

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Tuesday, July 5, 2016

6:00 PM

Regular Meeting

City Council Chambers
AMENDED AGENDA

City Council Regular Meeting

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

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A. PLEDGE TO THE FLAG

Janet Murphy led the Pledge of Allegiance.

B. ROLL CALL

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

C. CEREMONIAL CALENDAR

1. Proclamation Declaring the Month of July, 2016 as "Parks and Recreation Month".

[16-0325](#)

PRESENT

Mayor D'Errico on behalf of the City Council, presented the Proclamation Parks and Recreation Director Mark Leyman received the Proclamation for the month of July as "Parks and Recreation Month" on behalf of the Parks and Recreation Department for the City of Manhattan Beach.

2. Presentation of Certificates of Recognition to the Mira Costa High School's Model U.N. Program for Being Ranked as No. 1 in the Nation.

[16-0344](#)

PRESENT

Mayor D'Errico on behalf of the City Council, presented certificates to thirteen Mira Costa Model United Nations students in recognition of being one of the top three programs in the nation.

D. MEETING MANAGEMENT

3. Revised City Council Meeting Management Rules (City Clerk Tamura).
ADOPT RESOLUTION NO. 16-0049

[RES 16-0049](#)

Mayor D'Errico introduced the item.

City Attorney Quinn Barrow provided the staff presentation and summarized the five changes as identified in the resolution with the changes that will take effect beginning with the July 5, 2016 City Council meeting.

Mayor Pro Tem Lesser requested to have clarification on the resolution that the City Council can pull items during "Consent" only and not during "Approval of the Agenda" and would like for the 4/5 vote rule to be part of the resolution when items are continued or a meeting is extended past the set time of conclusion.

Councilmember Howorth requested to clarify in the resolution that 4/5 vote is needed in order to continue an item to the next meeting and to include when meetings conflict with a holiday during the first Tuesday of the month what will be City Council's decision.

Councilmember Powell requested to add the 4/5 vote to the resolution and that items should continued to be pulled only during "Consent" as it has been the long practice by the City Council.

Mayor D'Errico clarified that based on public input, he wanted to allow for public comments throughout the meeting and not just during public comments at the beginning of the meeting and suggested for public comments to be counted in 30 second intervals or the whole minute.

The following were Public Comments received during this item.

Tom Callwalder spoke in favor of allowing public comments through the night during the presentations for the items.

City Council agreed: that public comments will be open at the beginning of the meeting and then throughout the meeting during each Agenda Item, the member of the public will have 6 minutes total through the night for their public comments with the exception of items under "Consent", and the minutes will be rounded to 30 seconds intervals.

City Attorney Barrow confirmed that the item would be back as an "Informational Item" on the next City Council meeting of July 19, 2016 with the requested changes by the City Council.

A motion was made by Councilmember Powell, seconded by Mayor Pro Tem Lesser, that this item be adopted with the following changes; include the 4/5 vote needed in order to continue an item and to extend a City Council meeting past the time determined, items can only be pulled by the City Council during "Consent", and the public can make comments during "Public Comments" and items under "Public Hearing", "Old Business" and "New Business". The motion carried by the following vote:

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

E. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

City Clerk Liza Tamura confirmed that the meeting was properly posted.

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

Mayor D'Errico requested to move Agenda Item No. 18 - Review Alternative Uses for Site and Draft for Request for Proposal for Hotel Developer at Parkview Site to be presented before "Public Hearings".

Councilmember Burton requested to pull Agenda Item No. 6 - First Reading of Ordinance No. 16-0010 Prohibiting Targeted Residential Picketing to be heard last during "New Business" and Agenda Item No. 8 - Written Report Regarding Interim Zoning Ordinance U 15-0017 to be heard prior to Agenda Item No. 23 - An Interim Ordinance Requiring a Use Permit for the Following Uses in the Downtown Commercial Zone.

Councilmember Howorth added a friendly amendment to hear Agenda Item No. 6 first under "New Business".

Councilmember Powell requested to continue Agenda Item No. 24 - Discussion of Statement of Intent Process to Address Blight to the July 19, 2016 City Council Meeting and for staff to bring the item as an Ordinance.

