City of Manhattan Beach

1400 Highland Avenue Manhattan Beach, CA 90266



Meeting Minutes - Draft

Tuesday, April 18, 2017 6:00 PM

Regular Meeting

City Council Chambers

City Council Regular Meeting

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

Mayor Lesser led the Pledge of Allegiance.

B. ROLL CALL

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

C. CEREMONIAL CALENDAR

 Presentation of Proclamations for the Month of May 2017: "Older Americans Month", "May 14-20 as National Peace Officers Memorial Week," "May 13 as National Fire Service Recognition Day," "May 7-13 as National Municipal Clerks Week," and "May 21-27 as National Public Works Week". 17-0157

PRESENT

Mayor Lesser introduced the item.

Acting City Manager Bruce Moe introduced the following Department Heads whom were presented with the following proclamations for the month of May.

Parks and Recreation Director Mark Leyman received the Older Americans Month Proclamation on behalf of the Older Adults for the City of Manhattan Beach.

Police Chief Eve Irvine received the National Peace Officers Memorial Week Proclamation on behalf of the Police Department of the City of Manhattan Beach.

Police Chief Irvine on behalf of Fire Chief Robert Espinosa received the National Fire Services Recognition Day Proclamation on behalf of the Fire Department for the City of Manhattan Beach.

City Clerk Liza Tamura received the National Municipal Clerks Week Proclamation on behalf of the City Clerk's Office for the City of Manhattan Beach.

Public Works Director Stephanie Katsouleas received the National Public Works Week Proclamation on behalf of the Public Works Department for the City of Manhattan Beach.

D. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

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

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

Mayor Lesser introduced the item.

Councilmember Montgomery requested to remove, from the Consent Calendar, Agenda Item No. 7-Resolution Authorizing Application to the Director of Industrial Relation, State of California, for a Certificate of Consent to Self-Insure Workers' Compensation Liabilities.

A motion was made by Mayor Pro Tem Howorth, seconded by City Councilmember Hersman, to approve the agenda and waive full reading of ordinances without the inclusion of the agenda items on the Consent Calendar. The motion carried by the following vote:

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

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

No Community Organization Announcements.

Councilmember Montgomery spoke about the books received from Metro, "How is Metro Measuring Up?" and "The Transportation of Revolution is Here" and handed books to City Clerk Liza Tamura for the record. He also commented that Metro has not met their deadlines as stated in their books.

G. CITY MANAGER REPORT

Mayor Lesser introduced the item.

Assistant City Manager Nadine Nader introduced new Community Development Director Anne McIntosh.

Community Development Director McIntosh provided a summary report on the night time construction hours for the Manhattan Village Mall along with the process for the Community Development Director to approve hours as detailed by City Council at a previous meeting.

Assistant City Manager Nader introduced Parks and Recreation Director Mark Leyman.

Parks and Recreation Director Leyman spoke about the 25th Annual Earth Day eventon Saturday, April 22, 2017.

H. CITY ATTORNEY REPORT

Mayor Lesser introduced the item.

City Attorney Quinn Barrow announced that later in the night during the agenda review process he would like to bring up the issue of meeting management including appeals and City Council review and although the meeting management is scheduled for the City Council Retreat he suggested that maybe the City Council would like to agendize the item.

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)

Mayor Lesser introduced the item.

Kelly Stroman the Executive Director from the Downtown Manhattan Beach spoke about the Annual Spring Sidewalk Sale which starts April 21 - April 23, 2017.

Barry Fisher spoke about Paragon's project (Gelson's) regarding parking.

J. PLANNING COMMISSION QUASI-JUDICIAL DECISIONS

City Attorney Quinn Barrow stated that an appeal had been received by the City Clerk's Office on the downtown Skecher's project and a public hearing on the matter will take place sometime in June at a later date.

K. CONSENT CALENDAR (APPROVE)

Mayor Lesser introduced the item.

Councilmember Montgomery requested to pull Agenda Item No. 7.

Councilmember Napolitano requested to pull Agenda Item No. 8.

Mayor Lesser clarified that the pulled items from Consent would follow the last item under New Business.

