

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes

Tuesday, July 2, 2013

6:00 PM

Regular Meeting

City Council Chambers

City Council

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

A. PLEDGE TO THE FLAG (5 MINUTES)

Don Gould led the Pledge of Allegiance.

B. ROLL CALL (1 MINUTE)

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

C. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING (1 MINUTE)

City Clerk Tamura confirmed that the meeting was properly posted.

D. CLOSED SESSION ANNOUNCEMENT (1 MINUTE)

City Attorney Barrow noted there was nothing to report.

E. APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES (5 MINUTES)

Councilmember Burton moved to advance Item 16, the ad hoc open government initiative and meeting management and legislative policies item, to be heard after Item I, City Manager's Report.

Mayor Pro Tem Howorth noted that Item 16 is a potentially lengthy discussion and felt it important to leave as published.

Councilmember D'Errico understood Councilmember Burton's position but felt that the item should be heard tonight before 11:00 p.m.

Councilmember Powell noted that Item 16 is actually three items grouped together and expressed concerns over moving items and disrupting the public's plans to speak or appear for specific items.

A motion was made by Councilmember Burton, seconded by Councilmember D'Errico, advance Item 16, the ad hoc open government initiative and meeting management and legislative policies item, to be heard after Item I, City Manager's Report. The motion failed with the following vote:

Aye: 2 - D'Errico and Burton

Nay: 3 - Powell, Howorth and Lesser

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Howorth, to pull Item 9 from the Consent Calendar to be heard concurrently with General Business Item 15, Agreement with the Manhattan Beach Chamber of Commerce. The motion carried by the following vote:

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

F. CEREMONIAL CALENDAR (15 MINUTES)

1. Recognition of Fire Engineer/Paramedic Michael Murrey as Firefighter of the Year.

PRESENT

Attachments: [Certificate of Commendation](#)

Mayor Lesser, on behalf of the City Council, presented a commendation to Fire Engineer/Paramedic Michael Murrey as Firefighter of the Year.

2. Presentation of a Proclamation Declaring the Month of July 2013 as "Parks and Recreation Month."

PRESENT

Attachments: [Parks & Recreation Proclamation](#)

Mayor Lesser, on behalf of the City Council, presented a proclamation to Parks and Recreation Director Mark Leyman in recognition of Parks and Recreation Month.

G. COMMUNITY ANNOUNCEMENTS (One Minute Per Person)

The Mayor opened the floor for public comments.

Viet Ngo spoke about July 4, 2013, and that the City will be celebrating America's birthday and also that there will be ongoing investigation on the alleged corruption of City Council throughout July.

Robert Bush began to speak about street sweeping fees but Mayor Lesser directed him toward Item H and stated that it would be the correct time for Mr. Bush's thoughts.

Maryann Varni, of the Manhattan Beach Farmer's Market, shared that the Farmer's Market will be celebrating their 7th anniversary in Manhattan Beach with a celebration next Thursday, July 11, 2013.

Mayor Lesser closed the public comment period.

Councilmember Powell shared the upcoming 52nd Chevron Grand Prix Bike Race on Sunday and that the following Sunday marks the beginning of Concerts in the Park. He also wished everyone a happy Independence Day.

Mayor Pro Tem Howorth wished everyone a legal and safe upcoming Independence Day and to keep firework activity safe and reasonable.

Councilmember D'Errico shared the importance of following pedestrian laws and codes to best protect visitors.

Councilmember Powell noted that he would be at Bread and Bagel on Sepulveda to petition Southern California Edison, as he will better describe in Item N.

Mayor Lesser noted that on Tuesday, July 9, 2013, there will be a community meeting on the Strategic Plan and that community members are welcome to participate. The meeting starts at 6:30 p.m. in the Police/Fire Conference Room.

H. AUDIENCE PARTICIPATION (Three Minutes Per Person)

The Mayor opened the floor for public comments.

Bill Victor discussed evacuation notices and signs and the need to keep citizens and guests as safe as possible. There have been a number of signs removed and they need to be replaced before an emergency, such as a storm, earthquake, or tsunami, hits.

Peter Goodwin expressed his thanks to Councilmember Burton regarding the removal of a parking space in front of his residence. He would like a parking space installed on the south side of the property, however, it was rejected and that there is now a two-year moratorium on the subject, despite it being noted in the staff report. Mr. Goodwin has not received a letter to explain why the matter was declined, but celebrated a year of having the problematic space removed.

