

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Draft

Tuesday, November 15, 2016

6:00 PM

Regular Meeting

City Council Chambers

City Council Regular Meeting

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

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Mayor D'Errico announced that Councilmember Burton was joining the meeting via teleconference.

A. PLEDGE TO THE FLAG

Councilmember Powell led the Pledge of Allegiance.

B. ROLL CALL

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

C. CEREMONIAL CALENDAR

1. Presentation of Certificates of Recognition to the Winners of the 2016 Manhattan Beach Public Library Bookmark Contest.

PRESENT

Mayor D'Errico introduced Manhattan Beach Children's Librarian, Regina Hernandez, who presented certificates to the winners of the Bookmark Contest, on behalf of the City Council:

2nd Grade - Coco Dallafior, from American Martyrs School

5th Grade - Ava Kim, from Meadows Elementary School

8th Grade - Sulaiman Hussain, from Adams Middle School

9th Grade - Margot Griggs, from Mira Costa High School

2. Presentation of a Proclamation Declaring November 26, 2016 as Small Business Saturday.

PRESENT

Mayor D'Errico introduced Economic Vitality Manager Andy Sywak who invited the small business owners in the audience to the stage. Mayor D'Errico then presented the proclamation to commemorate Saturday, November 26, 2016, as "Small Business Saturday".

D. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

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

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

City Attorney Quinn Barrow announced two changes to the agenda. Item No. 3 Planning Commission Action on a Height Variance Application for the Renovation of the Existing Enclosed Mall within the Manhattan Village Shopping Center located at 3200 to 3288 North Sepulveda Boulevard has been called up for review and thus will not be considered tonight. A public hearing will be scheduled for this item in the future.

City Attorney Barrow further added that Item No. 8 (Settlement Agreement with Swinerton Builders) the recommendation to approve a settlement agreement with Swinerton, should include "and direct the City Manager to execute the agreement".

City Attorney Barrow responded to City Council questions.

Councilmember Burton requested that Item No. 4 (First Reading and Introduction of Ordinance Requiring Riders of Skateboards and Other Wheeled Recreational Devices to Wear a Helmet, Elbow Pads, and Knee Pads at the Skate Park) be pulled from the Consent Calendar.

City Clerk Tamura clarified that votes would be taken orally because of the teleconference.

A motion was made by Councilmember Powell, seconded by Mayor D'Errico, to waive full reading of ordinances and approve the agenda as amended with Item No. 3 being called for review and not being heard tonight, Item No. 4 pulled from the Consent Calendar and considered under Section N. New Business, the last item and Item No. 8 adding "and direct the City Manager to execute the agreement" to the approval. The motion carried by the following vote:

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

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

The following individuals provided announcements:

Kelly Stroman, Executive Director for Downtown Business Association, thanked the City Council for the proclamation for "Small Business Saturday" and also announced the Holiday Open House and Pier Lighting on Wednesday, November 16, 2016, and added that Maria Sharapova will be launching her new line of chocolates at Tabula Rasa Thanksgiving weekend.

Walker Heintz and Camilia Rowshan spoke of the Mira Costa Model United Nations Conference on Saturday, December 3, 2016.

Melissa McCollum, Manhattan Beach Librarian, reported on upcoming Library events.

Councilmember Powell stated that Wednesday, November 16, 2016 is "America's Recycle Day" and November is National Alzheimers Awareness Month as well as Pancreatic Cancer and Lung Cancer Awareness Month.

Councilmember Howorth reminded the community that a Manhattan Beach resident is still missing and she is beset with early onset Alzheimers.

G. CITY MANAGER REPORT

City Manager Mark Danaj invited Economic Vitality Manager Andy Sywak to report on a meeting regarding improvements to relieve traffic congestion at LAX.

City Manager Danaj introduced newly hired Management Analyst George Gabriel from the Management Services Department.

H. CITY ATTORNEY REPORT

City Attorney Quinn Barrow announced that the Superior Court Judge ruled in favor of the City of Manhattan Beach and rule that the City Council complied with all laws in analyzing the project in the Manhattan Village Mall litigation.

