

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Tuesday, April 15, 2014

6:00 PM

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

A. PLEDGE TO THE FLAG

Allison Dunbar, 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 AGENDA POSTING

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

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

Interim City Manager John Jalili recommended postponing Item No. 10(Final Payment in the Net Amount of \$37,763.92 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 \$31,713.08) to a future date.

A motion was made by Councilmember Lesser, 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

E. CEREMONIAL CALENDAR

1. Grades of Green Presentation by Jane Fishman, 9th Grade, Mira Costa High School.

14-0170

PRESENT

Jan Dunbar, Programs Manager with Grades of Green, introduced Allie Bussjaeger, Program and Outreach Manager, Jane Fishman, Mira Costa High School Student and Janine Hamner, Community and Municipal Affairs Manager with Waste Management. She deferred to Ms. Bussjaeger for a presentation.

Ms. Bussjaeger provided information regarding the Grades of Green organization and summarized its mission, history, program components and partner organizations.

Ms. Dunbar continued with the presentation addressing objectives at Mira Costa High School and a Program Overview.

Ms. Hamner presented details of Waste Management's participation in the program at Mira Costa High School, Classroom Recycling and Recycling Bins.

Ms. Dunbar addressed the scope of the work and Campus Recycling.

Ms. Fishman provided information of Campus Education and Student Involvement at Mira Costa High School. Additionally, she addressed a recent Waste Audit and results of same.

Ms. Dunbar announced the official kick-off on April 25, 2014, at Mira Costa High School from 12:20 PM to 12:50 PM and addressed monitoring the program for success.

Ms. Bussjaeger announced the Grades of Green annual event on June 6, 2014, at Manhattan Beach Studios where Susie Cameron and John Landau will be honored for their environmental efforts. Additional information can be obtained at www.gradesofgreen.org.

Mayor Howorth recognized Jane Fishman for her student leadership and on behalf of the City Council presented her with a Certificate of Commendation.

Ms. Hamner reported that Waste Management recently received an award for the seventh consecutive year from the Biosphere Institute as part of the World's Most Ethical Corporations and in the area of environment and nature conservancy. She reported that it is the only trash and recycling company on the list.

Councilmember Burton commended Grades of Green, Waste Management and Ms. Fishman. He reported that Ms. Fishman gave a presentation at a recent South Bay COG meeting.

2. Presentation of a National Proclamation Declaring April 2014 as National Child Abuse Prevention Month. **14-0179**

PRESENT

Mayor Howorth called on Allison Tanaka of Richstone and presented her with a proclamation in recognition of National Child Abuse Prevention Month.

Ms. Tanaka expressed her appreciation and invited the public to a Walk-a-thon on April 26, 2014, at the Manhattan Beach Pier to raise awareness of the issue.

Mayor Howorth challenged City staff to form a team and participate in the fundraising event.

3. Presentation of a National Proclamation Declaring April 2014 as "DMV/Donate California Month" **14-0191**

PRESENT

Mayor Howorth called on Tammy Rusnak and presented her with a proclamation in recognition of the DMV/Donate Life Month.

Ms. Rusnak expressed her appreciation to City Council for their recognition and provided personal testimony regarding organ donation. She provided information regarding participation in the organ donation program. Additionally, she announced a Donate Life Fun Walk at Cal State Fullerton on April 26, 2014.

F. CITY MANAGER REPORT

Interim City Manager John Jalili reported on the upcoming Earth Day celebration on April 26, 2014, in Polliwog Park from 11:00 AM to 4:00 PM and addressed events and activities planned for that day. He announced the Annual Sculpture Garden reception on April 18, 2014, from 6:30 PM to 7:30 PM at the Civic Center Plaza. Additionally, he provided a status update on the Downtown Specific Plan. He addressed an upcoming Community meeting for June 5, 2014, and reported the RFP (Request for Proposal) will be presented to City Council on May 20, 2014.

In response to Councilmember Burton's question regarding Interim City Manager Jalili's last meeting, he stated that it will be on April 29, 2014. Councilmember Burton referenced the Downtown Specific Plan and asked Interim City Manager Jalili if he would be willing to work on specific measures such as zoning, prior to his leaving, should City Council give that direction. Interim City Manager Jalili responded affirmatively.

Councilmember Burton noted that the Director of Community Development is retiring and asked when the position will be open.

Interim City Manager Jalili reported that staff will work on the item and return to City Council with a report in two to three weeks.

Discussion followed regarding the possibility of providing direction to Interim City Manager Jalili to work on specific measures for the Downtown Specific Plan prior to his leaving, during Item P of the agenda.

G. CITY ATTORNEY REPORT

City Attorney Quinn Barrow reported that earlier this evening, City Council went into Closed Session to discuss the items listed in the Closed Session agenda and that no reportable action was taken.

4. Consideration of (1) Appointment of City Clerk by City Manager or City Council; and (2) Term Limits for Councilmembers (City Attorney Barrow). **14-0186**

PROVIDE DIRECTION

City Attorney Barrow addressed the appointment of the City Clerk and term limits. He provided background, election results regarding the topics and suggested addressing each issue, separately.