A motion was made by City Councilmember Hersman, seconded by Mayor Pro Tem Howorth, to approve the Consent Calendar, Agenda Item Nos. 2-6 as amended and moving Agenda Item No. 7 - Resolution Authorizing Application to the Director of Industrial Relation, State of California, for a Certificate of Consent to Self-Insure Workers' Compensation Liabilities and Agenda Item No. 8 - Resolution Approving Contract Amendment No.1 to the Agreement with McGowan Consulting, LLC for Professional Services to be heard under N. New Business after Agenda Item No. 11 - Consider Request to Support Assembly Bill No. 994. The motion carried by the following vote:

2. City Council Minutes:

17-0155

This Item Contains Minutes of the following City Council Meeting: City Council Regular Meeting Minutes of April 4, 2017 (City Clerk Tamura).

APPROVE

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

3. Financial Report:

17-0142

Schedules of Demands: March 16, 2017 (Finance Director Moe).

ACCEPT REPORT AND DEMANDS

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

4. 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). <u>17-0169</u>

APPROVE

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

5. Formally Accept as Complete the Community Development Block Grant (CDBG) Curb Ramps Construction Project Constructed by Kalban, Inc.; Authorize Filing a Notice of Completion with the County Recorder; and Release the Retention in the Amount of \$12,680.73 (Public Works Director Katsouleas).

<u>17-0134</u>

APPROVE

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

6. Formally Accept as Complete the Parking Structure Lot No. 2
Concrete Topping Slab Project Constructed by Slater Waterproofing,
Inc.; Authorize Filing a Notice of Completion with the County Recorder;
and Release the Retention in the Amount of \$16,280 (Public Works
Director Katsouleas).

<u>17-0138</u>

APPROVE

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

7. Resolution Authorizing Application to the Director of Industrial Relation, State of California, for a Certificate of Consent to Self-Insure Workers' Compensation Liabilities (Human Resources Director Zadroga-Haase).

RES 17-0043

ADOPT RESOLUTION APPROVING APPLICATION

The item was moved to be heard after Item No. 11 in Section N. New Business.

8. Resolution Approving Contract Amendment No. 1 to the Agreement with McGowan Consulting, LLC for Professional Services the Following: a) \$64,670 to Assist the City in Meeting its National Pollutant Discharge Elimination System (NPDES) Storm Water Permit Requirements and b) \$80,000 to Assist the Enhanced Watershed Management Group with the Broader/Regional NPDES Permit Requirements, of which \$64,000 will be Reimbursed (Public Works Director Katsouleas).

RES 17-0041

ADOPT RESOLUTION APPROVING THE AMENDMENT

The item was moved to be heard after Item No. 11 and Item No. 7 in Section N. New Business.

L. PUBLIC HEARINGS (2 MINUTES PER PERSON)

None.

M. OLD BUSINESS

9. Ordinance to Require Electronic Filing of Disclosure Statements (City Clerk Tamura).

ORD 17-0005

INTRODUCE ORDINANCE

Mayor Lesser introduced the item.

City Clerk Liza Tamura provided the staff presentation along with Management Analyst George Gabriel.

City Attorney Quinn Barrow and City Clerk Tamura responded to City Council questions.

Management Analyst Gabriel provided additional details that there were some minor typos to consider if the City Council would like to move forward and responded to City Council questions.

Mayor Lesser opened the floor to public comments.

Wayne Powell spoke in favor of the City approving and requiring the electronic filing of disclosure statements and spoke about the March 7, 2017 General Municipal Elections for the City.

Mayor Lesser closed the floor to public comments.

City Attorney Barrow responded to City Council questions.

City Attorney Barrow read the title into the record.

Management Analyst Gabriel clarified the typos for City Council.

A motion was made by Mayor Pro Tem Howorth, seconded by City Councilmember Napolitano, to introduce Ordinance No. 17-0005 an ordinance of the City of Manhattan Beach amending the Manhattan Beach Municipal Code to require electronic filing of campaign statements. The motion carried by the following vote:

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

City Attorney Barrow clarified that it is the first reading for the item and the item would come back on the next agenda for second reading and approval under the Consent Calendar.

N. NEW BUSINESS

Approval of Modernized and Updated Boards and Commissions Handbook and Commission Work Plan Process (City Clerk Tamura, Parks and Recreation Director Leyman, and Community Development Director McIntosh).

