

# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266



## Meeting Minutes - Draft

Tuesday, July 15, 2014

6:00 PM

Revised Agenda for the Regular Meeting

City Council Chambers

4:30 PM Adjourned Regular Meeting - Closed Session

### City Council

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

**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. FOR A COMPLETE RECORD OF THIS CITY COUNCIL MEETING, GO TO [www.citymb.info/city-officials/city-clerk/city-council-meetings-agendas-and-minutes](http://www.citymb.info/city-officials/city-clerk/city-council-meetings-agendas-and-minutes)**

#### **A. PLEDGE TO THE FLAG**

*Mayor Howorth led the Pledge of Allegiance.*

#### **B. ROLL CALL**

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

#### **C. CERTIFICATION OF MEETING NOTICE AND REVISED AGENDA POSTING**

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

#### **D. APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES**

*City Manager Mark Danaj requested that Item No. 14 Downtown Planning Consultant Contract be continued to a future meeting.*

**A motion was made by Mayor Pro Tem Powell, seconded by Councilmember Burton, to approve the agenda, with the exception of Item No. 14 being moved to a future agenda and waive full reading of ordinances. The motion carried by the following vote:**

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

#### **E. CEREMONIAL CALENDAR**

*At this time Mayor Howorth announced that the public is here to speak about several topics, but she wants to take a moment to reflect about the last 10 days. She stated that we have lost two young men from our community, Adam Rice, 21, was killed crossing the street in England, and Mason Zisette, 16, was killed on a double-decker bus. Mayor Howorth requested a moment of silence in their memory.*

2. Presentation of a Commendation to Nicholas Arquette for his Contributions to "Walk with Sally," a 501(C)3 Public Benefit Corporation, Dedicated to Providing Mentoring Support Programs and Services to Children of Parents or Siblings with Cancer. **14-0327**
- PRESENT**

*This item was taken out of order.*

*Mayor Howorth, on behalf of the City Council, introduced Nick Arquette founder of "Walk with Sally", acknowledged his many contributions to this organization and presented him with a commendation and a City pin.*

*Mayor Howorth, on behalf of the City Council, introduced Ryan Silver and presented him with a plaque and a City pin for his assistance in the July 5, 2014, rescue of Steve Robles.*

1. Presentation of a Proclamation Declaring July 26, 2014, as "P.S. I Love You Foundation "Adopt a Child for One Day" Day". **14-0326**  
**PRESENT**

*Mayor Howorth, on behalf of the City Council presented a proclamation to the P.S. I Love You Foundation declaring July 26, 2014, as "Adopt a Child for a Day" Day.*

## **F. CITY MANAGER REPORT**

3. Report on Emergency Coastal Development Permit Issued for the Temporary Ban on Fishing from the Manhattan Beach Pier; Declaring an Emergency and Nuisance (City Manager Danaj) (REVISED 7-1-14). **14-0336**  
**RECEIVE REPORT AND DECLARE AN EMERGENCY AND NUISANCE**

*Mayor Howorth welcomed newly appointed City Manager Mark Danaj.*

*City Manager Danaj thanked the City Council for the opportunity to serve the City Council and the residents of Manhattan Beach and stated that he and his family are looking forward to being a part of the community.*

*City Manager Danaj presented a report regarding the swimmer and shark attack, provided an update on the Emergency Coastal Permit to temporarily prohibit fishing on the Manhattan Beach Pier and a revised CUP which temporarily prohibits fishing for 60 days. The action needed is to Receive the Report and declare an Emergency and Nuisance. He pointed out that there have been reports of great white sharks and concerns expressed in the community. The City is considering all issues facing the fishermen, and swimmers/surfers while developing a policy with all stakeholders that will allow fishing from the pier. The City wants to continue providing safe access to the ocean.*

*City Manager Danaj further added that the City has been informed by the Coastal Commission that the City does not have authority for a permanent fishing ban. The City is working with multiple experts regarding input for local codes that can be implemented. Once approved, pier signage will be made and other local groups will help with outreach.*

*Dr. Chris Lowe, from California State University Long Beach Shark Lab and Department of Biological Sciences, was introduced to share remarks. (He is also giving a lecture tonight at the Joslyn Community Center at 7:30 PM). Dr. Lowe noted that he has been studying juvenile white sharks for several years. He relayed that the*