Ensuing discussion pertained to term limits for City Treasurer, the City Clerk's handling of the election of Councilmembers, reporting structure, addressing the concern of turning the City Clerk's position into a political one, City Council's direction regarding the matter, having an elected versus appointed position, challenges of each, best practices of other cities, current trends, election practices in the City of Beverly Hills, County versus City election process, costs of elections and benefits of changing the issue at this time.

Mayor Howorth opened the floor for public comments.

Viet Ngo commented on the City Clerk position prior to 1996, and the hiring of the City Clerk and alleged election fraud and compensation.

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

Councilmember Burton commented on the system of checks and balances and its importance. He stated that a City Manager can be in complete control of elections if you don't have a City Clerk reporting to City Council. He addressed administrative support and commented on instances where the City Clerk wanted to communicate directly with City Council but was ordered not to by the City Manager. He commented on openings in the City Clerk's office that went unfilled and noted that having the City Clerk report directly to City Council is necessary for good governance. He commented on benefits of having the City Manager, City Attorney and City Clerk report directly to City Council and has loyalty to same.

A motion was made by Councilmember Burton, seconded by Councilmember D'Errico, to direct the City Attorney to prepare an ordinance to give City Council the authority to appoint the City Clerk.

Councilmember Lesser stated opposition to the proposal and addressed costs related to having the County conduct elections and turning an administrative function into a political one. He addressed "paranoia" in terms of past practices and commented on the professionalism of staff. He added that he will be voting against the motion.

Councilmember Burton responded to comments made by Councilmember Lesser and addressed related costs, his experience with various cities and concerns regarding having the City Manager order the City Clerk not to communicate certain things to City Council. He added that good governance requires having the proposed direct-report structure.

Mayor Pro Tem Powell commented on the issues being discussed, City Clerk functions and the importance of having an appointed City Clerk. He stated that the current process has worked well for the City and that success is a function of having a good City Manager and a good City Clerk. He addressed challenges in having five people directing one individual. He noted his preference for keeping the status quo.

Councilmember D'Errico commented on City Council's role as well as the role of the City Clerk and transparency, adding that City Council should be driving that transparency.

Mayor Howorth indicated that having the City Clerk report to the City Manager is a better practice, commented on problems with previous City Managers and the City's ability to change management. She addressed the importance of transparency and stated that having the City Clerk report to City Council will interfere with same.

The motion failed by the following vote:

Aye: 2 - Burton and D'Errico

Nay: 3 - Howorth, Powell and Lesser

City Attorney Barrow presented information regarding term limits including background and election results regarding same.

Discussion followed regarding specific voting percentages, the need to go back to voters if a change in term limits is desired, costs of holding an election and whether there is a legal problem regarding the matter.

Ensuing discussion pertained to the most recent election on term limits and results of same.

Mayor Howorth opened the floor for public comments.

Viet Ngo commented on the 1996 measure regarding term limits and noted the need for City Council to honor the desires of voters. He added that City Council should run the City by itself and not in comparison with other cities, addressed costs of elections and alleged corruption.

Steve Packwood spoke in support of term limits and commented on the past related ballot measures. He suggested that if there are concerns regarding the topic, it should be placed on the ballot for the next election in order to not encumber additional costs.

Robert Bush commented on term limits and allowing other people the chance to run for office and noted the preference for two terms.

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

Mayor Pro Tem Powell expressed agreement with Mr. Packwood and Mr. Bush and stated support for placing the matter on the November ballot. He clarified that City Council is not considering rescinding term limits, but rather making two terms a permanent provision.

Councilmember Burton noted that everyone deserves an opportunity to run and that this is about doing what the voters want. He agreed with placing the matter on the November ballot versus the March ballot.

Councilmember Lesser asked if this is the most pressing problem in the City and why the matter is being considered at this time. He added that the City has term limits and that it is up to the public to vote yes or no. He addressed the importance of continuity and institutional knowledge and spoke in favor of the status quo.

Councilmember D'Errico noted there is a tremendous movement for term limits, everywhere noting that term limits are opposed by elected officials and special interest groups. Term limits help secure independent judgment.

Mayor Howorth stated agreement with Councilmember Lesser and regarding term limits encouraging people to run, there have been problems finding enough people to run in the past. She addressed costs related to putting the issue on the ballot and stated that the existing practices have not been a problem and there is no reason to overturn the item.

A motion was made by Councilmember Burton, seconded by Councilmember D'Errico, to direct the City Attorney to prepare a resolution to place the two consecutive four year terms only for elected City Officials on the ballot for the November 5, 2014, election.

City Attorney Barrow clarified that all elected officials would include the City Treasurer

The motion carried by the following vote:

Aye: 3 - Powell, Burton and D'Errico

Nay: 2 - Howorth and Lesser

Mayor Howorth suggested that when staff returns to City Council with a resolution, information be included regarding related costs.

H. CITY COUNCIL ANNOUNCEMENTS AND REPORTS

Mayor Pro Tem Powell announced this month's Dine and Discover lunch noting it will be held on Thursday, April 17th for residents ages 55 and older, and will focus on serving the beach community residents better. Reservations can be made via phone. He commented on the upcoming Earth Day events and the associated bike ride and challenged Councilmember colleagues to participate.