Robert Bush spoke on Manhattan Beach abolishing street sweeping fees and the reimbursement of fees. Reimbursement fees are available at City Hall but he feels that forms should be sent out in water bills for citizens to complete. Also, on the 4th of July we honor military members and that they should receive Nobel Peace prizes for their efforts and dedication.

Fred Manna wanted to recognize the job of Chamber of Commerce and their success in promoting Manhattan Beach and what they offer as a community.

Liz Griggs, General Manager of Manhattan Beach Village Shopping Center, extended her support and thanks to the Chamber of Commerce in regards to economic development and all they offer to businesses.

Viet Ngo spoke on alleged election perjury and alleged election crime and that City Council is aware of these actions. Mayor Lesser noted that Mr. Ngo needed to control himself and remain in order, and that he has been warned.

Carol Lubber spoke on behalf of the Chamber of Commerce, both as a past member and a resident. She stated that the Chamber continues to work with the City in a collaborative effort to accomplish all previously set goals.

Maryann Varni, both a resident and a member of the Chamber Board of Economic Development, commended the effort and dedication of leadership.

Mayor Lesser closed the public comment period.

City Manager Carmany noted that there would be follow-up and replacement of any missing evacuation signs.

Additionally, City Manager Carmany noted that there will be upcoming discussion on parking spaces on August 6, 2013, and that a response letter regarding the parking space will be sent via email.

Street sweeping refund fees can be obtained with claim forms available online, at City Hall, and through water bills.

Mayor Lesser noted that if any resident wishes to file charges against any Councilmember for alleged corruption, they would need to contact City Hall.

I. CITY MANAGER REPORT(S) (5 MINUTES)

City Manager Carmany updated status items, including the library project. On July 8, 2013, the parking lot will be closed and demolition will begin July 22, 2013. The grand opening is scheduled for April 2015. Civic Art pieces have begun compilation and the public is invited to participate.

To mitigate parking concerns, parking will now be offered without fee during City Council meetings.

The Sepulveda Bridge Project continues to move forward, with many meetings between CalTrans with a completion date at the end of 2015.

The process of the Capital Improvement Plan has been bifurcated and the recommended CIP should be available the week of July 15, 2013.

Also scheduled at the August 20, 2013, City Council meeting is the facilities assessment report. Public Works staff has been working with a vendor to repair various things in need of repair.

There is increasing activity with building activity with residential permits, plan checks, and commercial activity.

The Mobility Plan, stakeholder groups, and the transit group will all be upcoming at a town hall meeting, which will also discuss the possibility of a roundabout.

Labor negotiations with the police, the fire department, and the teamsters continue to meet and labor costs have been frozen. City Council will have a closed session on July 9, 2013, to meet with the labor negotiator.

Many upcoming events include free concerts in the park, Chevron Grand Prix Bike Race, Strategic Plan meeting on July 9, 2013, and an art exhibit opening July 12, 2013.

Councilmember Burton asked for clarification on the Watershed Plan and City Manager Carmany explained the Clean Water Bill and next steps, as it will be appearing on the agenda over the next couple of years.

J. CONSENT CALENDAR (5 MINUTES)

Councilmember D'Errico pulled Items 10 and 12 for separate discussion and consideration.

A motion was made by Councilmember Powell, seconded by Mayor Pro Tem Howorth, to approve Consent Items 3-12 with the exception of Item 9, which will be heard with Item 15, and Items 10 and 12. The motion carried by the following vote:

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

- 3. Second Reading and Adoption of Local Coastal Program Amendments to Implement the Newly Adopted and Certified Housing Element Update (2008-2014)**
ADOPT ORDINANCE NO. 13-0012

Attachments: [City Council Ordinance No. 13-0012](#)

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

4. Zoning Code Amendments to Implement the Newly Adopted and Certified Housing Element Update (2008-2014)
CONDUCT PUBLIC HEARING, INTRODUCE ORDINANCE NO. 13-0006

Attachments: [City Council Ordinance No. 13-0006](#)

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

5. Resolution transmitting the Local Coastal Program to the California Coastal Commission for certification of the LCP amendments for the Newly Adopted and Certified Housing Element Update (2008-2014)
ADOPT RESOLUTION NO. 13-0045