Mayor D'Errico clarified that Agenda Item No. 9 - Appointment of Seat No. 5 of the Parks and Recreation Commission will be continued to the July 19, 2016 City Council meeting after the interviews take place on July 7, 2016.

A motion was made by Councilmember Howorth, seconded by Councilmember Powell, to approve the agenda, as amended and waive full reading of ordinances. The motion carried by the following vote:

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

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

Melissa McCollum, Manager of the Manhattan Beach Library announced that thanks to "Friends of the Library" and Jesus Mejia, the Library will be offering healthy living programs throughout the summer. Also Thursday, July 7, 2016 from 12:30 PM - 1:15 PM, Julie Rader will be teaching a Mindfulness Meditation workshop in the Meeting Room and there is also a monthly Yoga Class led by Manhattan Beach local Anne Spinner.

Councilmember Burton announced that the Manhattan Beach Farmer's Market will be celebrating their 10th Anniversary on Tuesday, July 12, 2016 from 11:00 AM - 5:00 PM, the event will kickoff with a group photo at 10:45 AM at the community quad, there will be a raffle every hour and vendors will have items that will only be available for this one day on their 10th Anniversary.

Councilmember Powell announced that the Older Adult Program will be having an "Outside the Lines: A Senior Art Show" from July 21, 2016 through August 6, 2016; the opening reception will be on July 21, 2016 from 5:00 PM - 7:00 PM and Dial-A-Ride is available.

H. CITY MANAGER REPORT

City Manager Mark Danaj provided an update on the Manhattan Village Mall.

I. CITY ATTORNEY REPORT

City Attorney Quinn Barrow provided update on two pending litigation cases:

1- Kenneth Kayter v City of Manhattan Beach, person who slipped on the blue tiles, settled for \$10,000, dismissed the lawsuit and has been paid the \$10,000.

2- The case regarding the frisbee incident at Polliwog Park, as previously reported the case settled for \$20,000, the minor's attorney is seeking the Court's approval of the settlement.

**J. PUBLIC COMMENTS (3 MINUTES PER PERSON PER MATTER, A
MAXIMUM OF 6 MINUTES IF A SPEAKER WANTS TO COMMENT ON
MORE THAN ONE MATTER)**

Lester Silverman spoke in support of the Farmers Market and thinks its great that the event was started 10 years ago by the Downtown Business and Professional Association and spoke on the moratorium that is about to expire.

Janet Murphy is opposed to the Parkview Hotel, mentioned the letter submitted by Attorney Oderman on June 21, 2016. (Speaker spoke on behalf of 16 members, including herself regarding the opposition to the project)

Tom Corley is one of the owner's of the Manhattan Senior Villas and is opposed to the Parkview Hotel, has stopped by City Hall to look and review documents.

Martha Andreani spoke about Ordinance No. 16-0009U and suggested that the Ordinance continue until September.

Robert Bush spoke about the City Council, Bill Victor's appeal with Coastal Commission for the Manhattan Beach Open, Parkview Hotel, Sunscreen Dispenser, four new staff position, Management Services Door and the City Hall Building.

Linda McLaughlin Fijel is one of the co-owners of Pages, spoke in support of the valet parking item.

Bill Victor requested clarification regarding the new times for public comments and determined that he would speak later during Agenda Item No. 22.

Carrol Perrin (statement read into record by Tami Zamzaril) in support of the Interim Zoning Ordinance.

Tami Zamzaril spoke in support of the Interim Zoning Ordinance and is also in support of the valet parking.

Neil Leventhal spoke in support of the Interim Zoning Ordinance and is opposed to the expansion of the valet parking.

Michael Zislis spoke in support of: the valet parking expansion, the Parkview Hotel, and the Interim Zoning Ordinance.

Bill Victor requested clarification once again regarding Public Comments throughout the meeting.

Susan Saroian is opposed to the valet parking expansion, her street is very busy with valet parking traffic.

Niko Nikau spoke in support of the valet parking and wants to make sure that space on the streets are respected by all and shared.