Councilmember Burton reported that the Red Shoes for Lily team raised \$1,000 and thanked those who donated. Additionally, he reported he has now been on the City Council for one year and stated he loves being the people's faithful and obedient servant and stated he will continue to work to know the people's desires. He added that residents make the City the great city that it is.

Councilmember D'Errico stated he would like to participate in Earth Day events but that he has a business engagement on that day as well as a wedding.

I. COMMUNITY ANNOUNCEMENTS REGARDING UPCOMING EVENTS

Diane Campisi, Senior Advisory Committee, reported that May is Older Adults Month and reported on an upcoming Health Fair on May 16, 2014. Additionally, she reported that a video on the City's Older Adult programs is now available on the City's website.

Don Gould, County Librarian, provided updates on Library events and programs as well as the current construction project. He addressed upcoming preschool story times, an upcoming summer program and reported that all upcoming library events are available via the City website.

Viet Ngo commented on the City's hiring of a City Manager, Interim City Manager and Director of Community Development and addressed compliance with Federal law in terms of providing equal opportunities to applicants.

J. PUBLIC COMMENT ON NON-AGENDA ITEMS

Viet Ngo alleged that Mayor Howorth has been using City resources for political activity. He encouraged her to turn herself in to the FBI. He added that he will be asking for her arrest, as a private citizen.

Steve Packwood stated he will not be able to attend City Council's next meeting on April 29, 2014, to comment on the Manhattan Village Shopping Center and stated that the general consensus is for a less dense project. In terms of the parking structures, he addressed prior discussion regarding possible alternatives noting that no action was taken but that some of the alternatives offered were well-received by Councilmembers as well as the co-applicant including relocating the parking structure near where the theater used to be. He commented on the public's participation in the process and wished City Council luck in considering the matter.

Shriely Pei, All Yellow Taxi, stated the City Council is doing a "bang up" job.

Gary McAulay commented on the Manhattan Village Shopping Center and the City's search for revenue. He addressed the community's wishes to retain its small-town feel. He expressed concerns that exemptions are being granted and addressed the importance of meeting City codes. He urged Council to reject the "undue hardship" provision, stop selling public land and to preserve the City's small-town atmosphere.

Robert Bush commented on the refund of street-sweeping fees and quoted comments from Council regarding the subject.

Mayor Pro Tem Powell clarified that when he asked neighbors why they would not apply for the refund; they indicated it was "chump change".

Mr. Bush agreed that it is chump change and that people have to go through too much trouble to request their refunds.

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

At 8:00 PM the City Council recessed and reconvened at 8:10 PM with all Councilmembers present.

K. CONSENT CALENDAR

Viet Ngo pulled Items No. 5 and 11 for separate discussion and consideration.

Councilmember Burton pulled Item No. 12 for separate discussion and consideration.

Councilmember D'Errico requested clarification of Item No. 7 and Interim City Manager Jalili addressed background to the item noting that City Council already approved the bench design but that it needed to be reviewed by the Building and Safety Department. The matter is being presented under the Consent Calendar to indicate that it has been reviewed from a safety perspective.

A motion was made by Mayor Pro Tem Powell, seconded by Councilmember Lesser, to approve the Consent Calendar (Items No. 6, 7, 8 and 9) except for Items No. 5, 11 and 12 which were pulled for separate discussion and consideration and continuing Item No. 10 to a future meeting per prior action. The motion carried by the following vote:

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

6. Award of Three-Year Water Quality Testing Services Contract to Clinical Lab of San Bernardino (Total Value of \$22,935) (Finance Director Moe). **14-0174**
APPROVE
7. Approve New Architectural Bench Designs (Parks and Recreation Director Leyman). **14-0161**
APPROVE
8. Award of Order to South Bay Regional Public Communications Authority to Equip One Previously Purchased Police Undercover Investigations Ford E250 Van in the Amount of \$63,432.12 (Finance Director Moe). **14-0169**
APPROVE
9. Rejection of Bids for the Section 2 (Sepulveda Boulevard. to Peck Avenue, Manhattan Beach Boulevard. to Artesia Boulevard.) Concrete Repair Project and Authorize Re- Advertisement for Bids (Public Works Director Olmos). **14-0180**
APPROVE
10. Final Payment in the Net Amount of \$37,763.92 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 \$31,713.08 (Public Works Director Olmos). **14-0185**
APPROVE

L. PUBLIC HEARINGS

13. Coastal Development Permit for the 2014 Manhattan Beach Open Volleyball Tournament and Consideration of a Three-Year Term Agreement with International Merchandising Company, LLC (IMC) to Co-Sponsor the Manhattan Beach Open (MBO) (Parks and Recreation Director Leyman).

RES 14-0115

**CONDUCT PUBLIC HEARING, ADOPT RESOLUTION NO. 14-0115,
APPROVE**

Parks and Recreation Director Mark Leyman provided a clarification to the staff report noting that IMC and IMG as referenced therein refers to the same organization. He provided background of the matter, community feedback, sensitivity to impacts and details of the proposed agreement. He highlighted changes to the agreement, sponsorships, change in the prize money, option to co-sponsor, date change, amenities, continuance of the pier ceremony and recommendations.