*Manhattan Beach Pier has the largest number of incidental catches in Southern California, also a long history of recreational fishing and it would be unfortunate to see that stop. Dr. Lowe also announced that he is more than willing to help out with biological data that is collected to maintain safe access to the beach.*

*Dr Lowe responded to Councilmembers questions.*

*In response to City Council questions, City Manager Danaj confirmed that a permanent fishing ban is not being considered. He further added that the City is working to return with proposed alternatives by the next City Council Meeting.*

*City Attorney Quinn Barrow acknowledged that the City would work with the Coastal Commission and the Department of Fish and Wildlife. He further informed City Council that the Constitution of the State of California has a Declaration of Rights that protects fishing.*

*Mayor Howorth opened the floor to public comments.*

*Patricia Jones, P.S. I Love You Foundation, asked how one will know if it is safe to have children in the water.*

*Ed McPherson, Attorney, questioned why the fisherman is not being prosecuted and also stated that he has started a petition for banning fishing on the pier. He also read into the record a comment by Rob Jones stating that he had seen a fisherman with a cooler of beer, catch a small child's neck with his hook and then casting with full force and tearing the child's neck.*

*Adam Goldston relayed that during the Dwight Crum Pier to Pier swim in August, there will be approximately 1500 swimmers. He further added that if a crime was not committed, maybe the laws are not strong enough.*

*Tom Rafton, Sports Fishing Conservancy, works with Dr. Lowe on best practices for fishing, commented that along with the fishing rights come responsibilities. He requested developing sensible limits to maintain basic rights.*

*Jacob Hands, student at Mira Costa High School, asserted that the reaction being taken is hysterical and requests that a more pragmatic approach be taken.*

*Phillip Friedman, Outdoor Writer for the Daily Breeze, voiced concerns for the portrayal of the fishermen as "evil" and asked about monitoring when 10,000 anchovies, a natural phenomena, occurs.*

*Unknown speaker, thanked Council for issuing a temporary ban, shared that she is a mother of 2 children (7 and 9), asked the City to work with the Coastal Commission and permanently ban fishing (if it cannot be better regulated), thought the recent event could have been prevented, and stated we need and deserve to feel safe in the water.*

*Chief Terry Yamamoto with LA County Lifeguards, wanted everyone to know the responsibilities of fishing. He showed equipment that was found off of 18th Street and it was clearly a shark hook. He stated that this would be the difference between regular fishing and shark fishing.*

*Duke Noor, resident of Hermosa Beach, asserted that fisherman and swimmers have a personal responsibility, announced current protocols are in place, and that he is in favor of the current ban, but not permanently.*

*Winfield Guirney, 7 years old, loves to surf and requested that Council do everything they can to keep the water safe.*

*Griffin Fields, surfer, requested that you keep the water safe and don't let sharks harm swimmers.*

*Unknown speaker requested that you please ban fishing, so we won't die from sharks.*

*Resident, 8 years old, asked that you keep the waters safe and ban fishing from the pier.*

*Dierdra Guirney asked for a permanent ban on fishing.*

*Rick, no last name, does not support banning fishing on the pier.*

*Conrad Vonblankenburg, swimmer and fisherman, is concerned about the failure to enforce existing laws.*

*Dave Sunnious, Manhattan Beach swimmer, wants reasonable regulations to make the beach safer.*

*Alicia Woempner, People for the Ethical Treatment of Animals, urged the City to put public safety first and encourages permanent ban.*

*Rory Barish, swimmer, commented that swimmers and fishermen need to be cautious and doesn't think that fishermen and swimmers can co-exist.*

*Steve Robles, victim of recent shark attack. emphasized the reckless behavior of one individual is what caused this attack. In general, shark attacks don't happen and he wants to prohibit reckless behavior and when it occurs, it should be penalized.*

*Dean Francois, supports the temporary ban but wants to see leadership working with the State Coastal Commission and possibly the Cities of Redondo Beach and Hermosa Beach.*

*Jose Bacallao, Hermosa Beach resident and representative from Heal the Bay, is concerned about the proposal to ban fishing from the pier. Heal the Bay recommends an education program to educate anglers and visitors.*