<u>17-0176</u>

APPROVE

Mayor Lesser introduced the item.

City Clerk Liza Tamura provided a brief introduction and introduced Management Analyst George Gabriel, Parks and Recreation Director Mark Leyman and Community Development Director Anne McIntosh.

City Clerk Tamura, Management Analyst Gabriel, Parks and Recreation Director Leyman, and Community Development Director McIntosh provided PowerPoint presentation.

Councilmember Napolitano and Councilmember Montgomery inquired about changes to the Handbook on page 1 and page 11.

City Clerk Tamura clarified that the gramattical errors and inconsistencies will be resolved.

Mayor Lesser opened the floor for public comments, seeing none, he closed the floor for public comments.

Mayor Lesser provided layout for City Council's discussion regarding the item.

Interview Process

City Clerk Tamura responded to City Council questions and provided clarification regarding the current interview and appointment process.

A consensus of the City Council agreed that the interview and appointment process should be changed to the previous process where candidates meet with each Councilmember individually for their interviews.

City Clerk Tamura clarified that the Resolution repealing the current interview and appointment process would return on the May 2, 2017 City Council Adjourned Regular Meeting agenda.

A motion was made by Mayor Pro Tem Howorth, seconded by City Councilmember Montgomery, to approve the changes to the current interview and appointment process to a one-on-one interview process between the candidate and the Councilmember as it was previously done and that after the interview, make appointments. Also, for staff to return with a resolution amending the current interview and appointment process to reflect the new interview process. The motion carried by the following vote:

City Attorney Barrow clarified the Resolution and recommended to repeal the current resolution governing the interview and appointment process.

A motion was made by City Councilmember Hersman, seconded by Councilmember Montgomery, to have staff return with a resolution repealing the current interview and appointment Process Resolution. The motion carried by the following vote:

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

Mayor Lesser suggested discussion of the Work Plan Process.

Councilmember Hersman and Mayor Lesser agreed with the suggested plan for Commissions.

Councilmember Napolitano agrees that Commissions should have an opportunity to work with City Council on some of the projects.

A motion was made by City Councilmember Hersman, seconded by Mayor Lesser, to approve the Work Plan process presented by staff in the Boards and Commissions Handbook. The motion carried by the following vote:

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

Boards and Commissions Handbook

City Councilmember requested more clarification under "Communication with Council", second paragraph, "Commissioners are not permitted to speak during City Council meetings on topics that have come before their Commission."

Board of Building Appeals

Councilmember Montgomery and Councilmember Napolitano inquired about the Board of Building Appeals and changing the number from five to three.

Mayor Lesser can understand the need to remove two seats since they rarely meet.

Management Analyst Gabriel and City Attorney Barrow responded to City Council questions and provided clarification.

By direction of the Chair defer the removal of the two seats for the Board of Building Appeals and allow further discussion by City Council at a later meeting.

Historic Preservation Commission

Councilmember Hersman spoke about the approval of the Commission two years ago and would like to have a discussion about the future of the Historic Preservation Commission and the possibility of combining/creating additional seats in the Planning Commission that focus on Historic Preservation.

Councilmember Napolitano concurs with Councilmember Hersman and that City Council should have a future discussion regarding the Historic Preservation Commission.

Mayor Lesser suggested that if the Board of Building Appeals is deferred to a future date for City Council discussion then the Historic Preservation Commission discussion could also be deferred to that time.

By direction of the Chair defer the discussion of the Historic Preservation Commission to allow staff to explore alternatives and options for further discussion by City Council at a later meeting.

Absences

Councilmember Montgomery spoke about absences and recommended the absence policy be amended to reflect three absences instead of four absences.

A motion was made by City Councilmember Montgomery, seconded by City Councilmember Hersman, that the Commissioners are held to a three absences maximum for the twelve month period beginning at their appointment date. The motion carried by the following vote:

Meeting Starting Time for Commissions

Councilmember Napolitano inquired if a motion needs to be made for all Commissions to begin at 6:00 PM similar to City Council meetings.

Mayor Pro Tem Howorth clarified that this particular motion could be part of the approval of the Boards and Commissions Handbook as a whole.