In response to Mayor Pro Tem Powell's inquiry regarding copywriting the name, City Attorney Barrow reported that related litigation was resolved in 2012 and that the City's application for copywriting the name, was approved. He added that the City is not forfeiting any rights as a result of the agreement.

Councilmember Lesser commented on the ability of a sponsor being able to reserve up to 25% of the seating and asked for clarification.

Parks and Recreation Director Leyman stated sponsors could get up to 25% of ticket sales and the remaining seats would be open to the public and addressed the likelihood of a sponsor.

Discussion followed regarding criteria for products sold.

Mayor Howorth opened the Public Hearing.

Craig Cadwalder, speaking on behalf of the Surfrider Foundation and as a resident, pointed out that the 25% issue is part of the Local Coastal Program certified by the Coastal Commission, leaving 75% of the seating available at no charge. He voiced support of the matter and that Council should support the agreement.

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

A motion was made by Mayor Pro Tem Powell, seconded by Councilmember Burton, adopt Resolution No. 14-0115 approving the Coastal Development Permit and Temporary Use Permit for 2014 Manhattan Beach Open Volleyball Tournament and Consideration of a Three -Year Term Agreement with International Merchandising Company, LLC (IMC) to Co-Sponsor the Manhattan Beach Open (MBO). The motion carried by the following vote:

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

M. GENERAL BUSINESS

14. Update on Six Month Trial Period on Meeting Management and Open Government Initiatives (Senior Management Analyst Biggs). 14-0127

RECEIVE REPORT AND APPROVE MODIFICATIONS

Senior Management Analyst David Biggs provided details of the report addressing background, items called out for trial periods and the status of each.

Discussion followed regarding the structure for discussing the items presented.

City Attorney Barrow suggested asking questions of staff, opening public comments and then discussing each item one by one.

In response to Councilmember Lesser's inquiry regarding alternatives to minutes and offering meeting videos in a "more user-friendly manner", Senior Management Analyst Biggs reported on issues related to Granicus in terms of fast-forwarding or going back to specific areas in the video and noted that additional features have been added making the access to specific points in the meeting more precise.

City Clerk Tamura confirmed the issues adding that she also addressed the issue of time-stamping.

Councilmember Lesser noted that the City is presently outsourcing the transcription of minutes at a cost of approximately \$24,000 per year. He asked regarding the possibility of hiring a part-time minutes clerk to perform the task, in-house.

Senior Management Analyst Biggs noted the opportunity to do so, in the future, adding that it would be a budgetary decision. He added that resources in the City Clerk's office are currently limited due to vacancies and that there is an opportunity to bring that function, in-house, in the future. He added that minutes are not verbatim but are detailed summary minutes.

In response to Councilmember D'Errico's inquiry regarding the accuracy of the minutes produced and the additional time taken to post them, City Clerk Tamura reported that the recording secretary does an excellent job but there is a need for staff to verify them and make appropriate corrections such as spelling of names. She added that after receipt of the minutes, she double checks the motions and has the Legal Department review them as well.

Interim City Manager Jalili reported that the function could be done in-house and that assuming that everything works as it should, action minutes could be done a lot quicker, possibly even the same day of the meeting. He indicated interest in finding out whether that is an alternative the City Council would be comfortable with.

Mayor Howorth clarified that the need for summary minutes rather than action minutes, has been the hold up.

Councilmember D'Errico commented on challenges regarding posting of City Council agendas in connection with producing copies.

Senior Management Analyst Biggs clarified copier functionality is related to producing copies for distribution rather than posting of the agenda.

Interim City Manager Jalili stated that if posting the agenda could be changed by one day, quality-control could be improved.

In response to Mayor Pro Tem Powell's inquiry, City Attorney Barrow reported that, in terms of litigation and protecting the City, the transcript of the video would be the official minutes and that the video tape can be referenced and become part of the record. Mayor Pro Tem Powell referenced pages 193 through 199 relative to the Public Records requests log noting blank fields and asked regarding same.

City Clerk Tamura reported there was staff that left before Christmas, that someone was recently hired and that an effort is being made to go back and complete the log.

Discussion followed regarding a "DR" number used within the log and it was noted that the number is used by the Police Department as reference to a crime report.

Councilmember Burton commented on incorporating the video within action minutes, as a practice and asked regarding issuing a recap of City Council meetings.

City Clerk Tamura stated that can be restarted once the appropriate staff is hired.

In response to Councilmember Burton's inquiry regarding "receive and file" matters, City Attorney Barrow provided an explanation of the items. Councilmember Burton referenced Public Records request and noted that the Document Management System under the Information Systems Master Plan should resolve a lot of existing issues. Additionally, he commented on posting of the agenda Wednesday afternoons.

Mayor Howorth opened the floor for public comments.

Craig Cadwalder commented positively on the way things have progressed and particularly with the agenda packet. He expressed concerns with the quality of the video and reported that the video and audio quality from the City of Burbank is crystal clear and that the audio from the City of Manhattan Beach is "over-modulated". He added that time stamps would be welcomed and commented on speech-to-text capabilities and automated functions that could help with transcribing the bulk of meetings. He noted the need to clarify the process of placing an item on an agenda.