Attachments: [City Council Resolution No. 13-0045](#)

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

6. Master Use Permit for the Establishment of a Shared Parking Program that would allow a New Medical Office Use in an Existing Commercial Center Located at 1751 Artesia Boulevard.
RECEIVE AND FILE

Attachments: [Resolution No. PC 13-07](#)

[Planning Commission Minutes Excerpt, Dated 6/12/13](#)

[Planning Commission Staff Report and Attachments, Dated 6/12/13](#)

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

7. Grant from the California Department of Alcoholic Beverage Control for Increased Education and Enforcement Activities Regarding Alcoholic Beverage Control Laws in the Amount of \$43,267.
ACCEPT; ADOPT RESOLUTION; APPROPRIATE

Attachments: [Resolution No. 13-0046](#)

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

8. Final Payment in the net amount of \$13,300.00 to T.E. Roberts, Inc.; Formally Accept the 2011-2012 Water Main Replacement Project, Phase 2 (Area 7 - South Sand Section; including Highland Ave, 7th Street, 6th Street and Morningside Drive) as Complete; and Authorize Filing of the Appropriate Notice of Completion and Release Retention in the Amount of \$46,167.50.
APPROVE

Attachments: [Tables 1 and 2 - Budget, Expenditures and Contract Payments](#)
[Map of FY 2011-2012 Water Main Replacement Project - Phase 2](#)

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

11. Financial Reports:
a) Schedule of Demands: June 18, 2013
b) Payroll Register: June 20, 2013
RATIFY
c) Investment Portfolio for the Month Ending May 31, 2013
d) Financial Reports for the Month Ending May 31, 2013

RECEIVE AND FILE

Attachments: [Warrant Register for June 18, 2013](#)
[Payroll Register for June 20, 2013](#)
[Investment Portfolio for Month Ending May 31, 2013](#)
[Financial Reports for the Month Ending May 31, 2013](#)

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

K. PUBLIC HEARINGS (30 MINUTES PER ITEM)

13. Public Hearing Regarding the Annual Levy and Collection of Street Lighting and Landscaping District Maintenance Assessments for Fiscal Year 2013-2014
a) **CONDUCT A PUBLIC HEARING**
b) **ADOPT RESOLUTION NO. 13-0034**

Attachments: [Resolution No. 13-0034](#)
[Engineer's Report FY 2013-2014](#)

City Manager Carmany invited City Controller Henry Mitzner to discuss the action regarding the reports related to the annual levy and collection of street lighting and landscaping district assessments. Budget revenues for the downtown streetscape were stated and it was recorded that revenues have been cut.

Councilmember Powell asked the assessment engineer, Carol Hill of Harris and Associates, about estimated costs and how numbers were gathered. Ms. Hill explained the information that they receive from the City is what they base their estimates on.

Ms. Hill responded to an email question regarding why a resident who lives on a street without street lights is required to pay the same amount. She noted that the methodology was established long ago and that if they were to revisit the process today, things would be different. However, the rates are set and frozen since 1996.

Finance Director Bruce Moe noted that there would be public discussion at a meeting on August 6, 2013, regarding a review of the funding status and mechanisms by district as well as a storm water assistance concept.

The Mayor opened the floor for public comments.

Bill Victor shared details of the existing statutes and how the City has handled the Strand's landscaping and lighting figures in the past. The Strand pays less because they have fewer lights, as compared to the Sand section.

Viet Ngo alleged there has been illegal assessment of street sweeping fees. He also noted other cases where City controllers have been found guilty of fraud and violations of the law.

Mayor Lesser closed the public comment period.

Councilmember Burton clarified that on August 6, 2013, there will be further discussion on this matter and that he supports cost-savings plans.

A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Burton, to adopt Resolution No. 13-0034, providing for the annual levy and collection of Street Lighting and Landscaping District maintenance assessments for the FY2013-2014. The motion carried by the following vote:

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

L. GENERAL BUSINESS (30 MINUTES PER ITEM)

- 14. Review of the City's Rules and Procedures to alleviate Construction Impacts in Residential Neighborhoods**
RECEIVE AND FILE

Attachments: [Residential Construction Officer Post Cards](#)
 [Door Knob Hanger](#)
 [Construction Rules Sign](#)
 [Building Statistics FY2012-2013, through May 30, 2013](#)

City Manager Carmany introduced the objective to present to the City Council the City's rules and procedures, as this is a leading concern of residents. City Council requires no action tonight but staff recommends receive and file. There is great collaboration between the Police Department and Public Works Department to ensure that procedures are all in place.