Tony Choueke, Secretary for the Manhattan Beach Commercial Property Owners Association, would like for the City Council to take into consideration the commercial property owners and spoke in support of the Interim Zoning Ordinance.

Bill Victor submitted photos of violations of the valet program, is opposed to the valet program, and spoke about the Mayor recusing himself regarding Agenda Items Nos.

16, 17, and 23.

Chris Gebert with Hyatt Hotels, spoke in favor of the Parkview Hotel site.

Anita Rodal is opposed to the Parkview Hotel, there is traffic due to "The Point" in El Segundo and the hotel will create more traffic as well.

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

4. Planning Commission Approval of a Variance for a Remodel/Addition to a Nonconforming Home at 2615 N. Valley Drive (Community Development Director Lundstedt). [16-0322](#)

BY ORDER OF THE CHAIR, RECEIVE AND FILE

By order of the Chair, report was received and filed.

5. Planning Commission Approval of a Coastal Development Permit for the construction of a new single family residence at 128 21st Street, (Community Development Director Lundstedt). [16-0338](#)

BY ORDER OF THE CHAIR, RECEIVE AND FILE

Councilmember Powell inquired about the plans not provided regarding property Agenda Item No. 5 - Planning Commission Approval of a Coastal Development Permit for the construction of a new single family residence at 128 21st Street but being provided for Agenda Item No. 4 - Planning Commission Approval of a Variance for a Remodel/Addition to a Nonforming Home at 2615 North Valley Drive.

Community Development Director Marisa Lundstedt and City Attorney Quinn Barrown responded to City Council questions.

Bunny Srour stated for the record that the issue before the commission and the reason why the item is being presented to the City Council is due to neighbors objecting to the construction and not to the project.

A motion was made by Mayor D'Errico, seconded by Councilmember Powell, to continue the item to the July 19, 2016 City Council meeting and for staff to provide the plans for the single family residence at 128 21st Street. The motion was carried by the following vote:

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

L. CONSENT CALENDAR (APPROVE)

Previously the City Council made the following changes regarding "Consent" items.

Councilmember Burton requested to pull Agenda Item No. 6 - First Reading of Ordinance No. 16-0010 Prohibiting Targeted Residential Picketing to be heard last during "New Business" and Agenda Item No. 8 - Written Report Regarding Interim Zoning Ordinance U 15-0017 to be heard prior to Agenda Item No. 23 - An Interim Ordinance Requiring a Use Permit for the Following Uses in the Downtown Commercial Zone.

Councilmember Howorth added a friendly amendment to hear Agenda Item No. 6 first under "New Business".

Mayor D'Errico clarified that Agenda Item No. 9 - Appointment of Seat No. 5 of the Parks and Recreation Commission will be continued to the July 19, 2016 City Council meeting after the interviews take place on July 7, 2016.

No additional changes were requested.

A motion was made by Councilmember Burton, seconded by Councilmember Powell, to approve the Consent Calendar, Item Nos. 7 and 10-14. The motion carried by the following vote:

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

6. First Reading of Ordinance No. 16-0010 Prohibiting Targeted Residential Picketing (City Attorney Barrow). [ORD 16-0010](#)
WAIVER FURTHER READING; INTRODUCE ORDINANCE NO. 16-0010

Item has been moved to be presented as first item under "New Business".

7. Contract with AdminSure, Inc., for Third Party Administration Services in Support of the Self-Insured General Liability Program (Human Resources Director Zadroga-Haase). [CON 16-0024](#)
APPROVE AND APPROPRIATE

The recommendation for this item was approved.

8. Written Report Regarding Interim Zoning Ordinance U 15-0017 (Community Development Director Lundstedt). [16-0347](#)
ISSUE 10-DAY REPORT

Item has been moved to be presented before Agenda Item No. 23.

9. Appointment of Seat No. 5 of the Parks and Recreation Commission (Commissioner Thomas Allard) (City Clerk Tamura). [16-0277](#)
CONTINUE (DUE TO SCHEDULING CONFLICTS, THIS ITEM IS BEING CONTINUED TO THE JULY 19, 2016, REGULAR CITY COUNCIL MEETING)

Item has been continued to the July 19, 2016 City Council Meeting.