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

Councilmember Burton commented on a sunshine ordinance and City Council's commitment toward transparency. He added that the City has come a long way and that the forecasting agenda could be used by City Council, more effectively, in the future. He commented on the hiring of a new City Manager and expressed concerns regarding how far the issue should be discussed. He noted that in other cities, public comments are heard earlier in the meeting and residents get only five minutes to speak on any item of the agenda, noting that Manhattan Beach residents get many more opportunities to comment. He stated he has no problem doing action minutes as long as the video is incorporated by reference. He added that other issues should wait until the new City Manager is on board.

Mayor Pro Tem Powell agreed with Councilmember Burton's comments and noted the need for clarity on some of the issues. He noted that the biggest challenge has been what it takes to get a matter agendaized and felt that it should be done by a majority vote of Council. He commented on setting audience participation limit of thirty minutes at the beginning of a meeting and continuing it to the end of the meeting if the prior is not sufficient adding that it is not a convenience for people to drop in and speak adding that the matter is optional and that the thirty minute rule should be enforced. Additionally, he addressed expanding community

announcements to include AB1234 reporting, noting that it should remain under "Other Council Business and Reports" at the end of the meeting. He commented on the inclusion of the name of the staff person in charge of presenting staff reports in the agenda noting that the name is also included in the individual staff reports and stated that the information is superfluous. He addressed the City Council Handbook and stated it is a good resource for new Councilmembers and stated he would like to revisit the matter in the future.

Councilmember D'Errico thanked Councilmembers Burton and Lesser for the accomplishments made so far. He noted the need to meet with the new City Manager to discuss some of the issues, including governance. He addressed approval of a bench design on the Consent Calendar and stated the need to discuss whether that is the job of City Council, or not, in order to fix the problem of extended meeting length. With respect to the total amount of time allocated for comments, he reported that one individual, during one meeting, reached the fifteen minute limit. He reiterated that the time allotted is three times that allowed by other cities and stated the need to hold fast on that rule. In addition, he stated that Council meetings are not the best time to hear the voice of the people as there is business to be done and that there is a need to find other ways for community engagement. In terms of minutes, he reported that he would be comfortable with action minutes if he had the technology to efficiently and effectively review Council meetings and that the City still does not have the capability. He added that summary minutes are valuable and that he is not prepared to approve action minutes until there is a working alternative.

Councilmember Lesser thanked Councilmember D'Errico for acknowledging the work of the sub-committee and apologized to Councilmember Burton for the tone and tenor of some of his comments earlier in the evening. He added that the sub-committee was co-chaired with Mayor Howorth. He thanked Mayor Howorth and staff for their efforts and work. In terms of posting the agenda, he indicated he would be in favor of having the agenda posted and distributed on Thursdays. Regarding the minutes, he stated not finding the Granicus system to be robust and would like to direct staff to explore in-house supplementing of action minutes. Additionally, he stated he would support the number of votes required to place items on agendas to three and for continuing public comments to the end of meetings; preserving the ability to roll over public comments. He addressed governance issues related to bench designs noting that City Council is the ultimate authority and that the option should be preserved.

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Powell, to receive the report and not approve the proposed modifications.

City Council discussion continued prior to the vote.

Councilmember Burton addressed items that need full discussions including votes necessary to place items on agendas.

Mayor Howorth stated wanting to address issues individually, including action minutes, parking restrictions at City Hall during Council meetings, the public comments time restrictions and posting of the City Council agenda.

Councilmember Burton reiterated the motion adding that most of the issues can be discussed in the future and the need to have the new City Manager on board before some of the issues are decided.

Mayor Pro Tem Powell clarified that the second portion of public comments would be only if residents did not have the opportunity to comment during the first public comments portion of the meeting. He commented on action versus summary minutes and stated that residents have commented regarding written minutes that all they want to see is what Council decided. He commended Ms. Barone for the quality of her minutes and commented on the possibility of statements being taken out of context. He added that in order to hear what someone actually said, the video is the best source. He agreed with Mr. Cadwalder's statements regarding the quality of the audio.

Senior Management Analyst Biggs reported that the camera and audio system will be upgraded in the near future. He added it is scheduled to start April 17, 2014.

Mayor Howorth stated that she should have followed the procedure in regards to public comments on the Manhattan Village Shopping Center issue, but continued receiving comments after the thirty minutes time period and apologized for doing so. She agreed with Mayor Pro Tem Powell regarding the need to clarify the language.

Regarding posting and distribution of agendas, Councilmember Burton agreed with maintaining posting of agendas on Wednesday nights with the ability to occasionally do so on Thursday, as needed, and distribution of agenda packets on Thursdays. In terms of actions minutes, he would accept same but indicated he would prefer to have enhanced video and audio capabilities sooner than later.

Mayor Howorth offered a friendly amendment to proceed with action minutes but incorporating the meeting video by reference.

City Attorney Barrow confirmed the motion noting no change to parking, no deadlines for City Council meetings, no set closing time and, agendas to be posted on Wednesday evenings and distributed on Thursday. The motion also includes maintaining the fifteen minute total time period for each public speaker, the second public comment period being only for public members who were unable to speak during the first public comment period and changing to action minutes with the incorporation, by reference of the meeting video.

