

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Final

Tuesday, January 5, 2016

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

PLEASE NOTE THAT THE CITY ARCHIVES THE VIDEO RECORDINGS OF ALL REGULAR CITY COUNCIL MEETINGS AND THE VIDEO FOR THIS MEETING IS HEREBY INCORPORATED BY THIS REFERENCE. ALSO IN SUPPORT OF MORE TRANSPARENCY AND THE AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE, THE CITY OFFERS CLOSED CAPTIONING FOR REGULAR CITY COUNCIL MEETINGS. FOR A COMPLETE RECORD OF THIS CITY COUNCIL MEETING, GO TO: www.citymb.info/city-officials/city-clerk/city-council-meetings-agendas-and-minutes

A. PLEDGE TO THE FLAG

Dhru Goud, Pennekamp Elementary School student led the Pledge of Allegiance.

B. ROLL CALL

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

C. CEREMONIAL CALENDAR

Mayor Burton announced that Agenda Item No. 3 would be taken out of order and heard before Item No. 1.

- 3.** Presentation of a Certificate of Recognition to Alexander Marsden for his Assistance at the November 2015 Pier Lighting Ceremony. [16-0010](#)

PRESENT

Mayor Burton, on behalf of the City Council, presented a Certificate of Recognition to Alexander Marsden.

- 1.** Presentation of a Plaque to Public Works Director Tony Olmos for Being Honored as the Southern California Chapter of the Public Works Association 2015 Leader of the Year. [16-0013](#)

PRESENT

Mayor Burton, on behalf of the City Council, presented a plaque and a challenge coin to Public Works Director Tony Olmos for being honored as the Southern California Chapter of the Public Works Association 2015 Leader of the Year.

2. Presentation of a Plaque to Rabbi Mark Hyman, Congregation Tikvat Jacob, in Recognition of His Years of Dedicated Service and Continuous Support to the Community. [16-0011](#)

PRESENT

Mayor Burton & Councilmember Howorth, on behalf of the City Council, presented a plaque and challenge coin to Rabbi Mark Hyman, Congregation Tikvat Jacob, recognizing his 28 years of dedicated service and continuous support to the community.

3. Presentation of a Certificate of Recognition to Alexander Marsden for his Assistance at the November 2015 Pier Lighting Ceremony. [16-0010](#)

PRESENT

Mayor Burton announced that he was taking Agenda Item No. 3 out of order. Agenda Item No. 3 was heard before Agenda Item No. 1.

4. Presentation of a Plaque to Pooja Nagpal for Being Recognized as an Honoree of the Girl Scouts 2015 National Young Women of Distinction Award (Continued from the November 17, 2015 City Council Meeting). [15-0494](#)

PRESENT

Mayor Burton, on behalf of the City Council, presented a plaque and challenge coin to Pooja Nagpal for being recognized as an honoree of the Girl Scouts 2015 National Young Women of distinction Award.

5. Presentation of a Plaque to Lester Silverman for his Years of Dedicated Service on the Library Commission and the Parking and Public Improvements Commission. [16-0012](#)

PRESENT

Mayor Burton, on behalf of the City Council, presented a plaque and challenge coin to Lester Silverman for his years of dedicated service on the Library Commission and the Parking and Public Improvements Commission.

D. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

City Clerk Liza Tamura confirmed that the meeting had been properly posted.

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

Mayor Burton noted that Item No.14 is being moved to the Consent Calendar and Item No.15 is being continued to the January 19, 2016, City Council Meeting. He further added that Item Nos.12-13 Section M. Old Business would be heard before Section L. Public Hearings.

A motion was made by Councilmember Powell, seconded by Mayor Pro Tem D'Errico, to approve the agenda, as amended and waive full reading of ordinances. 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)

Joseph Ungoco, Beach Cities Masonic Lodge, announced the reception and installation of officers at 5 PM on Saturday, January 9, 2016. He further added that the event is opened to the public.