Building Official Sal Kaddorah shared a PowerPoint presentation on construction rules and procedures. He introduced two members of the Code Enforcement team, noting job descriptions and responsibilities. Over 13,000 building permits were issued last year, which resulted in over 11,000 inspections, with 70 houses and 970 residential remodels. Construction impacts were noted, including noise, hours, dust, debris, traffic, and temporary street closures and to alleviate these issues, procedures were created to mitigate problems. Meetings with builders are held prior to issuance of the building permit, as well as neighborhood notifications, which are sent to property owners and tenants. Pre-construction on-site meetings are then held to exchange information, followed with routine, onsite follow-up visits. Actual signage was shown and explained that it is typical for these to be publicly posted, as well as the information available on the signs, such as dates and phone numbers. Photographs of actual construction sites were shared, noting fencing, sandbag placement, portable restrooms, and signage. This proactive approach helps eliminate many construction issues and it is a collaborative effort between many groups to ensure that problems are alleviated.

Councilmember D'Errico asked for clarification regarding categorization of the nature of complaints received. Congested beach areas were noted as the biggest problem areas as alleyways are tight and that they work closely with parking enforcement to keep streets clear. City Manager Carmany explained that often times, residential complaints are very detailed and encouraged contractors to follow the rules. The education quotient needs to remain high so that new contractors can learn the specific guidelines and expectations.

Staffing issues were discussed and it was noted that they are almost completely staffed.

Mayor Pro Tem Howorth discussed the tracking of complaints and questioned how they are tracked. It was explained that some complaints are immediately handled while the goal is to be proactive so that no complaints ever need to be filed.

Residents within a 100-foot radius are notified with construction details, however sometimes it is extended if parking will be severely limited.

Parking control can show up within fifteen minutes of a complaint, however they daily patrol areas to quickly mitigate any issues. Vibration into the ground is now required to alleviate noise issues.

Mayor Lesser asked about any potential limitations that residential construction officers face. Residential construction officers are allowed to write tickets up to misdemeanors, they can stop work on a project, and can issue citations or revoke permits, however they still have limitations in regards to parking issues.

The Mayor opened the floor for public comments.

Kathy Clark discussed her alley, which should be considered a hot zone. In one block, there are four sites with outhouses. Huge trucks are parked all day long and in the past ten years, there has only been a one-year break from the construction. Traffic is detoured, drivers are speeding, and a head-on collision is only a matter of time.

Ms. Clark shared photographs and job site rule posters. She would like to see a rule that would prohibit radios and that parking pads be replaced sooner. Ms. Clark would also like an evaluation process at the end of projects so that feedback could be gathered regarding contractors.

Adele Thurnher spoke on the need for strict enforcement of the rules, and not necessarily the addition of any rules.

Andrea Miller noted that there have been several times just this week that emergency vehicles could not get down her street due to trucks blocking the way.

Viet Ngo spoke about getting involved with the Police Department to better correct detours and parking issues. He also noted a lawsuit against the school district and the damaged property incurred during construction.

Bill Victor noted how a past staff member mitigated problems, such as loud radios. Another pressing issue is large construction trucks driving with loud music playing, as the vibrations deeply affect people's hearing.

Jacque Anderson discussed the huge noise pollution that she has, and continues to, live through. She has awoken to jackhammers and drills, and noted noise pollution is

toxic and affecting her health and heart rate. She noted a lack of anyone patrolling work sites and that people are leaving Manhattan Beach due to continued construction. Ms. Anderson encouraged Councilmembers to walk the streets and see, firsthand, the problems.

Mayor Lesser closed the public comment period.

Mayor Pro Tem Howorth shared her own experience with living on a walk street, and the constant construction. She has experienced both good and bad builders but residents should attempt to establish a relationship with contractors. As a City, we could better notify residents with an emphasis on alleys, as it is better to include than leave out.

Councilmember Powell shared that he lives in the Sand section and understands the issues that Ms. Anderson described. A post construction meeting would be beneficial as it would help educate contractors and subcontractors, as well as getting information from residents. Also, a ban on radios would be a positive addition and reduce noise complaints.