Meeting Date for the Cultural Arts Commission

No objection by City Council.

Student Membership in Commissions

Councilmember Hersman requested clarification on how the process would work for students that are not part of Mira Costa High School in Manhattan Beach and who would be making the decisions on the students that participate.

Parks and Recreation Director Leyman, City Attorney Barrow and Assistant City Manager Nader responded to City Council questions.

Mayor Pro Tem Howorth would not like a limitation on the required student age to participate.

Mayor Lesser inquired about the discussion of these changes with the Mira Costa High School Principal and their role in the selection process.

Councilmember Hersman suggested that the Parks and Recreation student membership should stay as is with Mira Costa High School and allow the other student memberships to be Citywide.

Councilmember Montgomery suggested that it should be open to all schools and just require high school student who lives in Manhattan Beach.

A motion was made by City Councilmember Hersman, seconded by Mayor Lesser that the student membership positions for the Parks and Recreation Commission, Library Commission and Cultural Arts Commission be noticed to the community for any High School student that lives in Manhattan Beach to apply and City Council will interview and appoint. The motion carried by the following vote:

Consolidated Joint Meetings

Mayor Lesser introduced the section for discussion.

Councilmember Napolitano suggested to have an event/reception with all the Commissioners to thank them for their time and contribution to the community.

Mayor Lesser stated that consolidated Joint Meetings are approved by City Council and also suggested having a reception for Commissioners during the Fall.

Councilmember Napolitano suggests to have the dates set sooner rather than later for the Joint Meetings.

Mayor Pro Tem Howorth suggested that once the new Commissioners are appointed to have a reception soon after.

Other Boards and Commissions Handbook Discussions

Mayor Lesser confirmed that there was a consensus from City Council to move forward with the Boards and Commissions Handbook with the revisions mentioned throughout the meeting and how to direct staff on how to move forward.

City Clerk Tamura responded to City Council questions and suggested providing the draft version of the Boards and Commissions Handbook to the newly appointed Commissioners and also explain that the handbook will be returning to City Council for final approval at a later date.

Councilmember Napolitano suggested renaming of the Parking and Public Improvements Commission as well as reviewing the direction and role of the Library Commission going forward.

Mayor Lesser spoke about the defining role of the Library Commission after the new building from the Manhattan Beach Public Library.

City Attorney Barrow and Community Development Director McIntosh responded to City Council questions regarding the Parking and Public Improvements Commission.

Mayor suggested bringing the Parking and Public Improvements Commission discussion to a later meeting.

Mayor Lesser asked from City Council if the Boards and Commissions Handbook to be approved as is or for staff to make the necessary changes and return to City Council.

City Clerk Tamura requested approval from City Council to direct staff to extend the application process and accept more applications.

Mayor Pro Tem Howorth requested a list of all the changes as requested by City Council when the Handbook returns to City Council for final approval.

By order of the Chair it is so directed for staff to return to City Council with a final version of the Boards and Commissions Handbook with all recommended changes made by City Council for approval.

At 7:52 PM City Council recessed and reconvened at 7:58 PM with all Councilmembers present.

11. Consider Request to Support Assembly Bill No. 994 (Muratsuchi) - Authorization for Beach Cities Health District to Use the Design-Build Process (Public Works Director Katsouleas).

17-0184

CONSIDER REQUEST

Mayor Lesser introduced the item.

Public Works Director Stephanie Katsouleas introduced the CEO from Beach Cities Health District Tom Bakaly who provided a brief presentation and responded to City Council questions.

Mayor Lesser opened the floor to public comments.

Wayne Powell is in support for City Council to move forward and support this item.

Mayor Lesser closed the floor to public comments.

Councilmember Napolitano stated that there is no reason why more Cities could not support this item.

A motion was made by City Councilmember Hersman, seconded by City Councilmember Montgomery, to approve the request from the Beach Cities Health District, for a letter from the City Council, in support of Assembly Bill No. 994. The motion carried by the following vote:

7. Resolution Authorizing Application to the Director of Industrial Relation, State of California, for a Certificate of Consent to Self-Insure Workers' Compensation Liabilities (Human Resources Director Zadroga-Haase). RES 17-0043

ADOPT RESOLUTION APPROVING APPLICATION

This item was removed from the Consent Calendar to be heard after Item No. 11.