Councilmember Lesser indicated he would like to revisit the fifteen minute time limit per individual for public comments in the future.

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Powell, to receive the report and not approve the proposed modifications. Mayor Howorth offered a friendly amendment to proceed with action minutes but incorporating the meeting video by reference. The motion carried by the following vote:

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

City Attorney Barrow noted that the two pending issues include placing items on the agenda and Consent Calendar issues and have been deferred to a later date.

15. Strand Alcove Bench Program Plaque Guidelines (Parks and Recreation Director Leyman).

14-0162

APPROVE

Parks and Recreation Director Mark Leyman presented details of the staff report addressing background, updates to the guidelines and adoption, prior City Council action and recommended options. He noted that staff continues to receive requests for plaques that are not within the approved guidelines.

Discussion followed regarding the number of benches on the strand placed pursuant to the current program, complaints received regarding plaques and the average bench cost. It was noted that the money is given directly to the artists and that the City owns the benches. Ensuing discussion pertained to the number of alcove locations, wording and specifications of the plaque.

Parks and Recreation Director Leyman reported there is nothing in the guidelines that addresses the length of the verbiage on the plaques.

Brief discussion followed regarding when to expect an introduction to the new Cultural Arts Manager.

Mayor Howorth opened the floor for public comments.

Gary McAuly commented on emotions that drive memorials and noted that all of the memorial benches are sad. He stated that public spaces do not need to be filled with sad markers such as memorial benches. He stated that the practice was stopped previously after considerable public input and asked that City Council keep the focus on the sand, sun and sea of the beautiful City.

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

Councilmember Burton commented on the number of existing and pending benches and expressed concerns that if a limit is not set, the area will be more like a cemetery. He agreed with Mr. McAuly that it is a sad experience and that a walk on the beach should be a joyous occasion and a celebration.

Mayor Pro Tem Powell agreed, adding that the strand should not be privatized and that memorials should be placed where they are more appropriate. He noted the recognition of public heroes and indicated he does not want to desecrate the strand and turn it into a memorial.

Councilmember Lesser indicated he sees the benches as places where members of the public can sit and that they are open to anyone. He added that he sees the benches as channeling something sad into something positive. He reported seeing the program as an opportunity for public art.

Councilmember Burton stated he supports public art and commented on placement of flowers at memorial benches. He commented on Option 1 noting that plaques could be worded as "Donated by" rather than "In Memory Of". He stated there is a way to allow people to honor those they want to honor without turning something public into something private.

Mayor Howorth noted that people could still place flowers on the benches regardless of the verbiage used on the plaques.

Councilmember D'Errico indicated there is no advertising on public property and noted the issues are different but have elements in common. He added this is about public property being used for a private purpose. He stated that if residents want to donate a bench, for art's sake, it would be wonderful but noted not everyone can afford one and those who can get an advantage. He stated that it is not fair and this is about fairness as much as anything else.

Councilmember Burton suggested putting a "freeze" on any new benches and returning to City Council with the item in a few months to have a full discussion on the matter.

Mayor Howorth indicated she would be open to that suggestion.

Mayor Pro Tem Powell stated he too would be open to that and suggested a small plaque with language including "donated by" and the name of the artist and a registration number. A certificate would be issued to the donor indicating it was donated in honor or memory of the name of the deceased. He commented on opposition to cluttering the strand with lengthy verbiage on bench plaques.

Mayor Howorth stated she would support a small, subtle plaque with language including "donated by" and "for" noting that it does not sound funereal to her. She added that a small plaque would be preferable and that the act is uplifting to families.

Interim City Manager Jalili noted that Option 1 recommends the plaque language to include "donated by" and the name of the artist and may meet most of Council's concerns.

In response to Councilmember Lesser's inquiry, Parks and Recreation Director Leyman commented on the approval of the bench designs.

Councilmember D'Errico added that the new designs do not preclude the artist from getting the bench, but precludes them from the plaque.

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Powell, to freeze accepting new donations and direct staff to report back to the City Council on July 15, 2014, with a proposed policy. The motion carried by the following vote:

Aye: 3 - Powell, Burton and D'Errico

Nay: 2 - Howorth and Lesser

Mayor Pro Tem Powell offered a friendly amendment that if someone would like to donate a bench, under Option 1, the freeze would not apply.

Councilmember Burton agreed to the friendly amendment.

Councilmember Lesser commented on the need to direct staff more specifically.

The motion was restated.

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Powell, to freeze accepting new donations, except those donations under Option 1 and direct staff to report back to the City Council on July 15, 2014, with an appropriate policy.

Mayor Howorth noted that staff has already offered their recommendation.

Councilmember Burton withdrew the motion.

A motion was made by Councilmember Burton, seconded by Mayor Pro Tem Powell, to approve Option 1 for the donation of benches going forward. The motion carried by the following vote:

Aye: 3 - Powell, Burton and D'Errico

Nay: 2 - Howorth and Lesser

- 16.** Amendment No. 1 to Design Service Agreement with Community Works Design Group for Additional Work on the Five Retaining Walls for the Strand Stairs Rehabilitation Project and Provide Direction to Staff Regarding the Aesthetic Enhancements on Front Stair Walls (Public Works Director Olmos).