10. Resolution Approving the Agreement with the City of Manhattan Beach Police Management Association modifying Chapter 2, Article 5 Compensation/Salaries of the Memorandum of Understanding (Human Resources Director Zadroga-Haase).

[RES 16-0038](#)

ADOPT RESOLUTION NO. 16-0038

The recommendation for this item was approved.

11. Resolution Approving the Agreement with the City of Manhattan Beach Police Management Association modifying Chapter 3, Article 11 Retirement of the Memorandum of Understanding (Human Resources Director Zadroga-Haase).

[RES 16-0039](#)

ADOPT RESOLUTION NO. 16-0039

The recommendation for this item was approved.

12. Resolution Approving the Agreement with the City of Manhattan Beach Police Officers' Association modifying Article 20 Retirement of the Memorandum of Understanding (Human Resources Director Zadroga-Haase)

[RES 16-0040](#)

ADOPT RESOLUTION NO. 16-0040

The recommendation for this item was approved.

13. Financial Report:
Schedules of Demands: June 9, 2016 (Finance Director Moe).

[16-0317](#)

ACCEPT REPORT AND DEMANDS

The recommendation for this item was approved.

14. City Council Minutes:[16-0326](#)

This Item Contains Minutes of the following City Council Meeting:

- a) City Council Adjourned Regular Meeting - City Council Retreat Minutes of April 7, 2016 (Continued from June 7, 2016 City Council Meeting).

APPROVE

- b) City Council Regular Meeting Minutes of May 3, 2016 (Continued from June 21, 2016 City Council Meeting).

APPROVE

- c) City Council Adjourned Regular Meeting - Closed Session Minutes of

May 16, 2016

(Continued from June 7, 2016 City Council Meeting).

APPROVE

- d) City Council Adjourned Regular Meeting - Budget Study Session #2 Minutes of May 23, 2016. **APPROVE**

- e) City Council Adjourned Regular Meeting - Budget Study Session #3 Minutes of May 31, 2016. **APPROVE**

- f) City Council Regular Meeting Minutes of June 7, 2016. (Continued from the June 21, 2016 City Council Regular Meeting)

APPROVE

- g) City Council Adjourned Regular Meeting - Budget Study Session #4 Minutes of June 9, 2016. **APPROVE**

- h) City Council Regular Meeting - Closed Session Minutes of June 20, 2016

APPROVE

- i) City Council Regular Meeting Minutes of June 21, 2016

CONTINUE TO THE JULY 19, 2016 CITY COUNCIL MEETING

(City Clerk Tamura)

APPROVE

The recommendation for this item was approved.

At 7:45 PM City Council recessed and reconvened at 7:56 PM with all Councilmembers present.

18. Review Alternative Uses for Site and Draft for Request for Proposal for Hotel Developer at Parkview Site (Finance Director Moe).

[16-0284](#)

PROVIDE DIRECTION

Economic Vitality Manager Andy Swyak provided the staff presentation utilizing the PowerPoint slides in the staff report on the document reader.

Economic Vitality Manager Sywak, City Attorney Quinn Barrow, City Manager Mark Danaj, and Planning Manager Laurie Jester responded to City Council questions.

Councilmember Powell expressed concern about the fiscal implications, traffic, emergency access, contaminated soil from its previous use by Chevron, the lack of completion of the soil study, parking availability, the inconvenience for the Senior Villa residents with the construction and the property itself and suggested other places for the location of the hotel.

Mayor Pro Tem Lesser inquired about the possible legal matters that have been brought to the City Council's attention regarding the property, inquired about the soccer field and Senior Villas, parking availability to be addressed, if the City would have any cost obligations for the hotel, and is in support of the hotel but not at the proposed site.

Councilmember Howorth stated that she is in support of the hotel, but not on the proposed site, and not at this time. She asked that the City Council put this project aside and focus on the Mall (looking at what changes the Mall brings with traffic and then bring back the hotel item for discussion). She also suggested that the soil study should not continue at this time because of the cost.

