

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Tuesday, April 4, 2017

6:00 PM

Regular Meeting

City Council Chambers

City Council Regular Meeting

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

Reorganization
Mayor David J. Lesser
Mayor Pro Tem Amy Howorth
Councilmember Steve Napolitano
Councilmember Nancy Hersman
Councilmember Richard Montgomery

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A. PLEDGE TO THE FLAG

Akash Mishra, Pennekamp Elementary School, led the Pledge of Allegiance.

B. ROLL CALL

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

C. CEREMONIAL CALENDAR

None.

D. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

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

E. REORGANIZATION

1. Resolution Citing the Facts of the March 7, 2017, General Municipal Election (City Clerk Tamura).

[RES 17-0035](#)

ADOPT

Mayor Lesser introduced the item.

City Clerk Liza Tamura provided brief presentation regarding the item.

Motion by Councilmember Burton, seconded by Councilmember Powell, to adopt Resolution No. 17-0035, citing the facts of the March 7, 2017, General Municipal Election. The motion was carried by the following vote:

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

2. City Council Minutes: [17-0101](#)
This Item Contains Minutes of the following City Council Meeting:
City Council Regular Meeting Minutes of March 21, 2017
(City Clerk Tamura).

APPROVE

Mayor Lesser introduced the item.

Motion by Mayor Pro Tem Howorth, seconded by Councilmember Burton, to approve the City Council Regular Meeting Minutes of March 21, 2017. The motion carried by the following vote:

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

3. City Council Reorganization: [17-0146](#)
a) Recognition of Outgoing City Councilmembers Powell, Burton and D'Errico.
b) Introduction of Newly Elected City Councilmembers Napolitan Hersman and Montgomery.
c) Introduction of Re-Elected City Treasurer Lilligr
(City Clerk Tamura).

PRESENT, INTRODUCE

Mayor Lesser and Mayor Pro Tem Howorth made brief comments and presented the outgoing Councilmembers; Wayne Powell, Mark Burton and Tony D'Errico with plaques, commendations, certificates of recognition and gifts of appreciation for their time and commitment as Mayor's and Councilmembers.

4th District Board of Supervisors for the County of Los Angeles Janice Hahn presented certificates of recognition to the outgoing Councilmembers and newly elected Councilmembers.

City of Hermosa Beach Mayor Pro Tem Jeff Duclos, Councilmember Stacey Armato, Councilmember Carolyn Petty and Councilmember Hany Fangary presented the outgoing Councilmembers with proclamations of appreciation for their services.

Manhattan Beach Fire Association Representatives; Firefighter/Paramedic Rudy Mejia, Engineer/Paramedic Brian Yount and Fire Captain/Paramedic Tim O'Brien presented the outgoing Councilmembers with plaques of recognition for their services.

Mayor Lesser announced that the City has also received certificates from the following government organizations recognizing and thanking the outgoing Councilmembers for their years of service; City of Lawndale, City of Rancho Palos Verdes, State Senator Ben Allen, City of Torrance, City of Rolling Hills, California State Congressman Ted Lieu and City of Redondo Beach.

Councilmember Powell, Councilmember Burton and Councilmember D'Errico made brief comments thanking their families, residents and staff.

Mayor Lesser introduced the Honorable Judge Joyce Fahey.

Honorable Judge Fahey issued the Oath of Office to newly elected Councilmembers Napolitano, Hersman and Montgomery and re-elected City Treasurer Lilligren.

City Treasurer Lilligren and Councilmembers Napolitano, Hersman and Montgomery made brief comments thanking their families and the residents.

F. RECESS AND RECONVENE

At 7:02 PM City Council recessed and reconvened at 7:18 PM with all Councilmembers present.

G. ROLL CALL

Present: 5 - Mayor Lesser, Mayor Pro Tem Howorth, Councilmember Napolitano, Councilmember Hersman and Councilmember Montgomery

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

Mayor Lesser introduced the item.

Councilmember Napolitano requested to remove Agenda Item No. 7 - Resolution Awarding Professional Services Agreement to Lance, Soll & Lunghard, LLP to Perform Financial Auditing for the City for Fiscal Years 2016-2017 and 2017-2018 and Agenda Item No. 11 - Resolution Awarding a Three Year Contract to American Solutions for Parks and Recreation Activity Guide Printing Services with an Estimated Annual Value of \$62,300 to be heard out of Consent.

City Attorney Quinn Barrow responded to City Council questions.

Items were moved to be presented after Agenda Item No. 15 - Approval of City Council Assignments.