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

The following individuals provided public comment:

Chris Cagle presented the South Bay Workforce Investment Board Quarterly Report and summarized the services of the Board.

Steve Packwood spoke about the Manhattan Village Mall, pension funding, storm water and lighting issues.

Bill Victor spoke of Item No. 5 regarding Martin and Chapman, Item No. 8 Swinerton, the expenses for the League of California Cities Conference in September, and the closing of the Library for the art installation.

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

3. Planning Commission Action on a Height Variance Application for the Renovation of the Existing Enclosed Mall within the Manhattan Village Shopping Center located at 3200 to 3288 North Sepulveda Boulevard. (Community Development Director, Lundstedt).

BY ORDER OF THE CHAIR, RECEIVE AND FILE

Taken off calendar. Will be scheduled for a public hearing.

K. CONSENT CALENDAR (APPROVE)

Mayor Pro Tem Lesser noted that the minutes of October 18, 2016, Section O. Other Council Reports, should be changed from "can go to the City's website for links to available conference materials" to say: "great deal of information if you go to the League of California Cities website".

Mayor Pro Tem Lesser also asked City Clerk Liza Tamura to address the Martin and Chapman contract for the record.

City Clerk Tamura reported that the contract with Martin and Chapman is for a Standalone Election with a not-to-exceed dollar amount and would allow the City Manager to negotiate that contract because the City will not know until December 9, 2016, if it will be consolidating with the County for the March 7, 2017, Election. Services and supplies for the nomination period were needed now for the Candidate Handbooks, as the nomination period started November 14, 2016. The Staff report was written to allow the City to go for a Standalone or Consolidated Election.

A motion was made by Mayor Pro Tem Lesser, seconded by Councilmember Powell, to approve the Consent Calendar as amended, with Item No. 4 being moved to the last item of Section N. New Business, to amend Item No. 8 adding "and direct the City Manager to execute the agreement" to the approval, and Item No. 11 City Council Minutes of October 18, 2016, Section O. Other Council Reports, changing "can go to the City's website for links to available conference materials" to say: "great deal of information if you go to the League of California Cities website". The motion carried by the following vote:

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

- 4.** First Reading and Introduction of Ordinance Requiring Riders of Skateboards and Other Wheeled Recreational Devices to Wear a Helmet, Elbow Pads, and Knee Pads at the Skate Park (Parks and Recreation Director Leyman).

INTRODUCE ORDINANCE NO. 16-0033

This item was removed from the Consent Calendar and heard later as the last item under Section N. New Business.

- 5.** Approve Agreement with Martin & Chapman in the Amount Not-to-Exceed \$76,000 for Election Services Related to the Tuesday, March 7, 2017 General Municipal Election (City Clerk Tamura).

APPROVE

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

6. Second Reading of Ordinance to Authorize an Amendment to the Contract Between the Board of Administration of the California Public Employees' Retirement System and the City of Manhattan Beach to Allow Police Officers and Fire Fighters to Share the Cost of Employer Contributions on a Pre-Tax Basis. (Human Resources Director Zadroga-Haase).

ADOPT ORDINANCE NO. 16-0006

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

7. Approve Contract Amendment No.1 for Additional Services Not-to-Exceed \$10,000 with Messina and Associates for Team Building, Career Counseling, and Succession Planning Development (Fire Chief Espinosa).

APPROVE

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

8. Settlement Agreement with Swinerton Builders, Tri State Inc dba Journey Electrical Technologies (Journey), and Golden Eagle Insurance Company (Kumar) (Public Works Director Katsouleas).

APPROVE

The recommendation for this Item was approved on the Consent Calendar as amended, with the recommendation to approve a settlement agreement with Swinerton, including "and direct the City Manager to execute the agreement".

9. Consideration of Ordinance to Amend Titles 5, and 9 and to Adopt the Most Recent California Building Standards Code and City Amendments to the following Codes: 2016 California Building Code, 2016 California Residential Code, 2016 California Electrical code, 2016 California Plumbing Code, 2016 California Green Building Standards Code, 2016 California Energy Code, 2016 California Mechanical Code, 2016 California Existing Building Code and City Amendments (Community Development Director Lundstedt).