The following individuals provided public comments and are not in support of the Parkview Hotel site:

Coleen Corley

Bill Victor

The following individual provided public comments and spoke in support of the Parkview Hotel site:

Michael Dieden

Motion made by Councilmember Burton, seconded by Mayor D'Errico, for the City Attorney to do a full legal analysis regarding the property and report back on a future date. A friendly amendment by Councilmember Powell, accepted by the maker for staff to look at alternative sites for the hotel.

Mayor D'Errico stated that he agrees the City has valuable property but there should be more thorough evaluation done on the property and explore other alternatives for use of this property. He also expressed concern regarding the soil study and requested that the City Attorney conduct legal research regarding the property.

Councilmember Burton spoke on the importance of exploring opportunities. He stated that he does not think the soil study should continue and that the soil study should have been done before the RFQ was sent out. He further stated that he likes the idea of a hotel in the City, but does not approve of the proposed location. Lastly mentioned that there are a lot of unanswered legal questions at this time.

Councilmember Burton then amended his motion to Table the subject matter.

A motion was made by Councilmember Burton, seconded by Mayor D'Errico to Table the Matter. The motion was carried by the following vote:

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

M. PUBLIC HEARINGS (3 MINUTES PER PERSON)

15. Public Hearing Regarding the Renewal of Downtown Business Improvement District (BID) for Fiscal Year 2016-2017 Including Authorization to Collect Assessments; Ratification of the District Advisory Board; Authorization to Enter Into an Agreement with the Downtown Manhattan Beach Business and Professional Association; and Authorization to Disburse Fiscal Year 2015-2016 Assessments Collected (Finance Director Moe). [RES 16-0044](#)
- CONDUCT PUBLIC HEARING; ADOPT RESOLUTION NO. 16-0044; RATIFY BOARD; APPROVE**

Revenue Services Manager Steve Charilian provided the staff presentation.

Mayor D'Errico opened the Public Hearing for public comments.

Seeing no requests to speak he closed the floor for public comments.

A motion was made by Councilmember Burton, seconded by Councilmember Powell, to adopt Resolution 16-0044 ratify the nominees for Fiscal Year 2016-2017 Business Improvement District Advisory Board, authorize the City Manager and Chairperson of the Business Improvement District Advisory Board Michael Zislis to stand in agreement with the Downtown Manhattan Beach Businesses and Professionals Association provide the services and implement the programs identified in the Downtown Manhattan Beach Businesses Improvement District Plan and authorize the disbursement of funds collected for the Business Improvement District for Fiscal Year 2015-2016, approximately \$111,000. The motion was carried by the following vote:

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

16. Public Hearing and Adoption of Resolution No. 16-0041 for a Coastal Development Permit to Modify the Downtown Valet Parking Program in the Appealable Coastal Zone (Community Development Director Lundstedt).

[RES 16-0041](#)

CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION NO. 16-0041

Community Development Director Marisa Lundstedt provided a brief clarification regarding Agenda Item No. 16 and No. 17. Agenda Item No. 16 is only a proposal to increase rates.

City Traffic Engineer Erik Zandvliet provided the PowerPoint presentation.

City Traffic Engineer Zandvliet, City Attorney Quinn Barrow, and Community Development Director Lundstedt responded to City Council questions.

Mayor D'Errico opened the Public Hearing for public comments and the following comments received were for both Agenda Item No. 16 and Agenda Item No. 17.

Martha Andreani spoke on the differences in business hours due to the season, that the report should include the changes, and extended hours are not needed for valet during the week.

Jackie May read into the record a handout she provided for the record, spoke on the difficulty of parking for residents, is opposed to valet parking.

Craig Cadwallader concerned about the Coastal Act regarding this matter.

Bill Victor is opposed to valet parking, lack of enforcement, and lack of compliance.

Mike Simms, owner of MB Post spoke in support of the extension of valet parking.

Kyle Stigfern has been operating the valet parking in the City for the last seven years, is in support of the extension for the valet parking and suggested benchmarks for the future.

Mayor D'Errico closed the Public Hearing.