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

Aye: 5 - Lesser, Howorth, Napolitano, Hersman and Montgomery

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

Melissa McCollum, Manager of the Manhattan Beach Library congratulated the newly elected Councilmembers and announced that the library is featuring Bicycle Diaries by David Byrne for this year's Beach Cities Read in partnership with the neighboring cities public libraries; Redondo Beach, Hermosa Beach and Torrance from April 15 - May 15, 2017. The big event for the Manhattan Beach Public Library is the "Bike Rally and Birthday Party" and celebrating the library's second year in the new building the event is taking place Saturday, April 29, 2017 from 2:00 PM - 4:00 PM.

Mayor Pro Tem Howorth donated her copy of the Bicycle Diaries book to the Manhattan Beach Public Library.

Mark Lipps, President/CEO of the Manhattan Beach Chamber of Commerce announced that the Manhattan Beach and El Segundo Chamber of Commerce will be having a free seminar titled "Knock Out Marketing!" on Thursday, April 6, 2017 from 10:30 AM - 12:00 PM at the Manhattan Beach Public Library.

Phil Friedel, Senior Vice President of JLL welcomed the newly elected Councilmembers and thanked the outgoing Councilmembers for their time. He stated that he is looking forward to working with the new Council in the continuation of the remodeling for the Manhattan Village Mall.

Mayor Lesser announced that he will be having a Mayoral Community Meeting open to the public to discuss a number of ideas that residents would like to raise and have an open dialogue with the Mayor. The meeting will take place on Saturday, April 15, 2017 at 10:00 AM in the Police/Fire Community Room.

J. CITY MANAGER REPORT

None.

K. CITY ATTORNEY REPORT

None.

L. 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)

Mayor Lesser introduced the item and gave a brief statement regarding Agenda Item No. 4 - Planning Commission Approval of Master Use Permit for the Gelson's Market, public is welcome to address City Council, but Councilmembers cannot discuss this item at the moment.

City Attorney Quinn Barrow explained that the Gelson's project is on the agenda to alert the Public and City Council of the Planning Commission's decision and provide an opportunity for the public to appeal the Planning Commission's decision. For this particular item the deadline to appeal is April 11, 2017, Councilmembers cannot comment or respond to questions in regards to the merits of the Gelson's project.

Robert Bush spoke about the March 7, 2017 elections and is opposed to the Gelson's project.

Alan Bloom spoke about the nighttime construction hours at the Manhattan Village Mall and requesting for notification from the construction company or developer with hours of construction and contact phone numbers to the residents in the surrounding area of the mall.

Mike Don from the Bike Coalition congratulated the newly elected Councilmembers, spoke about the new bike lane on Rosecrans Avenue and encouraged City Council to use bicycles throughout the City.

Mark Lipps provided an update regarding the Manhattan Beach Chamber of Commerce and the various events that the Chamber of Commerce will be having in the near future.

Don McPherson is requesting for compliance in regards to the Gelson's project and encourages the City Council to appeal the Planning Commissions decision.

Sharon Bush is opposed to the Gelson's project due to add-on traffic and decrease of safety for the residents surrounding the proposed area for Gelson's.

Tom Troy is opposed to the Gelson's project and spoke about the appeal process for City Council regarding the Gelson's project.

Dennis May is opposed to the Gelson's project due to on-site parking issues and various parking codes and is in support of an appeal to the project.

Jan Mills is opposed to the Gelson's project and spoke about the traffic reports surrounding the area and how this project will have an impact on the traffic situation.

Tom Hastings is opposed to the Gelson's project and spoke about how this project will affect the speed limit and right turn lane as it stands now near the project area.

Bill Victor spoke about the night time construction hours for the Manhattan Village Mall and is opposed to the Gelson's project.

Jim Lee is opposed to the Gelson's project due to the store being surrounded by a residential area and how that affects the residents.

Patti Brown is opposed to the Gelson's project and spoke about the Planning Commissions approval allowing the reuse of the abandoned pole sign.

Gary Troop is opposed to the Gelson's project and spoke about traffic and inadequacy of parking on the analysis.

Scott Yanofsky is opposed to the Gelson's project and spoke about building Gelson's in a smaller scale.

Barry Fisher asked City Council to appeal/review the Planning Commissions decision regarding Gelson's project and spoke about the parking variance of the proposed project compared to other local businesses in the area. Presented petitions but did not provide a copy to the City Clerk (for the record).

Mayor Lesser asked for clarification about the notifications to the residents surrounding the Manhattan Village Mall about nighttime construction hours and asked for a report during the City Manager's Report how can members of the public find out about the various construction hours regarding the Manhattan Village Mall.

City Manager Mark Danaj responded to City Clerk questions.

Mayor Lesser asked City Attorney Barrow to remind everyone what is the City Council's role regarding Agenda Item No. 4 - Planning Commission Approval of Master Use Permit for the Gelson's Market and inquired about the options that City Council and/or the public has in order to appeal the item.