Councilmember Powell, reported on free iPad lesson on Thursday, January 7, 2016 at 10 AM. He added that the City of Manhattan Beach has an El Nino Brochure available at City Hall, the Manhattan Beach Library or at the City's website www.citymb.info. Finally, there is a free CPR and First Aid Class sponsored by the Beach Cities Health District on various Saturdays. Sign-up and more information is available at training@mbcerta.org.

Councilmember Howorth announced that free rain barrels will be given away by the West Basin on Saturday, January 23, 2016, in Inglewood from 8-11 AM and you can call the South Bay Environmental Services Center at (310) 371-4633 or you can go to the website www.sbesc.com. Also Southern California Edison has a program where you can go online to receive texts, e-mails or phone calls for planned power outages.

G. CITY MANAGER REPORT

Assistant City Manager Nadine Nader introduced Melissa McCullen the new Manhattan Beach Librarian and she provided a brief background of her experience and announced future library events

Councilmember Lesser summarized the new librarians history and stated that she will be a great asset to the community.

Public Works Director Tony Olmos and Fire Chief Bob Espinosa provided a report on the storms and the plans that are in place to mitigate problems and issues caused by the storm. Sand bags are available at the Fire Stations and the Public Works Department.

Councilmember Powell announced that sand bags are also available at the Life Guard Maintenance Facility near Sepulveda and Rosecrans.

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)

Jeri Dearden, read letter from her brother, Chuck Dearden (said that the letter was sent to the City Council) re historic preservation.

Mary Sikoniaa, re Skate Board Park and public input.

Beth Kelleher, re Agenda Item No. 11.Mobile Dispenseries.

Viet Ngo, re alleged corruption, Item No. 8 Financial Reports and Closed Session.

Robert Bush, re Sunshine Policy.

Nancy Silver Binkow re Item No. 11 Medical Marijuana.

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

None.

K. CONSENT CALENDAR (APPROVE)

Councilmember Howorth clarified before the vote that Item No.14 was moved to the Consent Calendar.

City Attorney Quinn Barrow responded to City Council questions.

A motion was made by Mayor Pro Tem D'Errico, seconded by Councilmember Powell, to approve the Consent Calendar. Item Nos. 6-9 and Item No. 14 (Second Reading of Ordinance No. 16-0037), which was previously moved to the Consent Calendar. The motion carried by the following vote:

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

- 6. Approve Amendment to Agreement with Davey Resource Group to Perform Additional Tasks for the Urban Forest Master Plan in the Amount of \$26,980 (Public Works Director Olmos). [16-0004](#)
APPROVE; APPROPRIATE

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

- 7. Approve Continued Use of On-Call Engineering Services Agreement with CivilSource, Inc. for Construction Management and Inspection Services (Public Works Director Olmos). [16-0005](#)
APPROVE

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

8. Financial Report: [16-0001](#)
Schedule of Demands: November 25, 2015 and December 10, 2015
(Finance Director Moe).

ACCEPT REPORT AND DEMANDS

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

9. City Council Minutes: [16-0020](#)
This Item Contains Action Minutes of the Following City Council Meetings Presented for Approval:
a.) City Council Regular Meeting Minutes of December 15, 2015
b.) Special City Council Meeting Minutes of December 21, 2015
(City Clerk Tamura).

APPROVE

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

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

ADOPT ORDINANCE NO. 15-0037

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

For the record the number of Ordinance No. 15-0037 was changed to Ordinance No. 16-0037 because it was adopted in 2016, not 2015.

AGENDA ITEM NOS. 12 AND 13 WERE CONSIDERED IMMEDIATELY BEFORE PUBLIC HEARINGS.

12. Adoption of 2015 City-wide Strategic Plan (Assistant City Manager Nader). [16-0014](#)

ADOPT

City Clerk Liza Tamura introduced the item and Mayor Burton provided a brief summary.