City Council discussed their concerns.

A motion was made by Councilmember Burton, seconded by Councilmember Howorth, to adopt Resolution No. 16-0041 as revised and direct the City Manager to return to City Council with an RFP with stricter requirements for the program including; required signage with hours of operation for that valet area specifically, maximum number of parking spaces/diagram, no double/triple/roadway blocking traffic allowed, 15 minutes maximum of temporary parking time allowed before the car is permanently parked elsewhere, and contact information for the Police Department. A friendly amendment by Councilmember Howorth, accepted by the maker to have portable signage. The motion carried by the following vote:

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

17. Public Hearing and Adoption of Resolution No. 16-0042 for a Coastal Development Permit to Modify the Existing Downtown Valet Parking Program in the Non-Appealable Coastal Zone (Community Development Director Lundstedt).

[RES 16-0042](#)

CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION NO. 16-0042

There was no staff presentation.

Mayor D'Errico opened the Public Hearing for public comments and the following are the public comments received.

Martha Andreani requested clarification regarding the new proposed site and requested for enforcement to be in place and not enough valet parking.

Jackie May agrees with Martha Andreani and provided an article to be included with her comment for the record.

Bill Victor agrees with Jackie May and requested for the article submitted by Jackie May to be part of his comment and is opposed to the valet parking.

Kelly Stroman, Director for the Downtown Business and Professionals Association, spoke on the Skechers private parking garage and it will most likely not be available to the public due to insurance policy and inquired about the \$10 fee being in effect immediately.

Michael Simms suggested a benchmark for increase in parking prices.

Craig Cadwallader suggested the use of private parking facility for valet use.

Mayor D'Errico closed the Public Hearing for public comments.

City Attorney Quinn Barrow responded to City Council questions.

A motion was made by Councilmember Burton, seconded by Councilmember Howorth, to adopt Resolution No. 16-0042 and direct the City Manager to return to City Council with an RFP with stricter requirements for the program including; required signage with hours of operation for that valet area specifically, maximum number of parking spaces/diagram, no double/triple/roadway blocking traffic allowed, 15 minutes maximum of temporary parking time allowed before the car is permanently parked elsewhere, and contact information for the Police Department. Adding condition no. 6, "any proposed increases to the rate should be approved by the City Manager or his or her designee" and 1 B7 – Signing and directional aides, add "and including hours to the City Council". A friendly amendment by Councilmember Howorth, accepted by the maker to have portable signage. The motion carried by the following vote:

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

At 10:03 PM City Council recessed and reconvened at 10:08 PM with all Councilmembers present.

N. OLD BUSINESS

18. Review Alternative Uses for Site and Draft for Request for Proposal for Hotel Developer at Parkview Site (Finance Director Moe). [16-0284](#)

PROVIDE DIRECTION

This item was taken out of order by Mayor D'Errico, and was presented before Agenda Item No. 15 - Public Hearing.

19. Review of Proposed FY 2017-2019 Cost Recovery Fees (Finance Director Moe). [16-0339](#)

DISCUSS AND PROVIDE DIRECTION

Revenue Services Manager Steve Charelian provided brief overview to City Council.

Courtney Ramos, Consultant from Matrix Consulting Group, provided the PowerPoint presentation.

Consultant Ramos and City Manager Mark Danaj responded to City Council questions.

Mayor D'Errico invited public comments:

Bill Victor inquired about the measures for employee tasks and comparisons.

Mayor D'Errico closed public comments.

City Manager Danaj stated there would be a Public Hearing on this subject on July 19, 2016.

20. Update of El Porto Beach Traffic Circulation Study (Community Development Director Lundstedt).

[16-0291](#)

MAINTAIN EXISTING TURN RESTRICTIONS; APPROVE FUNDING APPROPRIATION AND INSTALLATION OF DYNAMIC TURN RESTRICTION SIGNS

City Traffic Engineer Erik Zandvleit provided the PowerPoint presentation and responded to City Council questions.

Mayor D'Errico opened the Public Hearing for public comments and the following are the public comments received.

