Community Seat No. 2 (Continued from November 17, 2015 City Council Meeting) (City Clerk Tamura).

[15-0454](#)

APPOINT

At the request of Mayor Burton, this item was taken out of order and heard before Agenda Item No. 11.

City Clerk Liza Tamura introduced the item and provided the staff presentation.

Nomination:

Councilmember Lesser - Steven Delk

Councilmember Howorth - Brian Withers

Councilmember Powell - Sylvia Gayed

Mayor Pro Tem D'Errico - Richard Arrigoni

Mayor Burton - Sylvia Gayed

Round 1:

Councilmember Howorth - Gayed and Withers

Councilmember Powell - Gayed and Delk

Mayor Pro Tem D'Errico - Delk and Gayed

Mayor Burton - Delk and Gayed

Councilmember Lesser - Delk and Withers

Round 2:

Councilmember Powell - Gayed

Mayor Pro Tem D'Errico - Delk

Mayor Burton - Delk

Councilmember Lesser - Delk

Councilmember Howorth - Gayed

A motion was made by Councilmember Powell, seconded by Mayor Burton, to appoint Steven Delk to Parking and Public Improvement Commission Business Community Seat No. 2. The motion carried by the following vote:

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

At 7:34 PM, the City Council recessed and reconvened at 7:45 PM with all Councilmembers present.

11. Options for Development of City-Owned Property on Parkview Avenue, [15-0511](#)
Including Hotel, Apartments or Office; Citywide Hotel Study Report
(Finance Director Moe).

RECEIVE REPORT; PROVIDE DIRECTION

City Clerk Liza Tamura introduced the item.

Finance Director Bruce Moe provided the Staff presentation.

Tim Bretz, Keyser Marston Associates, Inc. Manager, provided a PowerPoint presentation.

Bruce Baltin, PKF Managing Director, provided a PowerPoint presentation.

City Manager Mark Danaj, Finance Director Moe, Keyser Marston Consultant Bretz and PKF Consultant Baltin responded to City Council questions.

Councilmember Powell noted that he is not ready to vote on this Agenda Item tonight stating that this process is premature and expressing concerns for the process, including confusion regarding the proposed site, the cost for the consultant, the study focus being the hotel use, impacted parties were not notified, and uses for the site.

Other City Council member expressed their overall support of the process but augmented it with the addition of specific other uses i. e. senior housing, soccer field and park.

A motion was made by Mayor Burton, seconded by Mayor Pro Tem D'Errico, to receive the report, select option No. 1 (hotel) and work with KMA to prepare RFQ and to distribute the RFP which was amended to include option of Fry's location, other specific uses (senior housing, soccer field and park) and report back to the City Council before the RFP is released. The motion carried by the following vote:

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

Nay: 1 - Powell

12. Downtown Specific Plan Project Update and Next Steps (Community Development Director Lundstedt).

[15-0507](#)

DISCUSS AND PROVIDE DIRECTION

City Clerk Liza Tamura introduced the item and Community Development Director Marisa Lundstedt provided the staff presentation.

Loreli Cappel from Michael Baker International provided the PowerPoint/Video presentation.

Community Development Director Lundstedt and Consultant responded to City Council questions.

After lengthy discussion, the City Council directed Staff to proceed with all strategies as presented in the Staff Report and requested that the Downtown Specific Plan Draft be reviewed at a dedicated study session before City Council provide direction.

13. Appoint to the Vacant Parking and Public Improvements Commission Business Community Seat No. 2 (Continued from November 17, 2015 City Council Meeting) (City Clerk Tamura).

[15-0454](#)

APPOINT

This item was taken out of order and heard after Agenda Item No. 10.

N. NEW BUSINESS

15. Joint Funding Agreement Between the Cities of Manhattan Beach, Gardena and Hawthorne to Provide Advanced Funding to the South Bay Regional Public Communications Authority (RCC) for a Department of Homeland Security, Urban Areas Security Initiative (UASI) Reimbursable Grant for Construction of Interagency Communications Interoperability Systems; Temporary Use of a Portion of General Fund Reserves (Finance Director Moe).

[CON 15-0060](#)

APPROVE; APPROPRIATE

This item was taken out of order and heard before Agenda Item No. 14.

City Clerk Liza Tamura introduced the item and City Manager Mark Danaj provided the staff presentation.