A motion was made by Mayor Burton, seconded by Councilmember Powell, to adopt the Strategic Plan with its Mission Statement, its Core Values, its vision with the Six Pillars for Success, with the supporting Governance Activities supporting each Pillar for Success and direct Staff to update the City's Work Plan by aligning those Work Plan Tasks with the the Six Pillars of Success and report back to the City Council within six months. The motion carried by the following vote:

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

13. Memorandum of Understanding with the California Teamsters Local 911 (Human Resources Director Zadroga-Haase).

[RES 16-0004](#)

APPROVE, ADOPT RESOLUTION NO. 15-0067

City Clerk Liza Tamura introduced the item and Human Resources Director Teresia Zadroga-Haase provided the PowerPoint presentation and explained that the proposed 9/80 would provide expanded and better service to the residents and contractors.

Human Resources Director Zadroga-Haase and Community Development Director Marisa Lundstedt responded to City Council questions.

Assistant City Manager Nadine Nader stated that a communication strategy using social media, website, etc. is being developed.

Councilmember Lesser stated that closing on alternate Fridays is the wrong direction. It's a great opportunity that City Hall is open longer, but wrong for residents who want City hall to be open on closed Fridays, residents seeking Parks and Recreation reservations over the weekend, and contractors seeking responses to questions. He further added that he does not see how closing City Hall on alternate Fridays benefits residents. He supports the other provisions of the MOU(Memorandum of Understanding), but not the 9/80 closing on alternate Fridays.

Councilmember Powell said that the MOU is fine, but he does not like the 9/80 with City Hall closure. He likes the 9/80 with City Hall still open. He continued that we've been adding employees, the recession is over and the City is doing fine financially. Governments are turning to a 24/7 on-line service, but for older adults, inspections, etc you need a physical presence. He concluded that as long as the MOU is tied to closure of City Hall, his vote will be "no".

The other Councilmembers stated that the 9/80, with every other Friday closed, is best for the residents because the hours are expanded and there will be more days a week where there is a full staff.

A motion was made by Mayor Burton, seconded by Councilmember Howorth, to adopt the memorandum of Understanding with the California Teamsters Local 911 and adopt resolution No. 16-0004. The motion carried by the following vote:

Aye: 3 - Burton, D'Errico and Howorth

Nay: 2 - Lesser and Powell

For the record the number of Resolution No. 15-0067 was changed to Resolution No. 16-0004 because it was adopted in 2016, not 2015.

L. PUBLIC HEARINGS (2 MINUTES PER PERSON)

10. Consideration of Amendments to the Zoning Code, Chapter 10.86 and the Local Coastal Program, Chapter A.86, Historic Preservation (Community Development Director Lundstedt)

[ORD 15-0034](#)

CONDUCT PUBLIC HEARING, INTRODUCE ORDINANCE NOS. 15-0034 AND 15-0035

City Clerk Liza Tamura introduced the item and Community Development Director Marisa Lundstedt provided a PowerPoint presentation providing an overview of the item.

Community Development Planning Manager Laurie Jester provided the PowerPoint presentation focusing on Historic Preservation Commission; Historic Landmarks and Historic Districts.

Community Development Director Lundstedt, Planning Manager Jester and City Attorney Quinn Barrow responded to City Council questions.

Mayor Burton opened the Public Hearing.

The following individuals provided public comment in favor of Historic Preservation:

*Steve Meisenholder
Greg Geilman
Jane Guthrie
Robert Bush
Jack Rubens
Mary Skioniaa
Patrick McBride
Marcello Vavala
Tim McGuire
Adam Malovani
Julie Prophet
Jan Dennis*

Seeing no further requests to speak, Mayor Burton closed the Public Hearing.