City Attorney Barrow responded to Mayor Lesser's inquiry and stated that any member of the public may appeal the Planning Commission's decision by filing an appeal with the City Clerk's Office on or before April 11, 2017. Any individual Councilmember may "call the decision up for review" and such review will be a de novo hearing. The deadline for each Councilmember is April 11, 2017.

Councilmember Napolitano, Mayor Pro Tem Howorth and Councilmember Montgomery inquired about the approval and process for outreach to the community before the nighttime construction hours are approved for the Manhattan Village Mall project.

City Manager Danaj responded to City Council questions.

Mayor Lesser asked for a report back under City Manager's Report regarding the questions that were raised by City Council regarding the construction hours for the Manhattan Village Mall project.

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

4. Planning Commission Approval of Master Use Permit for the Gelson's Market and Bank Project at 707 North Sepulveda Boulevard; and Mitigated Negative Declaration (Paragon Commercial Group) (Interim Community Development Director McIntosh). [17-0050](#)

BY ORDER OF THE CHAIR, RECEIVE AND FILE

Mayor Lesser introduced the item and asked City Attorney Quinn Barrow if a written request for review had been received by the City.

City Attorney Quinn Barrow confirmed that the City Clerk's Office has not received any written request for review from a Councilmember but that he did receive a call from an Attorney stating that he would be submitting an appeal to the City the next business day, April 5, 2017.

Councilmember Napolitano submitted a written request for review of the Planning Commission's decision.

City Attorney Barrow clarified that the proper form would need to be submitted to the City Clerk's Office on or before April 11, 2017.

Councilmember Hersman asked for clarification from City Attorney Barrow if the process for a request for review from a Councilmember versus an appeal is different.

City Attorney Barrow provided clarification that the actual process in both a City Council review and an appeal from the public would be the same; there would be a hearing de novo and City Council would look at all the evidence presented during the City Council public hearing.

N. CONSENT CALENDAR (APPROVE)

A motion was made by City Councilmember Hersman, seconded by City Councilmember Montgomery, to approve the Consent Calendar Item Nos. 5 -14 as amended and moving Item No. 7 - Engineer's Report for Annual Street Lighting and Landscaping Assessment from the Consent Calendar and Item No. 11 - Parks and Recreation Activity Guide Printing to Q. New Business after Item No. 15 - City Council Assignments. The motion carried by the following vote:

Aye: 5 - Lesser, Howorth, Napolitano, Hersman and Montgomery

5. Resolution Awarding a Construction Contract to Wright Construction Engineering Corporation for the Laurel Avenue Storm Drain Catch Basin Replacement Project for \$105,541.16 (Public Works Director Katsouleas). [RES 17-0028](#)

APPROVE; ADOPT RESOLUTION

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

6. Resolution Awarding Professional Services Agreement to Lance, Soll & Lunghard, LLP to Perform Financial Auditing for the City for Fiscal Years 2016-2017 and 2017-2018 (Finance Director Moe). [RES 17-0029](#)

APPROVE; ADOPT RESOLUTION

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

7. Resolution Ordering Plans, Specifications, Cost Estimates and Engineer's Report for Annual Street Lighting and Landscaping Assessments (Finance Director Moe). [RES 17-0030](#)

ADOPT RESOLUTION

The item was moved to the last item in Section Q. New Business.

8. Receive and File the Completed Manhattan Beach Sewer System Management Plan (SSMP) Update as Required by the State Water Resources Control Board (SWRCB) Order No. 2006.0003 (Public Works Director Katsouleas). [17-0112](#)

APPROVE

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

9. Resolution Authorizing the City Manager to Execute a Professional Services Agreement with ValveTek Utility Services, Inc. for \$81,844 for Flushing and Disinfection Services of 30 Miles of the City's Potable Water System (Public Works Director Katsouleas). [RES 17-0039](#)

APPROVE; ADOPT RESOLUTION

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

10. Update on Emergency Action Taken by the City Manager regarding the Repair, Replacement and Installation of Equipment at the 23rd Street and Peck Avenue Stormwater Pump Station, and Approval for Continuation of the Emergency Work (Public Works Director Katsouleas). [17-0149](#)

APPROVE

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

11. Resolution Awarding a Three Year Contract to American Solutions for Parks and Recreation Activity Guide Printing Services with an Estimated Annual Value of \$62,300 (Parks & Recreation Director Leyman). [RES 17-0032](#)

ADOPT RESOLUTION

The item was moved to the last item in Section Q. New Business.