*Scott Goldberg, resident and ocean swimmer, supports prosecuting the fisherman, and wants to see a reasonable approach to fishing that allows room for others and provides for enforcement of regulations.*

*Teresa Lang, swimmer and surfer, supports actions that the Council has taken, is concerned for permanent fishing ban, wants to look at closing loopholes and prosecute the individual who was fishing for great white sharks and finally look at this as an opportunity to educate the entire community.*

*Jim Sieminski, Manhattan Beach Resident, supports rules on pier to stop shark fishing, but wants to allow fishing*

*Paul Romanowski, representing shore-based anglers and spear fishermen, stated*

*that by banning fishing, the City hasn't done anything to protect the swimmers, more people have drown in the City than have been bitten by a shark and more needs to be done to educate people.*

*Octavia Jerbo, Manhattan Beach resident, wants the City to act rationally and not let hysteria be your guide. Fishermen should have the right to use the pier.*

*Jason Shanks, Surf Shop owner, remarked that there are regulations that make him have to get out of the water at 10:30 PM for safety concerns and there should be equal regulations for others.*

*Devon Massayn, Shark Videographer, pointed out that the attack would not have happened if the shark had not been on a line. He thinks that the Manhattan Beach Pier is a rare place where you can see juvenille white sharks and this should be used as an education opportunity.*

*Joe Imbriano, fisherman, suggested a wildlife marine protection area, suggested regulating fishing gear and referenced the code of the State of California*

*. He commended the City for the way they have been handling the situation and urged the City to continue in this direction, leave fishermen alone, and have the means to enforce current regulations.*

*Seeing no further requests to speak, Mayor Howorth closed the public comment.*

*Discussion continued and City Attorney Barrow responded to City Council questions and clarified what is being requested of City Council tonight:*

- 1. Receive Report*
- 2. Authorize Staff to go to the Coastal Commission tomorrow to seek a waiver to the Coastal Development Permit (which will give the City 30-60 days to come up with best practices).*
- 3. Declare a Nuisance.*
- 4. Declare an Emergency.*

*Councilmember D'Errico thanked Staff, especially during a transition week end for their quick response.*

**A motion was made by Mayor Pro Tem Powell, seconded by Councilmember Lesser, to direct Staff to immediately (tomorrow) work with the Coastal Commission to obtain the waiver for the Coastal Development Permit Requirements, to declare an Emergency and a Nuisance, to allow the City to come up with best practices to prevent another attack and to Receive this item.**

**A friendly amendment was made by Councilmember Burton to direct Staff to report back with the full measure of the City's Authority and all of the jurisdictional responsibilities, review the operating agreement with the State, see if there is a case for prosecution ( ask Police Department to gather evidence and bring to the District Attorney), and if the City can't prosecute, research whether the City can obtain an injunction so that this fisherman can't come back to the Manhatta Beach Pier and shark fish again. The motion carried by the following vote:**

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

*At 7:41 PM City Council recessed and reconvened at 7:51 PM with all Councilmembers present.*

## **G. CITY ATTORNEY REPORT**

*None.*

## **H. CITY COUNCIL ANNOUNCEMENTS AND REPORTS**

*Mayor Pro Tem Powell announced the Older Adults Art Exhibition from July 25, 2014, to August 21, 2014, at the Cultural Arts Center.*

*Councilmember Burton noted recognition of Ali Cade, Parks and Recreation employee, who assisted with aid, when a person suffered a heart attack. He also announced that there is a website where one can donate to Steve Robbles, who has incurred approximately \$43,000 in medical bills. He further added that the Police Department is emphasizing the "Lock It or Lose It Campaign" for the summer.*

## **I. COMMUNITY ANNOUNCEMENTS REGARDING UPCOMING EVENTS**

*Don Gould, Manhattan Beach Librarian, announced upcoming library events.*

*Jason Shanks, on behalf of Nikau Kai and the Parks and Recreation Department, announced a complimentary screening of "Finding Nemo" on July 24, 2014, at the Metlox Plaza.*

*Kelly Stroman, representing downtown Manhattan Beach Business Association, stated that next Tuesday, July 22, 2014, is the Farmers Market 8th Anniversary and special events are planned.*

## **J. PUBLIC COMMENT ON NON-AGENDA ITEMS**

*Don McPherson, addressed some process issues with the appeal of the 900 Club.*

*Mike Zislis, President of Downtown BID ( Business Improvement District), stated that the cost of parking tickets are too high and this is penalizing people so much they don't want to shop downtown.*