A motion was made by Councilmember Powell, seconded by Councilmember Lesser, to waive further reading, introduce Ordinance. 16-0034 with three modifications. The first is to make Section 10.86.090 B. consistent, the language should be modified to say "exceptional significance". The second is Section 10.86.090 B. 2. allowing the City Council for "involuntary preservation" to raise the standard to a 4/5ths vote, a super majority. The third is that there is no opt-out policy for Historic Districts , Section 10.86.110 and petitions with 60% owners support to submit an application and 60% for designation. The motion carried by the following vote:

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

A motion was made by Councilmember Powell, seconded by Councilmember Lesser, to waive further reading, introduce Ordinance. 16-0035 with three modifications. The first is to make Section 10.86.090 B. consistent, the language should be modified to say "exceptional significance". The second is Section 10.86.090 B. 2. allowing the City Council for "involuntary preservation" to raise the standard to a 4/5ths vote, a super majority. The third is that there is no opt-out policy for Historic Districts , Section 10.86.110 and petitions with 60% owners support to submit an application and 60% for designation. The motion carried by the following vote:

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

For the record the numbers of Ordinance Nos. 15-0034 and 15-0035 were changed to Ordinance Nos. 16-0034 and 16-0035 because they were adopted in 2016, not 2015.

At 9:17 PM City Council recessed and reconvened at 9:26 PM with all Councilmembers present.

11. Consideration of Amendments to the Municipal Code and Local Coastal Program (LCP) Prohibiting Cultivation of Commercial Medical Marijuana Activity in the City and Allowing Limited Cultivation of Medical Marijuana for Personal Use by Qualified Persons (Community Development Director Lundstedt).

[ORD 15-0036](#)

CONDUCT PUBLIC HEARING, INTRODUCE ORDINANCE NOS. 15-0036 AND 16-0001

Management Analyst Matthew Cuevas introduced the item and Community Development Director Marisa Lundstedt provided a brief introduction of the item and explained that it only pertains to the cultivation of marijuana. She further added that there are only two options to consider: 1. Limited exceptions for qualified persons. 2. Not allow any exceptions.

City Attorney Quinn Barrow added that the existing ordinance prohibits cultivation and dispensaries since 2008, but indicated that an express prohibition on cultivation is necessary in the Municipal Code. If the City does not take action by March 1, 2016, the State of California will take over the regulation of cultivation.

Community Development Director Lundstedt and City Attorney Barrow responded to City Council questions.

Mayor Burton opened the public hearing.

The following individuals provided public comment:

In favor:

Raunda Frank

Opposed:

Patrick McBride

Beth Kelleher

Seeing no further requests to speak, Mayor Burton closed the Public Hearing.

City Attorney Quinn Barrow read the titles of Ordinance Nos. 16-0036 and 16-0001 into the record.

A motion was made by Mayor Burton, seconded by Mayor Pro Tem D'Errico, to introduce Ordinance No. 16-0036 AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING THE MANHATTAN BEACH MUNICIPAL CODE TO EXPRESSLY PROHIBIT CULTIVATION OF MEDICAL MARIJUANA AND PROHIBIT COMMERCIAL MEDICAL MARIJUANA ACTIVITY. The motion carried by the following vote:

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

For the record the number of Ordinance No. 15-0036 was changed to Ordinance No. 16-0036 because it was adopted in 2016, not 2015.

A motion was made by Mayor Burton, seconded by mayor Pro Tem D'Errico to introduce Ordinance No. 16-0002 AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING LOCAL COASTAL PROGRAM SECTION A.60.160 (MEDICAL MARIJUANA DISPENSARIES) TO EXPRESSLY PROHIBIT CULTIVATION OF MEDICAL MARIJUANA, PROHIBIT COMMERCIAL MEDICAL MARIJUANA ACTIVITY, AND AMENDING DEFINITIONS TO CONFORM WITH STATE LAW. The motion carried by the following vote:

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

PLEASE NOTE: AGENDA ITEM NOS. 12 AND 13 WERE HEARD PREVIOUSLY BEFORE PUBLIC HEARINGS.