12. Formally Accept the Live Oak Park Tennis Office Communication Project as Complete, and Authorize Filing of the Notice of Completion and Release of Retention in the Amount of \$2,450 (Public Works Director Katsouleas). [17-0129](#)

APPROVE

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

13. Resolution to Approve Change Order #2 to Miramontes Construction Company Inc. for \$267,475 for Additional Sewer Line Rehabilitation Work and a Supplemental Appropriation of \$60,000 from Sewer Fund Reserve (Public Works Director Katsouleas). [RES 17-0048](#)

ADOPT RESOLUTION AND APPROVE APPROPRIATION

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

14. Financial Report: [17-0105](#)
a) Schedule of Demands: March 2, 2017
b) Investment Portfolio for the Month Ending February 28, 2017
c) Month End Report for February 28, 2017
(Finance Director Moe).

ACCEPT REPORT AND DEMANDS

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

O. PUBLIC HEARINGS (2 MINUTES PER PERSON)

None.

P. OLD BUSINESS

None.

Q. NEW BUSINESS

15. Approval of City Council Assignments (Mayor Lesser). [17-0137](#)
DISCUSS AND APPROVE

Mayor Lesser introduced the item and led the discussion regarding City Council Assignments.

Councilmember Napolitano recommended that the "Edison/Undergrounding Subcommittee" to be called, "Utilities Subcommittee".

A motion was made by Councilmember Montgomery, seconded by Councilmember Hersman, to approve the City Council Assignments. A friendly amendment, accepted by the maker, changing "Edison/Undergrounding Subcommittee" to "Utilities Subcommittee". The motion carried by the following vote:

Aye: 5 - Lesser, Howorth, Napolitano, Hersman and Montgomery

7. Resolution Ordering Plans, Specifications, Cost Estimates and Engineer's Report for Annual Street Lighting and Landscaping Assessments (Finance Director Moe).

[RES 17-0030](#)

ADOPT RESOLUTION

This item was removed from the Consent Calendar to be heard after Item No. 15.

Mayor Lesser introduced the item.

Councilmember Napolitano requested for a detail look and a line item of the costs involved with the annual street lighting and landscaping assessment.

Mayor Pro Tem Howorth also requested to have the same information but going back a few years to see the patterns and changes.

Finance Director Bruce Moe responded to City Council questions and the details would be provided during the May 4, 2017 Budget Study Session.

A motion was made by City Councilmember Montgomery, seconded by City Councilmember Napolitano, for staff to provide a report to City Council at the May 4, 2017 Budget Study Session including a line item of the costs involved with the annual street lighting and landscaping assessment as well as a look back at the costs for previous years. The motion carried by the following vote:

Aye: 5 - Lesser, Howorth, Napolitano, Hersman and Montgomery

11. Resolution Awarding a Three Year Contract to American Solutions for Parks and Recreation Activity Guide Printing Services with an Estimated Annual Value of \$62,300 (Parks & Recreation Director Leyman).

[RES 17-0032](#)

ADOPT RESOLUTION

This item was removed from the Consent Calendar to be heard after Item No. 15.

Mayor Lesser introduced the item.

Councilmember Napolitano inquired about the need of the printing services as opposed to electronic format for the Parks and Recreation Activity Guide (ie. Manhappenings) in order to reduce the costs.

Parks and Recreation Director Mark Leyman and City Manager Mark Danaj responded to City Council questions and stated that questions about printing documents for Parks and Recreation as a public outreach would be included as part of the Community Survey.

Mayor Lesser opened the floor to public comment.

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

A motion was made by City Councilmember Montgomery, seconded by Mayor Pro Tem Howorth, to adopt the resolution as amended, for staff to look at printing alternatives with the possibility of decreasing the number of printouts. The motion carried by the following vote:

Aye: 5 - Lesser, Howorth, Napolitano, Hersman and Montgomery

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

None.

S. FORECAST AGENDA AND FUTURE DISCUSSION ITEMS

16. Agenda Forecast (City Clerk Tamura). DISCUSS AND PROVIDE DIRECTION

[17-0153](#)

Mayor Lesser introduced the item, described the process of the Agenda Forecast and City Council's requests and discussed the potential challenges of scheduling meetings with the workload ahead.

Councilmember Hersman inquired about the dates for the Budget Study Sessions and the City Council Retreat.

City Manager Mark Danaj and Assistant City Manager Nadine Nader responded to City Council questions and stated that City Clerk Liza Tamura would be sending Councilmembers an email with the various meeting dates.

T. INFORMATIONAL ITEMS

17. Commission Minutes: Planning Commission Action Meeting Minutes of March 22, 2017 (Interim Community Development Director McIntosh). INFORMATION ITEM ONLY

[17-0152](#)

By order of the Chair, this item was received and filed.

U. CLOSED SESSION

None.

V. ADJOURNMENT

At 8:48 PM Mayor Lesser adjourned the April 4, 2017, Regular City Council Meeting to the April 10, 2017, Adjourned Regular Meeting at 4:30 PM in the Police/Fire Community Room in said City.

Martha Alvarez
Recording Secretary

David Lesser
Mayor

ATTEST:

Liza Tamura
City Clerk