Bobbi Buescher is opposed to the proposed signage.

Art Merkin is opposed to the removal of the barriers and the signage.

Mayor D'Errico closed the Public Hearing for public comments.

City Council directed staff to return with a solution and use 40th Street traffic as a benchmark and not Highland.

6. First Reading of Ordinance No. 16-0010 Prohibiting Targeted Residential Picketing (City Attorney Barrow).

[ORD 16-0010](#)

WAIVER FURTHER READING; INTRODUCE ORDINANCE NO. 16-0010

This item was taken out of order.

City Attorney Quinn Barrow provided the staff presentation and responded to City Council questions.

Mayor D'Errico invited public comments:

Greg Geiser read into record a brief statement and is in support of the Ordinance.

Mayor D'Errico closed public comments..

Councilmember Burton spoke on the possibilities of a lawsuit and Nuisance Law.

Mayor Pro Tem Lesser and Councilmember Howorth support the Ordinance drafted by the City Attorney.

Mayor D'Errico feels that there is a need to have more discussion regarding the item before the City Council makes a decision.

Councilmember Burton would like to discuss this item more with the City Attorney before voting.

A motion was made by Mayor Pro Tem Lesser, seconded by Councilmember Howorth, to introduce Ordinance No. 16-0010 adding Chapter 4.142 the title for prohibiting targeted residential picketing. The motion carried by the following vote:

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

Abstain: 1 - Burton

21. Acceptance of Donated Real Property, APN 4138-020-002, by Chevron U.S.A. Inc. to City of Manhattan Beach (Interim Public Works Director Saenz).

[RES 16-0043](#)

APPROVE AND ADOPT RESOLUTION NO. 16-0043

This item was continued to the July 19, 2016 City Council Meeting.

22. Award of Contract to NexLevel Information Technology, Inc. for Enterprise Resource Planning Software Consulting Services in the amount of \$61,415 (Information Technology Director Taylor).

[CON 16-0020](#)

APPROVE; APPROPRIATE

This item was continued to the July 19, 2016 City Council Meeting.

O. NEW BUSINESS

8. Written Report Regarding Interim Zoning Ordinance U 15-0017 (Community Development Director Lundstedt).

[16-0347](#)

ISSUE 10-DAY REPORT

This item was pulled from "Consent" by Councilmember Burton to be heard before Agenda Item No. 23.

Mayor D'Errico recused himself at 11:11 PM before Agenda Item No. 8 and Agenda Item No. 23 - An Interim Ordinance Requiring a Use Permit for the Following Uses in the Downtown Commercial Zone, were presented.

Community Development Director Marisa Lundstedt provided the staff presentation.

Mayor Pro Tem Lesser invited public comments. Seeing no requests to speak, he closed the floor for public comments.

A motion was made by Councilmember Burton, seconded by Councilmember Howorth, to issue a ten day report. The motion carried by the following vote:

Aye: 4 - Lesser, Howorth, Powell and Burton

Recused: 1 - D'Errico

23. An Interim Ordinance Requiring a Use Permit for the Following Uses in the Downtown Commercial Zone: (1) Any Office, Business or Professional; Banks and Savings & Loans; Catering Services; or Communications Facilities, Proposed to be Located on The Ground Floor Streetfront; (2) Any Use Proposed to Have More Than 35 Feet of Tenant Frontage on Lots More Than 35 Feet In Depth; (3) Any Use Proposed to Have More Than 50 Feet of Tenant Frontage on Lots 35 Feet or Less In Depth; and (4) Any Retail Sales Use Proposed to Have More Than 1,600 Square Feet of Buildable Floor Area. (Community Development Director Lundstedt).

[ORD
16-0009U](#)

ADOPT URGENCY ORDINANCE NO. ORD 16-0009U

Mayor D'Errico recused himself at 11:11 PM before Agenda Item No. 8 - Written Report Regarding Interim Zoning Ordinance U 15-0017 and Agenda Item No. 23 were presented.

Mayor Pro Tem Lesser presented the item.

Community Development Director Lundstedt provided the PowerPoint presentation.