*Robert Bush read into the record his letter to City Council regarding term limits and distributed copies.*

*Janet Schuman, stated that the City had never had a City Councilmember from East Manhattan, (Councilmember Burton confirmed that he is from that area), and perhaps like Redondo Beach, Manhattan Beach should think about having City Councilmembers from each district.*

## **K. CONSENT CALENDAR**

A motion was made by Mayor Pro Tem Powell, seconded by Councilmember Burton, to approve the Consent Calendar (Item Nos. 4 thru 11) except for Item Nos. 6 and 10 and to approve as amended Item No. 11b on page 393 of the June 17, 2014, City Council Meeting Minutes (which had a motion with no vote recorded). The motion carried by the following vote:

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

4. Final Payment in the Net Amount of \$53,523.92 to Bannaoun Engineers Constructors Corporation; Formally Accept the Street Resurfacing Project for Ardmore Avenue, Valley Drive and 11th Place as Complete; and Authorize Filing of the Appropriate Notice of Completion and Release Retention in the Amount of \$32,753.08 (Public Works Director Olmos). **14-0185**

**APPROVE**

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

5. Approval of Plans and Specifications for the Sepulveda Boulevard and 2nd Street Water Main Replacement Project, Award a Construction Contract to GMZ Engineering, Inc. (\$1,283,200) and Award a Professional Engineering Services Contract to Wallace & Associates (\$99,744) for Construction Inspection Services (Public Works Director Olmos). **14-0319**

**APPROVE**

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

6. Approve the Removal of Parking on the East Side of Sepulveda Boulevard between Tennyson Street and Longfellow Drive as Recommended by the Parking and Public Improvements Commission (Community Development Director Thompson). **14-0313**

**APPROVE**

This Item was removed from the Consent Calendar and heard later under ITEM NO. N. ITEMS REMOVED FROM THE CONSENT CALENDAR.

7. Approval of Plans and Specifications and Award of Section 2 Concrete Repair and Miscellaneous Slurry Project to Nobest, Inc. in the amount of \$1,119,790.80 (Public Works Director Olmos). **CON 14-0031**

**APPROVE**

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

8. Consideration of a Resolution Authorizing Execution of a Program Supplement Agreement Adding the Cycle 5 Highway Safety Improvement Program to the Existing Master Agreement with State of California Department of Transportation (Community Development Director Thompson). **RES 14-0044**

**APPROVE AND ADOPT RESOLUTION**



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

9. Ordinance Amending Municipal Code Section 14.44.080 Regarding Taxicabs (City Attorney Barrow). **ORD 14-0005**  
**ADOPT ORDINANCE NO. 14-0005**

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

10. Establish Salary Range and Benefits for the Newly Created Assistant City Manager Classification (Human Resources Director Hanson). **14-0309**  
**APPROVE**

This Item was removed from the Consent Calendar and heard later under ITEM NO. N. ITEMS REMOVED FROM THE CONSENT CALENDAR.

11. Minutes: **14-0325**  
This item contains action minutes of City Council meetings which are presented for approval. Staff recommends that the City Council, by motion, take action to approve the action minutes of the:  
a) City Council Adjourned Regular Meeting-Closed Session of June 17, 2014  
b) City Council Regular Meeting of June 17, 2014 (City Clerk Tamura).  
**APPROVE**

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

- b) City Council Regular Meeting of June 17, 2014**  
**(City Clerk Tamura).**  
**APPROVE**

A motion was made by Mayor Pro Tem Powell, seconded by Councilmember Burton, to approve the Consent Calendar (Item Nos. 4 thru 11) except for Item Nos. 6 and 10 and to approve as amended Item No. 11b on page 393 of the June 17, 2014, City Council Meeting Minutes (which had a motion with no vote recorded).