INTRODUCE ORDINANCE NO. 16-0032 AND SET THE PUBLIC HEARING

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

10. Financial Report:
a) Schedule of Demands: October 13, 2016
b) Investment Portfolio for the Month Ending September 30, 2016
c) Month End Report for September 30, 2016
(Finance Director Moe).

ACCEPT REPORT AND DEMANDS

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

11. City Council Minutes:

This Item Contains Minutes of the following City Council Meeting:

- a) City Council Regular Meeting Minutes of October 18, 2016 (Continued from the November 1, 2016 City Council Meeting)
- b) City Council Adjourned Regular Meeting - Closed Session Minutes of October 27, 2016
- c) City Council Regular Meeting Minutes of November 1, 2016 (City Clerk Tamura).

APPROVE

The recommendation for this Item was approved on the Consent Calendar as amended under Section O. Other Council Reports, changing "can go to the City's website for links to available conference materials" to say "great deal of information if you go to the League of California Cities website".

L. PUBLIC HEARINGS (2 MINUTES PER PERSON)

- 12.** Second Reading of Ordinance Adopting the 2016 California Fire Code with Certain Local Amendments, Deletions and Additions; Resolution Setting Forth Findings for Local Amendments (Fire Chief Espinosa).
ADOPT ORDINANCE NO. 16-0021 AND ADOPT RESOLUTION NO. 16-0076

Mayor D'Errico introduced Fire Chief Bob Espinosa who provided the Staff presentation.

Fire Chief Espinosa responded to City Council questions.

Mayor D'Errico opened the floor to public comment.

Seeing no requests to speak, Mayor D'Errico closed the floor to public comment.

City Attorney Quinn Barrow read the title of Ordinance No. 16-0021 into the record: An Ordinance of the City of Manhattan Beach adopting by reference the 2016 edition of the California Fire Code, with certain amendments, deletions, and additions, and amending Title 3 of the Manhattan Beach Municipal Code.

A motion was made by Councilmember Powell, seconded by Councilmember Howorth, to adopt Ordinance No. 16-0021 and Resolution No. 16-0076. The motion carried by the following vote:

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

M. OLD BUSINESS

None.

N. NEW BUSINESS

13. Fiscal Year 2016-2017 First Quarter Budget Status Report (Finance Director Moe).

RECEIVE REPORT

Mayor D'Errico introduced Finance Director Bruce Moe who summarized the item and introduced Finance Analyst Libby Bretthauer who provided the PowerPoint Presentation.

Finance Director Moe and Finance Analyst Bretthauer responded to City Council questions.

Mayor D'Errico opened the floor to public comment.

Seeing no requests to speak, Mayor D'Errico closed the floor to public comment.

A motion was made by Councilmember Howorth, seconded by Mayor Pro Tem Lesser, to receive the report for Fiscal Year 2016-2017 First Quarter Status Report. The motion carried by the following vote:

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

At 7:17 PM City Council recessed and reconvened at 7:27 PM with all Councilmembers present including Councilmember Burton via teleconference.

14. Food Waste Recycling Program Update (Public Works Director Katsouleas).

RECEIVE AND FILE

Mayor D'Errico introduced Public Works Senior Management Analyst Anna Luke-Jones who presented Waste Management Public Sector Recycling Coordinator Ariel Bernard.

Senior Management Analyst Luke-Jones and Waste Management Public Sector Recycling Coordinator Bernard responded to City Council questions.

Mayor D'Errico opened the floor to public comment.

The following individual provided public comment:

Craig Cadwallader spoke of finding options to using plastic bags in the food waste recycling.

Seeing no further requests to speak, Mayor D'Errico closed the floor to public comment.