Motion made by Councilmember Powell, seconded by Councilmember Howorth, to continue with Agenda Item No. 23 only past 11:30 PM. The motion was carried by the following vote:

Aye: 4 - Lesser, Howorth, Powell and Burton

Recused: 1 - D'Errico

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

Mayor Pro Tem Lesser invited public comments:

Bill Victor suggested prohibition for any restaurant if they do not have adequate parking based on the number of tables that are inside their restaurant.

Mayor Pro Tem Lesser closed public comments.

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

A motion was made by Councilmember Howorth, seconded by Councilmember Burton, to adopt Ordinance 16-0009U, an interim Ordinance requiring a use permit for the following uses in the Downtown Commercial Zone: (1) any office, business or professional; banks and savings & loans; catering services; or communication facilities, proposed to be located on the ground floor streetfront; (2) any retail sales use proposed to have more than 1,600 square feet of buildable floor area; add a friendly amendment by Councilmember Powell, accepted by the maker to add (e) additional findings that this will not adversely impact parking availability, traffic, noise, pollution, public health, safety and welfare; change Ordinance to "Proliferation of the uses listed in Section 3 without the review afforded by a use permit". A friendly amendment by Councilmember Burton, accepted by the maker to have the Public Hearing on August 16, 2016. The motion carried by the following vote:

Aye: 4 - Lesser, Howorth, Powell and Burton

Recused: 1 - D'Errico

Mayor D'Errico returned to the dais after City Council voted on Agenda Item No. 23 - An Interim Ordinance Requiring a Use Permit for the Following Uses in the Downtown Commercial Zone

- 24.** Discussion of Statement of Intent Process to Address Blight
(Community Development Director Lundstedt).

[16-0342](#)

PROVIDE DIRECTION

This item was continued. Councilmember Powell requested a draft Ordinance on the July 19, 2016 City Council Meeting.

**P. CITY COUNCIL REPORTS, OTHER COUNCIL BUSINESS, AND
COMMITTEE AND TRAVEL REPORTS**

Councilmember Powell reported that he attended the Independent California Associations Conference, briefly discussed the conference and stated that he served on one of the panels.

Q. FORECAST AGENDA AND FUTURE DISCUSSION ITEMS

- 25.** Agenda Forecast (City Clerk Tamura).
DISCUSS AND PROVIDE DIRECTION

[16-0327](#)

R. INFORMATIONAL ITEMS

- 26.** Commission Minutes:
This Item Contains Minutes of the following City Commission Meetings:
a.) Library Commission Minutes of May 9, 2016
(Parks and Recreation Director Leyman)
b.) Cultural Arts Commission Minutes of May 10, 2016
(Parks and Recreation Director Leyman)
c.) Finance Subcommittee Draft Action Minutes of June 16, 2016
(Finance Director Moe)
d.) Planning Commission Draft Action Minutes of June 22, 2016
(Community Development Director Lundstedt)

[16-0332](#)

INFORMATION ITEM ONLY

S. CLOSED SESSION

City Attorney Quinn Barrow requested to continue the Closed Session item to a Closed Session on Thursday, July 7, 2016 at 1:30 PM in Council Chambers.

I. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION**1.) CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION)
(Government Code Section 54956.9 (d)(1))**

**Sensible Citizens of Manhattan Beach v. City of Manhattan Beach,
RREEF AMERICA REIT CORP. BBB II;
RREEF AMERICA REIT II CORP. BBB
Case No. BS152854**

**Sensible Citizens of Manhattan Beach v. City of Manhattan Beach
Case No. BC570884**

After the City Council certified an Environmental Impact Report and approved the Village Mall renovation project, the Sensible Citizens of Manhattan Beach filed two lawsuits to challenge the City Council's actions. Trial is scheduled for October 12, 2016.

II. RECESS INTO CLOSED SESSION**III. RECONVENE INTO OPEN SESSION****IV. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION****T. ADJOURNMENT**

At 11:05 PM, the Mayor adjourned the meeting.

Martha Alvarez
Recording Secretary

Tony D'Errico
Mayor

ATTEST:

Liza Tamura
City Clerk