## L. PUBLIC HEARINGS

12. Renewal of Downtown Business Improvement District for Fiscal Year 2014-2015 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 2013-2014 Assessments Collected (Finance Director Moe). **RES 14-0035**  
**CONDUCT PUBLIC HEARING; ADOPT RESOLUTION NO. 14-0035;**  
**RATIFY BOARD; APPROVE**

*Finance Director Bruce Moe presented the staff presentation and responded to Councilmembers questions.*

*Mayor Howorth opened the Public Hearing.*

*Seeing no requests to speak, Mayor Howorth closed the public hearing.*

**A motion was made by Mayor Pro Tem Powell, seconded by Councilmember Burton, to adopt Resolution No. 14-0035; Ratify the District Advisory Board; Authorize the Agreement with the Downtown Manhattan Beach Business and Professional Association; and authorize to Disburse Fiscal Year 2013-2014 Assessments collected. The motion carried by the following vote:**

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

## **M. GENERAL BUSINESS**

- 13.** Status Report and Further Direction on the Feasibility of a Skateboard Park, Including Authorizing the City Manager to Engage the Services of a Consultant to Facilitate Public Workshops, Design and Location Options (Parks and Recreation Director Leyman). **14-0315**  
**RECEIVE REPORT; APPROVE; APPROPRIATE; PROVIDE DIRECTION**

*Mayor Howorth introduced this item.*

*Parks and Recreation Director Mark Leyman provided the PowerPoint presentation and responded to City Council questions.*

*Mayor Howorth opened the public comment.*

*Mark Barrera, resident, requested that language be included in the RFP that would prevent any consultant hired from bidding on the design/construction of the project, as he sees it as a conflict of interest.*

*Geoff Sher, resident/skate boarder, wanted to introduce "Friends of Polliwog Park" an organization formed to protect the park and the interests of surrounding neighbors.*

*Sheryl Lyn, resident, asked to keep Polliwog Park an open space, a park of leisure and relaxation, and not allow a skate board park there.*

*George Bordokas, resident, spoke in favor of a skate park, thinks Polliwog Park would be a good place for the skate park.*

*Robert Bush, resident is opposed to a skate board park and passed out a copy of the article on skate board parks printed in the Observer.*

*Steven Robins, resident and member of Friends of Polliwog Park, doesn't think the reports of the ad hoc committee are accurate and suggested recording the meetings.*

*Bill Victor reported that tennis courts are self-sustaining and would like to see more commitment from the skate board park supporters before hiring a consultant.*

*Glenn Stebbings, resident, feels that Polliwog Park should be eliminated as a potential site of a skate board park.*

*Gina Schafer, resident and member of Friends of Polliwog Park, read a letter from a*

resident who lives near Polliwog Park whose child is impacted by loud noises, and requested that Polliwog park be removed from the list of skate board sites,

Unknown speaker not opposed to Polliwog Park, but concerned that she did not receive the survey, said she would like to see a more effective survey done by a consultant in the future.

Julia Profet, resident and chairman of Friends of Polliwog Park, stated that the process of the ad hoc committee is flawed. She asked City Council to handle the skate park issue directly, eliminate Polliwog Park as a site, and not hire a consultant, but direct Parks & Recreation Staff to wait for the next Capital Improvement Plan that might include a skate park.

Louie Pastor, resident, asked to consider that less is more, let the people lead, and the leaders follow.

Seeing no further requests to speak, Mayor Howorth closed the public comment.

Mayor Howorth made comments to frame the discussion, stating that she thought the direction to Staff was to decide if there was a need for a skate park, to find a place for it, figure out how much it would cost and then figure out the funding. She further added that Council should decide if they want to proceed with the idea of a skate park.

Council discussion continued and questions were responded to by City Manager Mark Danaj and City Attorney Quinn Barrow.

Councilmember Burton read into the record a sign posted in Polliwog Park:

Welcome to Polliwog Park

Rules and Regulations:

No Cycling, Skating, Skate Boarding, Roller Blading, Scooters or Like Equipment.

**A motion was made by Mayor Pro Tem Powell, seconded by Councilmember Lesser, to have a Consultant who has the expertise and who is a good facilitator (who will not be allowed to bid on the project), keep it at the Parks and Recreation level, with no more ad hoc committee, have a facilitator meeting with a cross-section of the community, and if they propose locations they need to propose what type of park and how it would be funded, and take Polliwog Park out of consideration.**

**A freindly amendment was added by Councilmember Burton to prioritize locations that are nonresidential and explore donations of private property and private funding.**

**The motion carried by the following vote:**

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

At 10:17 PM Council recessed and reconvened at 10:26 PM with all members present.