A motion was made by Mayor Pro Tem Lesser, seconded by Councilmember Howorth, to return in six months with a fuller briefing on other alternatives to increase the number of residents that participate in the Food Recycling Program and specifically to better understand other jurisdictions and how they have approached food waste. If it is a dedicated trash can, to better understand that option and how it works in advance of the waste contract renewal. The motion carried by the following vote:

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

4. First Reading and Introduction of Ordinance Requiring Riders of Skateboards and Other Wheeled Recreational Devices to Wear a Helmet, Elbow Pads, and Knee Pads at the Skate Park (Parks and Recreation Director Leyman).

INTRODUCE ORDINANCE NO. 16-0033

Mayor D'Errico introduced City Attorney Quinn Barrow who provided a brief overview of the item.

City Attorney Barrow and Parks and Recreation Director Leyman responded to City Council questions.

Mayor D'Errico opened the floor to public comment.

Seeing no requests to speak, Mayor D'Errico closed the floor to public comment.

City Attorney Barrow read the title of Ordinance No. 16-0033 into the record: An ordinance of the City of Manhattan Beach amending Manhattan Beach Municipal Code Section 12.48.050 (Conduct in Parks) and adding a new Section 12.48. (Beaches, Parks and Recreation).

A motion was made by Councilmember Howorth, seconded by Councilmember Powell, to introduce Ordinance No. 16-0033 which requires riders of skateboards and other wheeled recreational devices to wear a helmet, elbow pads, and knee pads at the Skate Park. The motion carried by the following vote:

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

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

Mayor Pro Tem Lesser attended the LAX transportation meeting and commented on the passage of Measure M. He further stated that he attended an Earthquake Preparedness Conference along with Councilmember Powell, Fire Chief Bob Espinosa and Battalion Chief Scott Hafdel and noted the focus of the discussions. In conclusion, he reported attending a tour of Northrop Gruman with an overview of what they do in the South Bay. Mayor Pro Tem Lesser emphasized the technological developments that have occurred in Manhattan Beach.

Councilmember Powell echoed Mayor Pro Tem Lesser's comments on the Earthquake Preparedness Conference.

Under "Other Council Business" Councilmember Powell commented on the number of absences of some Commissioners and stated that its his understanding that they have missed the maximum number of meetings allowed. He requested that the City Clerk check the accumulated absences over the last year and report back to the City Council to see if action needs to be taken.

P. FORECAST AGENDA AND FUTURE DISCUSSION ITEMS**15. Agenda Forecast (City Clerk Tamura).
DISCUSS AND PROVIDE DIRECTION**

Mayor Pro Tem Lesser requested under Future Agenda Items #3 on January 3, 2017, the topic of "Veterans Parkway Preliminary Design Presentation" to add a discussion about the parkway and tree maintenance practices and the other Councilmembers concurred.

Mayor Pro Tem Lesser further requested that as a Future Agenda Item he would like to discuss a review of potential zoning changes related to Medical Office Buildings and Urgent Care Facilities. He would like staff to review the current code and data on what types of applications are being received, as well as types of facilities that are being built and a staff recommendation. The other Councilmembers concurred.

Q. INFORMATIONAL ITEMS**16. Commission Minutes:**

This Item Contains Minutes of the following City Commission Meetings:

- a) Parks and Recreation Commission Meeting Minutes of July 25, 2016 (Parks and Recreation Director Leyman)
- b) Finance Subcommittee Meeting Minutes of September 15, 2016 (Finance Director Moe)
- c) Parks and Recreation Commission Meeting Minutes of September 19, 2016 (Parks and Recreation Director Leyman)
- d) Planning Commission Meeting Action Minutes of October 26, 2016 (Community Development Director Lundstedt)
- e) Finance Subcommittee Meeting Minutes of November 4, 2016 (Finance Director Moe)

INFORMATION ITEM ONLY

By order of the Chair this item was received.

R. CLOSED SESSION**S. ADJOURNMENT**

At 8:15 PM Mayor D'Errico adjourned the November 14, 2016, City Council Meeting to a Closed Session Meeting on Thursday, November 17, 2016, at 1 PM in the City Council Chambers in said City.

Martha Alvarez
Recording Secretary

Tony D'Errico
Mayor

ATTEST:

Liza Tamura
City Clerk