Councilmember Burton stated that the City faces a problem with construction, ranging from staffing problems to noise complaints. He moved to see this issue revisited and get this project fully staffed.

Mayor Lesser shared that he does walk these streets and sees the issues firsthand. At the upcoming strategic plan meeting, it will be important to explore additional responsibilities, a deeper assessment of problems, and a proactive approach to settling the issues.

Councilmember D'Errico stated that the City has a problem in this area and would like to see changes with the notifications of greater than 100 feet, a better way to contact the appropriate people throughout the day when patrol is not available, an evaluation process at the end of a project, and looking at staggering projects in highly congested areas.

Mayor Lesser noted that City Council is receptive to changes and hopes to follow up on these issues.

Mayor Lesser is receptive to consensus, with a sense of urgency encouraged by Councilmember Burton with regard to the following issues: location of ongoing projects, job site rules, report on staffing needs of the program, and notice provisions for the entire block.

To gather the above information, it would take approximately two weeks and could be reported out at the next meeting.

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Howorth, to direct the City Manager to report back at the next City Council meeting with the locations of all ongoing construction projects, new job site rules, and with notice provided to the entire city block and also report on staffing adequacy now and in the future. The motion carried by the following vote:

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

At 8:30 p.m. the City Council recessed and reconvened at 8:40 p.m. with all Councilmembers present.

9. Progress Report by the Manhattan Beach Chamber of Commerce for economic services provided to the City during Fiscal Year 2012-2013.

RECEIVE AND FILE

Attachments: [Chamber of Commerce Agreement 2012](#)
[Progress Report Prepared by the Chamber of Commerce](#)

City Manager Carmany suggested that Items 9 and 15 be heard concurrently since they both contain connections to the Chamber of Commerce.

The first item on the Consent Calendar is Item 9, the quarterly report of activities. The other item is the agreement with the Chamber of Commerce on the agreement of fiscal services in the amount of \$100,000. Staff is looking for approval of the City Council in agreement of the \$100,000, as included in the adopted budget. Last year the City Council approved \$75,000 to the Chamber of Commerce, with the price fluctuating both on needs and means.

Jim O'Callaghan shared a presentation on the return on investment in regards to the development of Manhattan Beach. The Western Association of Chamber Executives has nominated the City's website as one of the best sites available. It was decided that it was time to freshen up the view of Manhattan Beach and expand what the public knows about the City through a destination guide. The new destination guide gives a better idea of what is offered with dining, recreation, and leisure and about 20,000 copies were printed last year. Sales tax revenue is earned for the City, which would increase with increased publications. It is now in hotels, visitor centers, and hopefully soon in airports. To increase visibility, meetings with travel writers and advisors were held at a conference in Las Vegas, launching the guide and the website. All of this drives more business and increase traffic and revenue to the City, both domestic and internationally. In the media, Manhattan Beach has won several awards and gained exposure on HGTV and news shows. The 2012-2013 Board of Directors includes 24 members, with 17 residing within Manhattan Beach. At the award show, Best of Manhattan, businesses and the Board celebrate successful businesses and individuals within the City, giving back to the businesses that help the City grow. The Economic Development Task Force is currently being developed, as is the Women's Business league.

It was noted that \$350 million were lost sales last year, which is \$3.5 million in sales tax. With greater vacancies and misused space, there is less taxable income. The City is making an investment to generate funds and raise revenue.

Recommendations include zoning changes, exploration of incentives, and seeking out new projects and tenants. In order to remain a premier City, there needs to be investment.

For 2013-2014, the goal of the consultant is to work with the City and serve as a community voice, improve the business quality and retention within the City, and develop the Manhattan Beach Business Bureau. Additionally, they will help enhance travel and leisure within the City. They can also promote businesses through mobile apps, the Destination Guide, develop a kiosk product for maps, host local concierge events, invite travel writers, and participation in national and international trade shows.

Councilmember Powell noted thanks for the presentation and discussed the

development of a possible local hotel association. It was noted that this is a project currently in development. He also reviewed the old contract and how many points were achieved and accomplished, which was very successful and well tracked with detailed analysis.

The Ocean Express was discussed, as it has some benefit to the community, but there is no real tracking device to capture usage.