City Manager Danaj and Ralph Mailloux from the South Bay Regional Communication Center (RCC) responded to City Council questions.

A motion was made by Mayor Burton, seconded by Councilmember Powell, to approve authorization of the City Manager to negotiate and execute a joint funding agreement on behalf of the City between the cities of Manhattan Beach, Gardena and Hawthorne, and the appropriation of \$2.25 million from General Fund Financial Policy Reserves which will be reimbursed by grant funds after project completion. The motion carried by the following vote:

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

14. Adopt Resolution No.15-0066 Supporting Efforts of the City of Hermosa Beach to Implement the Pacific Coast Highway / Aviation Boulevard Mobility Improvement Project (Public Works Director Olmos).

[RES 15-0066](#)

ADOPT

City Clerk Liza Tamura introduced the item and Public Works Director Tony Olmos provided the staff presentation.

Public Works Director Olmos responded to City Council questions.

A motion was made by Mayor Burton, seconded by Councilmember Howorth, to adopt Resolution No. 15-0066 with the two additions presented to Staff. The motion carried by the following vote:

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

Joint Funding Agreement Between the Cities of Manhattan Beach, Gardena and Hawthorne to Provide Advanced Funding to the South Bay Regional Public Communications Authority (RCC) for a Department of Homeland Security, Urban Areas Security Initiative (UASI) Reimbursable Grant for Construction of Interagency Communications Interoperability Systems; Temporary Use of a Portion of General Fund Reserves (Finance Director Moe).

[CON 15-0060](#)

APPROVE; APPROPRIATE

This item was taken out of order and heard before Agenda Item No. 14.

16. (1) Adoption of Interim Ordinance No. 15-0036U prohibiting all cultivation of medical marijuana, (2) Adoption of Urgency Ordinance No. 15-0037U prohibiting the delivery of medical marijuana and mobile marijuana dispensaries in the City, and (3) Introducing Ordinance No. 15-0037 prohibiting delivery of medical marijuana and mobile marijuana dispensaries in the City (City Attorney Barrow).

[15-0535](#)

ADOPT ORDINANCES NO. 15-0036U AND 15-0037U AND INTRODUCE ORDINANCE NO. 15-0037

City Clerk Liza Tamura introduced the agenda item and City Attorney Quinn Barrow provided the staff presentation.

City Attorney Barrow responded to City Council questions.

City Attorney Barrow suggested revision to the ordinances and read into the record the titles of Ordinance Nos. 15-0036U, 15-0037U, and 15-0037.

A motion was made by Mayor Burton, seconded by Councilmember Howorth, to adopt Ordinance Nos. 15-0036U and 15-0037U, and to introduce Ordinance No. 15-0037 as revised by the City Attorney . The motion carried by the following vote:

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

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

City Manager Mark Danaj provided an update on the Police Officer's Association MOU being approved and would be on the next December 15, 2015 Council Meeting.

Councilmember Lesser attended the State of the County presented by Supervisor Don Knabe on November 19th.

Mayor Burton reported about OTS Roundhouse Aquarium updates.

P. FORECAST AGENDA AND FUTURE DISCUSSION ITEMS

17. Agenda Forecast (City Clerk Tamura). [15-0544](#)
DISCUSS AND PROVIDE DIRECTION

Mayor Burton introduces the items.

Mayor Burton announced that the Forecast Section. Future Agenda Items would be eventually removed and all items calendared with a specific Council meeting date.

Q. INFORMATIONAL ITEMS

18. Commission Minutes: [15-0532](#)
This Item Contains Minutes of the following City Commission Meetings:
a) Library Commission Meeting Action Minutes of September 14, 2015 (Parks and Recreation Director Leyman).
b) Parks and Recreation Commission Meeting Action Minutes of September 28, 2015 (Parks and Recreation Director Leyman).
c) Cultural Arts Commission Meeting Action Minutes of October 13, 2015 (Parks and Recreation Director Leyman).

INFORMATION ITEM ONLY

Mayor Burton accepted the Informational Items and hearing no objections, it was so ordered.

R. CLOSED SESSION

S. ADJOURNMENT

At 10:03 PM, the City Council was adjourned to the 6 PM City Council Regular Meeting December 15, 2015 in Council Chambers in said city.

Tatyana Roujenova-Peltekova
Recording Secretary

Mark Burton
Mayor

ATTEST:

Liza Tamura
City Clerk