CON 14-0156

APPROVE

Public Works Director Tony Olmos presented details of the staff report addressing background, the selected design, modifications, cost comparisons, existing conditions, proposed schedule and recommendations.

Discussion followed regarding the original design versus the proposed design and adding the small, top wave to the design.

Mayor Howorth opened the floor for public comments.

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

A motion was made by Mayor Pro Tem Powell, seconded by Councilmember Burton, to approve Amendment No. 1 to the design services agreement with Community Works Design Group for additional work on the five retaining walls for the Strand Stairs Rehabilitation project and direct staff regarding the aesthetic enhancements on front stair and adding the smaller, top wave to the designs and including the waves in the front on the stair walls. The motion carried by the following vote:

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

Councilmember Lesser commented on the need for consistency and simplicity.

At 10:10 PM the City Council recessed and reconvened at 10:17 PM with all Councilmembers present.

17. Ordinance Amending Manhattan Beach Municipal Code Section
14.44.080 Regarding Taxicab Stands (Police Chief Irvine).

ORD 14-0005

INTRODUCE ORDINANCE NO. 14-0005

Police Chief Eve Irvine presented details of the staff report addressing background, types of complaints received, enforcement, details of the recommended ordinance and next steps.

Discussion followed regarding the timing of franchise agreement negotiations, getting the staging areas in place prior to the ordinance taking effect, efforts to educate taxi drivers, enforcement and bandit taxicabs.

Mayor Howorth opened the floor for public comments.

Albert Melchor, Director of Sales and Marketing for South Bay Yellow Cab, thanked staff for looking into this matter and reported their willingness to work with staff to develop solutions. He provided a handout with an example of a taxi cab plan for the City of Santa Monica and requested the City modify Section C of the proposed ordinance to remove the language "or vehicles for hire" for increased clarity.

Shirley Pei, All Yellow Taxi, stated support for the ordinance with the exception of the term "vehicle for hire" as well as language related to employer as drivers are usually independent contractors.

Kris D'Errico, Downtown Business and Professional Association, indicated wanting to work in cooperation with businesses, taxicabs and residents to develop an equitable solution as well as educating people regarding the new ordinance. She asked that taxi drivers be aware that they are welcomed but that they need to be respectful to business owners and residents.

Mayor Howorth closed the public comments.

Councilmember Burton suggested changing "vehicle for hire" to "franchise taxicabs".

City Attorney Barrow commented on uber-users noting that they are not taxis and will not be allowed in the taxi stands. He added that the stands will be only for franchise taxicabs and not for bandits.

Discussion followed regarding problems with uber-users, enforcement issues, the need to wordsmith the ordinance and return to City Council with appropriate language and the ability to suitably accommodating taxicabs.

City Attorney Barrow commented on the ordinance becoming effective but noted that enforcement would not be implemented until the number and location of stands are determined by the Chief of Police. He recommended going forward with the ordinance but delaying the enforcement issue until a place is determined for the taxicabs.

Councilmember Burton suggested bringing a report back to City Council before the start of enforcement.

Police Chief Irvine noted that in the interim, those taxis that park near meters but do not pay same are susceptible to be cited.

City Attorney Barrow read into the record the title for Ordinance No. 14.0005.

A motion was made by Councilmember Burton, seconded by Councilmember Lesser, to introduce Ordinance 14-0005, amending Manhattan Beach Municipal Code Section 14.44.080 to clarify the provisions regarding taxi cab stands and direct the City Attorney to review and make appropriate language changes. The motion carried by the following vote:

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

N. ITEMS REMOVED FROM THE CONSENT CALENDAR

5. Annual Fee Waiver Requests Associated with Non-Profit Special Events (American Martyrs Parish Fair; American Martyrs 5K Run/Walk; Grandview 5K; Holiday Fireworks Festival; Manhattan Beach 10K Run; Manhattan Beach Education Foundation Wine Auction; Manhattan Beach Grand Prix Bike Race; Manhattan Beach Hometown Fair; Manhattan Beach Little League Opening Day Parade; Richstone Pier-to-Pier Jog/Walk; and the Robinson School Fun Run) (Parks and Recreation Director Leyman). **13-0165**

APPROVE

Viet Ngo pulled this Item from the Consent Calendar..

Viet Ngo alleged Mayor Howorth's use of the Little League Opening Day Parade and the Manhattan Beach Education Foundation Wine Auction for political purposes. He added that Mayor Pro Tem Powell and Parks and Recreation Director Mark Leyman used the latter for campaign purposes last year.

Mayor Pro Tem Powell indicated that the matter is not well-documented as it is untruthful. He requested that Mr. Ngo stop addressing Council with lies.

Mayor Howorth opened the floor for public comment.