Mayor Pro Tem Howorth asked for further explanation of the Business Improvement District and the Ambassador Program. It was explained that it is a great plan in place, but is developing new modifications to yield better responses. There are volunteers, as well as paid staff, that poll visitors exiting the Ocean Express.

Councilmember D'Errico thanked the collective amount of work completed with this presentation and is happy to see the progress. Also, his wife is looking into opening another store in Manhattan Beach, which has encouraged them to want spreadsheets of the businesses and their square footage, revenues, and rent payments. Getting businesses in Manhattan Beach that will make money and stay in the City should be the big goal, which could be accomplished with Finance Director Moe and City Manager Carmany.

Councilmember Burton thanked staff for such an efficient organization and a spectacular website that makes Manhattan Beach so desirable. He concurs with the immediate need for land use reform.

Mayor Lesser thanked the work put into the presentation, with an emphasis on the strides made with economic development. He discussed representing the advocacy of the Chamber of Commerce and advocacy of economic development, and how the funding should best be defined.

The Mayor opened the floor for public comments.

Bill Victor noted his dissatisfaction with the use of money with regard to this item as he has not seen the justification in spending.

Viet Ngo requested 6 minutes, as two items have been combined, and stated that he sent a letter to City Council regarding the spending of money and the use of City money in campaigns.

Mayor Lesser redirected Mr. Ngo to focus on the issue and item at hand.

Fred Manna is a traveler and always looks for the "tourist information bureau" and was wondering if there is something at the Chamber of Commerce. It would be beneficial if there were a specific place where staff could direct visitors, provide recommendations, or distribute maps.

Craig Cadwallader, a former board member of the Chamber of Commerce, noted that this presentation was both new and refreshing and that it has become a nurturing environment and improves the quality of life for residents and businesses. He would like to see the downtown Business Association and the Chamber of Commerce closer together, but enjoys seeing the changes made within the Chamber of Commerce.

Mayor Lesser noted that due to streaming issues, City Manager Carmany has requested a brief recess.

Lynn White, Chair of the Manhattan Beach Board of Directors, shared the careful selection process of the incoming members on the Board. She is an active member and actively supports everything on this agenda.

Jerry Wilson, a mother of six children, travels with her children and is always looking for deals. She stated that it might be beneficial if the Ocean Express distributed coupons for local eateries or destinations, noting which places are being frequented.

Mayor Lesser closed the public comment period.

Mayor Lesser clarified that there is no requirement to take this matter, or contract, to competitive bidding, as further explained by City Manager Carmany.

Mayor Pro Tem Howorth proposed a three or four year economic plan and for the Chamber of Commerce to develop a three or four year plan for goal setting. She wants others to feel what Manhattan Beach stands for, and believes that drawing in the correct businesses will aid in this goal. She supports to approve Item 15 and to receive and file Item 9, but wants to address the zoning issue.

Councilmember Powell stated for the record that he has received no contributions or campaign financing, as alleged by Mr. Ngo. He also commented that business retention is an urgent, pressing matter and he would like to see the downtown area feel like a village atmosphere that caters to residents.

Councilmember D'Errico added to what Councilmember Powell said, noting that every business that has closed in the past year is due to an increase in rent. He addressed Mr. Victor's comments, in that it is important to look at the big picture and the contract that would be held with the Chamber of Commerce of Commerce. This contract is an investment in the quality of life and overall good of the City. Lastly, in regards to integrating this work with the City's goals, the strategic plan should contain an integration plan with what the City will look like down the line.

Councilmember Burton noted the need to support the Business Association and the Chamber of Commerce, as they are the City's economic engines. He supports to approve Item 15 and to Receive and File Item 9.

Mayor Lesser stated that he is impressed with the work the Chamber of Commerce and staff have already done and looks forward to what they continue to do. He recommended holding a workshop to discuss ways to better identify what everyone wants for the City and how to best accomplish it.

A motion was made by Councilmember Burton, seconded by Councilmember Powell, to Receive and File Item 9, the progress report by the Manhattan Beach Chamber of Commerce for economic services provided to the City during Fiscal Year 2012-2013. The motion carried with the following vote:

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

- 15.** Agreement with the Manhattan Beach Chamber of Commerce for the provision of certain economic services for Fiscal Year 2013-2014 in the amount of \$100,000

APPROVE

Attachments: [Letter from the Manhattan Beach Chamber of Commerce Chamber of Commerce Agreement FY2013-2014](#)

Item 9 and Item 15 were heard concurrently.