14. Approval of a Contract with PMC to Develop a Downtown Plan Not-to-Exceed \$100,000 (Community Development Director Thompson).

**CON 14-0034**

**APPROVE**

**This item was removed from the agenda and continued to a future meeting.**

- 15. Adopt Interim Zoning Ordinance for regulation of commercial uses in the Downtown (Community Development Director Thompson). **ORD-U  
14-0011****  
**DISCUSS AND ADOPT**

*Mayor Howorth introduced this item.*

*Planning Manager Laurie Jester presented a PowerPoint presentation.*

*Councilmember D'Errico asked the City Attorney, for the record whether he needed to recuse himself from this item because he has two businesses in downtown Manhattan Beach.*

*City Attorney Barrow clarified that he did not need to recuse himself and that this was confirmed by the FPPC.*

*Responding to Councilmember Lesser's questions, City Attorney Barrow confirmed that there are no legal issues to prevent moving forward with this Interim Ordinance.*

*Discussion continued and City Attorney Barrow and Planning Manager Jester responded to City Council questions.*

*Mayor Howorth opened the floor to public comment.*

*David Kissinger, South Bay Association of Realtors, failed to see the urgency for this ordinance, especially without the consultant on board. He further added that banks and real estate offices are legitimate pedestrian use businesses.*

*Bill Victor thinks the City may be setting itself up for a class action suit and the real estate industry provides a lot of income.*

*Kelly Stroman, Executive Director for the Downtown Business Association, spoke about defining the map and also clarifying that there is no one particular business that is being called out.*

*City Attorney Barrow confirmed that it is "Office Commercial".*

*Kris D'Errico, President of the Downtown Business Association, stated that there is a sense of community in downtown Manhattan Beach and cited other cities where no action was taken, and are now being overrun by chain stores.*

*Jim O'Callaghan, Manhattan Beach Chamber, wanted to clarify that the ordinance being proposed is being kept as use for use, and added that the Chamber is in favor of this. He offered an example of the City of Pasadena using this type of ordinance to create a vibrant downtown community.*

*Louis Skelton, Architect and Real Estate Broker, doesn't feel the ordinance is the right tool to promote a vibrant downtown.*

*Unknown speaker, works at ReMax, doesn't see the need for an emergency ordinance and stated that people rent to people who can afford the rent.*

*Tony Schweicky, owner of properties in Downtown Manhattan Beach, is concerned about how to make rent more viable.*

*Unknown speaker, stated that LuLu's closed because the owners are retiring and the manager is looking for a new location.*

*Dr. Lester Silverman, resident and business owner, thinks this is a first step in trying to protect downtown.*

*Seeing no further requests to speak, Mayor Howorth closed the public comment.*

*Councilmember Lesser stated that he was troubled by not having the urgency ordinance paired with the "Downtown Plan" or the "Downtown Specific Plan". He further added that property uses evolve and he is troubled by taking away the highest and best use.*

*Discussion continued and City Attorney Barrow responded to questions.*

*City Attorney Barrow read the Ordinance Title into the record.*

**A motion was made by Councilmember Burton, seconded by Councilmember D'Errico, to Adopt Interim Ordinance No. U14-0011, as proposed, with an amendment to include the geographical area in Item No. 1 Map (has pink CD Zone), prohibit change of use, and direct the City Manager and Staff to come back in 45 days when there is a hearing and consider adding provisions for limiting, or prohibiting formula or chain stores and direct that an RFP be prepared for a Specific Downtown Plan.**

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

**Nay:** 1 - Lesser

*Discussion continued with City Attorney Barrow responding to City Council questions.*

*Councilmember Lesser stated that he also cares what happens Downtown, but for him the Interim Ordinance went hand and hand with the proposed award of the RFP for the contract for the Downtown Plan. He further added that the revised draft ordinance was just passed out and wants to share his concerns for taking action tonight.*

**16. Report on Power Reliability and Southern California Edison's Capital Improvement Program (Public Works Director Olmos). **14-0317****

**RECEIVE REPORT**

*Public Works Director Tony Olmos gave the PowerPoint Presentation on Southern California Edison (SCE) Power Reliability, and introduced Ronald Garcia, Government Affairs Liason; Jeffrey Kennedy, District Manager for the South Bay; Joyce Wang, Local Public Affairs; and Michael Calvedie, Project Manager. Public Works Director Olmos and the SCE Representatives responded to City Council questions.*