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

A motion was made by Councilmember Burton, seconded by Councilmember Lesser, to approve a 100% fee waiver for the Manhattan Beach 10K Run, the Holiday Fireworks Festival, Little League Opening Day Parade, the Manhattan Beach Education Foundation (Wine Auction) and events associated with the Manhattan Beach Unified School District listed in this report and recommends charging 25% to all other "legacy" organizations. The motion carried by the following vote:

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

11. Resolution No. 14-0021 approving participation by the City of **RES 14-0021** Manhattan Beach in the Los Angeles Urban County Community Development Block Grant (CDBG) Program for the three year funding cycle beginning July 1, 2015 and ending June 30, 2018 (Community Development Director Thompson).

ADOPT RESOLUTION NO. 14-0021

Viet Ngo pulled this Item from the Consent Calendar.

Viet Ngo reported that the CDBG is a Federal fund from the U.S. Housing and Urban Development. He commented on other funds administered by Mayor Howorth and stated that she is subject to the Hatch Act which prevents her from running for election in 2014. He stated that Mayor Howorth should not use the City Attorney for advice on this matter, alleged various violations and urged Mayor Howorth to resign.

Mayor Howorth opened the floor for public comments.

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

In response to Mayor Pro Tem Powell's inquiry, City Attorney Barrow reported that the agreement has been approved as to form.

In response to an inquiry from Councilmember Lesser, Community Development Director Thompson provided examples of eligible projects that CDBG funds can be used for.

Councilmember Burton commented on the grant assurances.

Discussion followed regarding using CDBG funds for ADA accessibility purposes.

A motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Powell, to approve a Resolution authorizing the continued participation in the Los Angeles Urban County Community Development Block Grant Program for the three year funding cycle beginning July 1, 2015 and ending June 30, 2018. The motion passed by the following vote:

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

12. Minutes**14-0171**

This item contain minutes of City Council meetings which are presented for approval. Staff recommends that the City Council, by motion, take action to approve the minutes of the:

a) City Council Adjourned Regular Meeting of February 25, 2014 (City Clerk Liza Tamura).

APPROVE

Councilmember Burton commented on issues reagrding the Sepulveda Bridge widening and the design and stated it was not included in the minutes. Staff will follow up on the item.

City Attorney Barrow reported there is a reference to it on page 151, right before the motion.

A motion was made by Councilmember Lesser, seconded by Councilmember D'Errico, to approve the Minutes of the City Council Adjourned Regular Meeting of February 25, 2014, as amended. The motion passed by the following vote:

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

O. OPTIONAL ADDITIONAL PUBLIC COMMENTS ON NON-AGENDA ITEMS

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

Councilmember Burton stated that the specific plan RFP will be considered on May 20, 2014. He asked regarding the possibility of reviewing internal zoning codes at the same time.

City Attorney Barrow stated that direction would be needed regarding specific items.

Interim City Manager Jalili suggested that City Council ask staff for a recommendation on how to proceed with interim measures at that meeting.

City Attorney Barrow reported that the Director has some ideas regarding what type of interim regulations would be appropriate.

In response to Councilmember Lesser's question, City Attorney Barrow reported that City Council can adopt, on an urgency basis, interim regulations for forty-five days and then hold a Public Hearing after that.

Mayor Pro Tem Powell clarified that it would be like an emergency moratorium.

Discussion followed regarding providing notice to affected property owners, pipeline issues and available options.

Mayor Howorth indicated she would support bringing the matter back to City Council.

Councilmember Burton commented on the surety bond for residential construction adding that he would like the matter brought back to City Council sooner than in September such as July 15, 2014.

Councilmember Lesser commented on staff shortages and challenges in terms of other obligations.

City Attorney Barrow stated he will do his best to accelerate the issue.

Mayor Howorth stated support for the request.

Councilmember Burton commented on the mobility element and would like the new City Manager to be involved in the matter.

Interim City Manager Jalili suggested the mobility plan should stay on schedule in order to take advantage of grant opportunities.

Mayor Howorth suggested leaving it as scheduled.

Q. RECEIVE AND FILE ITEMS

Mayor Pro Tem Powell asked regarding the reason for the delay of the minutes of the Cultural Arts Commission.

Parks and Recreation Director Mark Leyman reported they have been playing "catch up" on the minutes due to staffing shortages.

A motion was made by Mayor Pro Tem Powell, seconded by Councilmember Burton, to receive and file Items No. 18 and 19, above. The motion passed by the following vote:

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

- 18.** Financial Reports: **14-0147**
Schedule of Demands: March 27, 2014 (Finance Director Moe).
RECEIVE AND FILE

- 19.** Commission Minutes: **14-0189**
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) Cultural Arts Commission Meeting of December 10, 2013
b) Parks and Recreation Commission Meeting of January 27, 2014
c) Library Commission Meeting of February 10, 2014
(Parks and Recreation Director Leyman)
d) Parking & Public Improvements Commission Meeting of March 27, 2014
(Community Development Director Thompson)
RECEIVE AND FILE

R. ADJOURNMENT

At 11:15 PM, the April 15, 2014, City Council Regular Meeting recessed back into Closed Session. At 11:45 PM the April 15, 2014, City Council Regular Meeting was adjourned to the April 22, 2014 Adjourned Regular Meeting (Boards and Commission Interviews) in the Police/Fire Conference Room at 5:00 PM.

Vida Barone
Recording Secretary

Amy Thomas Howorth
Mayor

ATTEST:

Liza Tamura
City Clerk