A motion was made by Councilmember Powell, seconded by Mayor Pro Tem Howorth, to approve Item 15, which is the agreement with the Manhattan Beach Chamber of Commerce for the provision of certain economic services for Fiscal Year 2013-2014 in the amount of \$100,000. The motion carried with the following vote:

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

At 10:00 p.m. the City Council recessed and reconvened at 10:07 p.m. with all Councilmembers present.

16. Legislative Policies

CONSIDER, DISCUSS AND PROVIDE DIRECTION

- Attachments:**
- [1. Ad Hoc Open Government Initiative Subcommittee Report w/ supplements](#)
 - [a\) Open Government Initiatives Matrix](#)
 - [b\) March 12, 2013, Ad Hoc Open Government Subcommittee Agenda, Staff F](#)
 - [c\) Public Records Act Protocol](#)
 - [d\) Public Records Act Log](#)
 - [2. Meeting Management Staff Report \(Oct.\) w/ supplements](#)
 - [a\) Resolution No. 6203](#)
 - [b\) Resolution No. 6364](#)
 - [c\) Meeting Management Tips for Public Officials by Richards, Watson & Gers](#)
 - [3. Legislative Policy Report](#)
 - [a\) Policy of Non-Partisanship](#)

Mayor Lesser noted the challenges of consolidating agenda items and the strain it places on the public to understand and follow agendas. One of the omitted items from the agenda includes meeting management, which had been most recently discussed at the May 21, 2013, meeting. It is Mayor Lesser's recommendation to defer the discussion of meeting management until a later date.

Mayor Pro Tem Howorth would recommend bringing the topic of meeting management back and keeping a detailed report, along with any other items that Councilmembers have to add.

City Manager Carmany noted that there are twenty items on the next meeting's agenda and that it can be added on.

Mayor Lesser noted that the draft forecasting agenda is separate from the actual agenda in Granicus, which is a frustrating challenge. City Manager Carmany shared the items that may not be ready for the next agenda due to legal issues and that Meeting Management and Rules of Decorum can be added as it is a report that is ready and there is a sense of urgency.

Councilmember Powell suggests putting Meeting Management and Rules of Decorum on the next agenda, ahead of the public hearing and as the first general

business item. If there were an advance schedule, it would alleviate having to change things around at the City Council meeting.

Mayor Pro Tem Howorth expressed a desire to stay focused on Meeting Management, rather than Meeting Management and Rules of Decorum. Councilmember Burton stated both issues are intertwined and need to be addressed simultaneously.

A motion was made by Councilmember Burton, seconded by Councilmember D'Errico, to continue this item to the next regularly scheduled meeting on July 16, 2013, to be heard as the first item of General Business with rules of decorum. The motion carried with the following vote:

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

M. ITEMS REMOVED FROM THE CONSENT CALENDAR (15 MINUTES PER ITEM)

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Howorth, to defer the discussion of Items Removed from the Consent Calendar to July 16, 2013. The motion carried with the following vote:

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

10. Update of Strategic Plan Goals and Objectives RECEIVE AND FILE

Attachments: [Strategic Plan Monitoring Matrix of 07/02/2013](#)

Discussion on this item was deferred to July 16, 2013.

12. Minutes:

This item contains minutes of City Council subcommittees and from other City commissions and committees which are presented to be received and filed by the City Council. Staff recommends that the City Council, by motion, take action to approve the minutes of the:

a) Cultural Arts Commission Minutes of June 11, 2013.

RECEIVE AND FILE

b) Planning Commission Meeting Minutes of June 12, 2013.

RECEIVE AND FILE

Attachments: [Cultural Arts Commission Meeting Minutes of June 11, 2013](#)
[Planning Commission Meeting Minutes of June 12, 2013](#)

Discussion on this item was deferred to July 16, 2013.

N. OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS (5 MINUTES PER CITY COUNCILMEMBER)

Mayor Lesser expressed the need to discuss remaining open government issues, the possible adoption of the Open Records Protocol, and the future of Open Government Initiatives. It is important to identify who would staff these things, as well as identifying the other remaining open government issues, and as it may tie into the strategic plan.