M. OLD BUSINESS

12. Adoption of 2015 City-wide Strategic Plan (Assistant City Manager Nader). [16-0014](#)
ADOPT

This item was heard before Section M. Old Business.

13. Memorandum of Understanding with the California Teamsters Local 911 (Human Resources Director Zadroga-Haase). [RES 16-0004](#)
APPROVE, ADOPT RESOLUTION NO. 15-0067

This item was heard before Section M. Old Business.

14. 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 moved to the Consent Calendar.

For the record the number of Ordinance No. 15-0037 was changed to Ordinance No. 16-0037 because it was adopted in 2016, not 2015.

N. NEW BUSINESS

15. Ordinance Regulating Unmanned Aircraft (Drones) (City Attorney Barrow).

[ORD 16-0002](#)

INTRODUCE ORDINANCE NO. 16-0002 AND WAIVE FURTHER READING

This item was continued to the January 19, 2016 meeting.

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

None.

P. FORECAST AGENDA AND FUTURE DISCUSSION ITEMS

16. Agenda Forecast (City Clerk Tamura).

[16-0016](#)

DISCUSS AND PROVIDE DIRECTION

Mayor Burton and the City Council reviewed the Forecast Agenda and Future Discussion Items with the following changes:

Agenda Item No. 15 – First Reading of Drone Ordinance was Continued to the January 19, 2016 City Council Meeting.

Agenda Forecast Changes:

January 19, 2016 Agenda Item No. 5 – Second Reading of Ordinance No. 16-0002 Drone Regulations (City Attorney Barrow) (Consent) – Changed to First Reading and New Business.

January 19, 2016 Agenda Item No. 8 – Comprehensive Annual Financial Report for Fiscal Year 2014 – 2015 (Finance Director Moe) (New Business) – Continued to February 16, 2016 City Council Meeting

January 19, 2016 Agenda Item No. 9 – Approve a Contract Amendment to Accela, Inc. in the Amount of \$xxxxx for Citywide Permitting Software and Appropriate Funds from xxxxx (Community Development Director Lundstedt) (New Business) – Continued to March 1, 2016 City Council Meeting

Move some items from the February 16, 2016 City Council Meeting Agenda to the February 2, 2016 City Council Meeting Agenda.

Mayor Burton requested for the Strategic Plan/Work Plan to come back to Council in six months from the January 5, 2016 meeting.

Mayor Burton and seconded by Amy Howorth want a discussion on a Manhattan Beach School Facilities Bond and how to get a City Facilities Bond on the November ballot.

Q. INFORMATIONAL ITEMS

17. Commission Minutes: [16-0024](#)
This Item Contains Minutes of the following City Commission and Subcommittee Meetings:
a) Planning Commission Meeting Action Minutes of December 9, 2015 (Community Development Director Lundstedt).
b) Finance Subcommittee Meeting Action Minutes of December 17, 2015 (Finance Director Moe).

INFORMATION ITEM ONLY

This item is for information only and no City Council action is required.

R. CLOSED SESSION

City Attorney Quinn Barrow read into the record the following Closed Session Item :

**1. CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION)
(Government Code Section 54956.9(a))
Ferreol Cardenas v. Manhattan Beach, United States District Court,
Central District of California,
Case Number 2:15-CV-01469-R (ASx)**

At 10:05 PM City Council recessed into Closed Session.

At 10:17 PM the City Council reconvened into Open Session and adjourned to the Friday, January 8, 2016, Ajourned Regular Meeting (Closed Session) at 10 AM in the City Manager's Conference Room.

S. ADJOURNMENT

At 10:18 PM Mayor Burton adjourned the January 5, 2016, Regular City Council Meeting to the 6:00 PM January 19, 2016, Regular City Council Meeting, in City Council Chambers, in said City.

Martha Alvarez
Recording Secretary

Mark Burton
Mayor

ATTEST:

Liza Tamura
City Clerk