*Mayor Howorth opened the floor to public comment.*

*Joe Galliani, South Bay 350, stated that he wanted to discuss his displeasure with Edison and suggested the City should look to Boulder, Colorado as an example City that is starting their own utility.*

*Seeing no further requests to speak, Mayor Howorth closed the public comment.*

**Mayor Howorth moved to Receive the Report. Hearing no objections, it was so ordered.**

## **N. ITEMS REMOVED FROM THE CONSENT CALENDAR**

- 6.** Approve the Removal of Parking on the East Side of Sepulveda Boulevard between Tennyson Street and Longfellow Drive as Recommended by the Parking and Public Improvements Commission (Community Development Director Thompson). **14-0313**

### **APPROVE**

*Mayor Howorth opened the public comment.*

*Seeing no requests to speak, Mayor Howorth closed the public comment.*

**A motion was made by Councilmember Burton, seconded by Councilmember D'Errico, that this item be continued to a future meeting and placed under General Business on the agenda. The motion carried by the following vote:**

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

- 10.** Establish Salary Range and Benefits for the Newly Created Assistant City Manager Classification (Human Resources Director Hanson). **14-0309**

### **APPROVE**

*Councilmember Lesser pulled this item and asked City Manager Mark Danaj to discuss the pay range.*

*City Manager Danaj responded to City Council questions, citing the importance of this position.*

*Mayor Howorth opened the public comment.*

*Seeing no requests to speak, Mayor Howorth closed the public comments.*

**A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Powell, that this item be approved. The motion carried by the following vote:**

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

## **O. OPTIONAL ADDITIONAL PUBLIC COMMENTS ON NON-AGENDA ITEMS**

*None.*

## **P. OTHER COUNCIL BUSINESS, COMMITTEE AND TRAVEL REPORTS, FUTURE DISCUSSION ITEMS**

*Mayor Pro Tem Powell announced that he attended the Independent Cities Association Conference over the weekend and he was also re-elected to the Board of Directors.*

*Councilmember Lesser reported that he and all of the other Councilmembers attended the Manhattan Beach Chamber of Commerce Business Summit July 11, 2014, and a presentation was given by Finance Director Bruce Moe and representatives from all of the major malls.*

## Q. RECEIVE AND FILE ITEMS

*Mayor Howorth opened the public comment.*

*Seeing no requests to speak, Mayor Howorth closed the public comment.*

**A motion was made by Mayor Pro Tem Powell, seconded by Councilmember Burton, that this item be received and filed. The motion carried by the following vote:**

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

**17. Financial Reports: 14-0292**

Schedule of Demands: July 3, 2014 (Finance Director Moe).

### RECEIVE AND FILE

**A motion was made by Mayor Pro Tem Powell, seconded by Councilmember Burton to Receive and File this item. The motion carried by the following vote:**

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

**18. Commission Minutes: 14-0312**

This item contains minutes of City Council subcommittees and 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 Receive and File the minutes of the:

a) Library Commission Meeting of May 12, 2014

(Parks and Recreation Director Leyman)

b) Cultural Arts Commission Meeting of May 13, 2014

(Parks and Recreation Director Leyman)

c) Parks and Recreation Commission Meeting of May 19, 2014

(Parks and Recreation Director Leyman)

d) Cultural Arts Commission Meeting of June 10, 2014

(Parks and Recreation Director Leyman)

e) Finance Subcommittee Meeting of June 24, 2014

(Finance Director Moe)

f) Parking and Public Improvements Commission Meeting of June 26,

2014

(Community Development Director Thompson).

### RECEIVE AND FILE

**A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Powell to Receive and File this item. The motion carried by the following vote:**

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

**R. ADJOURNMENT**

*At 1:14 AM, the July 15, 2014, Regular City Council Meeting was adjourned to the 6:00 PM Adjourned Regular Meeting (Study Session) on July 29, 2014, in the Police/ffre Conference Room 400/420 15th Street in said City.*

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**Matthew Cuevas**  
**Recording Secretary**

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**Amy Thomas Howorth**  
**Mayor**

**ATTEST:**

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**Liza Tamura**  
**City Clerk**