City Manager Carmany identified five open government issues, with the first being limitations on special meetings. City Clerk Tamura may be called to either provide a week's notice or be required to draft an ordinance.

As a City, Mayor Lesser asked if it is important to have additional obligations when calling a special meeting, as defined by the Brown Act.

Mayor Pro Tem Howorth noted that it is important to act in accordance to the law and follow the rules in regards to posting agendas.

Mayor Lesser noted an attached matrix that outlines the issues that have yet to be addressed.

Mayor Lesser discussed the format of City Council minutes with regard to Granicus. Planning Commission meetings are well documented and easy to follow with a dedicated stenographer. To supplement and achieve more comprehensive minutes, a company can be hired to create detailed minutes.

Mayor Pro Tem Howorth described the difference between summary minutes or action minutes, and the need to decide if City Council wants more detailed minutes.

City Clerk Tamura explained that the minutes have been contracted out and will be appearing more detailed. She also noted the importance of giving Granicus a chance to demonstrate the strengths tied to it, as the public likes detailed minutes.

Councilmember Burton noted action minutes are acceptable, as they are additionally tied to a video.

Councilmember Powell recommended action minutes and if more detailed information is needed, the video is available for clarification.

In regards to public staff reports, all reports are public records. The issue can remain open until members are available to speak on it.

Mayor Lesser introduced the next item of staying on top of agenda items and ensuring that items need follow-up do show up again on future agendas.

Mayor Lesser introduced the Public Records Act Protocol and discussed the City's desire to follow best practices. City Attorney Barrow explained that the City has implemented the protocol over the past nine months and requires approval of the City Council.

Mayor Lesser noted that this item is not being broadcast and should be revisited at the beginning of a future meeting when the public is available to share their opinions.

Bill Victor asked if there will be a record of this meeting and that it will be on the video clip. City Manager Carmany noted that there is no current streaming but there will be a DVD of the meeting available.

Mayor Lesser explained the McKee Settlement Agreement, and that a copy of the settlement and protocol needs to be available at the next meeting. City Manager Carmany noted that it has not been adopted nor executed, as they are waiting on City Council approval. However, without public discussion, it was proposed by Councilmember Burton to withhold direction.

Bill Victor was called to order and asked to stop disrupting the conversation .

Mayor Lesser noted favor of deferring the issue of the City being in compliance with the protocol, as the City Manager Carmany notes it has not yet been adopted.

Mayor Lesser discussed the possibility of adopting a Sunshine Act, or adopting a position of discussing these items in a subcommittee format. This issue can also be integrated into the strategic plan.

Mayor Pro Tem Howorth would like some action and direction with these items, instead of just pushing the items forward.

A motion was made by Councilmember Burton, seconded by Councilmember D'Errico, to continue this item to the meeting of July 16, 2013, to be heard concurrently with meeting management, and to allow public comment at this time. The motion carried with the following vote:

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

A motion was made by Councilmember Powell, seconded by Mayor Pro Tem Howorth, to extend the meeting past 11:00 p.m.; continue the meeting on this item and take public comment only at this time; and continue the remainder of the meeting. The motion failed by the following vote:

Aye: 3 - Lesser, Howorth and Powell

Nay: 2 - Burton and D'Errico

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Howorth, to give Bill Victor three minutes for public comment and then adjourn the meeting. The motion carried with the following vote:

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

The Mayor opened the floor for public comments.

Bill Victor asked if the City Manager has reviewed and proofread the protocol attached to this item.

City Manager Carmany stated he has read the document but not recently.

Bill Victor alleged errors in the protocol and would like to go over the document with Councilmember Burton. He would like to do it right and do it better than the minimum law requires.

Craig Cadwallader noted three points regarding the strategic plan matrix and the dates listed. He wanted to confirm that the dates are reliable, whether or not the public can bring additional information, and that it is not necessary for meetings to be transcribed. An electronic translation of the meeting would be sufficient.

Mayor Lesser closed the public comment period.

O. ADJOURNMENT

The July 2, 2013, Regular City Council Meeting was adjourned to the 4:30 p.m. City Council Adjourned Regular Meeting (For a Closed Session) on Tuesday, July 9, 2013, in City Council Chambers, in said City.

Vida Barone
Recording Secretary

David J. Lesser
Mayor

ATTEST:

Liza Tamura
City Clerk