Mayor Lesser introduced the item.

Councilmember Montgomery requested for the Human Resources Director Teresia Zadroga – Haase to provide a summary of what the implications are for this item.

Human Resources Director Zadroga – Haase responded to Clty Council questions.

Mayor Lesser open the floor for public comments, seeing none he closed the floor for public comments.

City Attorney Quinn Barrow clarified that part of the motion was the adoption of the Resolution.

A motion was made by City Councilmember Montgomery, seconded by Mayor Pro Tem Howorth, to adopt Resolution No. 17-0043 a resolution authorizing the submission of the application to the Director of Industrial Relation for the State of California, for a Certificate of Consent to Self-Insure Workers' Compensation Liabilities. The motion carried by the following vote:

8. Resolution Approving Contract Amendment No. 1 to the Agreement with McGowan Consulting, LLC for Professional Services the Following: a) \$64,670 to Assist the City in Meeting its National Pollutant Discharge Elimination System (NPDES) Storm Water Permit Requirements and b) \$80,000 to Assist the Enhanced Watershed Management Group with the Broader/Regional NPDES Permit Requirements, of which \$64,000 will be Reimbursed (Public Works Director Katsouleas).

RES 17-0041

ADOPT RESOLUTION APPROVING THE AMENDMENT

This item was removed from the Consent Calendar to be heard after Agenda Item No. 11 and Agenda Item No. 7.

Mayor Lesser introduced the item.

Councilmember Napolitano requested for a report to come back to City Council that includes what the future of this project looks like and not just return with an annual report since it is ongoing but for this report to also show how expenses can be reduced.

Public Works Director Stephanie Katsouleas responded to City Council questions.

Mayor Pro Tem Howorth stated that she agrees that City Council would like to receive updates and see how the City is working with other Cities or the County in moving forward.

Mayor Lesser inquired about the next time staff returns to City Council for a public presentation regarding this subject.

Public Works Director Katsouleas responded that it would be sometime in the Summer.

Mayor Lesser open the floor for public comments, seeing none he closed the floor for public comments.

A motion was made by City Councilmember Hersman, seconded by City Councilmember Montgomery, to adopt Resolution No. 17-0041 approving a Amendment No. 1 to the agreement with McGowan Consulting, LLC for Professional Services. The motion carried by the following vote:

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

Mayor Lesser introduced the item.

Mayor Lesser reported that he attended the Metro Mayor's Roundtable and found it valuable to learn about the activities Metro is doing and money available for Measure M. Also reported that he had his Mayoral Community Meeting on April 15, 2017 where he had an open discussion with residents, about 35 people attended the event and thanked staff members that helped make it possible, and stated that he would have another Community Meeting shortly.

P. FORECAST AGENDA AND FUTURE DISCUSSION ITEMS

12. Agenda Forecast (City Clerk Tamura).

17-0166

DISCUSS AND PROVIDE DIRECTION

Councilmember Napolitano inquired about the ceremonial for May 2, 2017.

Mayor Lesser clarified what the intention of the ceremonial is for May 2, 2017 regarding the Manhattan Beach Public Library.

Councilmember Montgomery requested to have as little as possible for the May 2, 2017 agenda and just have the Ceremonial and the Gelson's item.

Councilmember Napolitano requested to have the hard cutoff of 11:00 PM removed for the City Council Regular Meeting of May 2, 2017 and allow everyone an opportunity to speak.

City Clerk Tamura requested clarification, since City Council has extended the application deadline, then the City Council Adjourned Meeting - Boards and Commissions Interviews and Appointments should start earlier to accommodate for additional applicants and suggested 2:00 PM as the starting time.

Councilmember Montgomery requested to discuss the layout of the meeting agenda.

City Attorney Barrow responded that some items can be discussed and taken care of tonight.

City Attorney Barrow provided the following clarification regarding Councilmember Montgomery's request:

-Regarding "D. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING" it is not required for discussion, the item just needs to be noticed on the agenda for certification.

Councilmember Napolitano requested to have this under the "Welcome" statement at the beginning of the agenda and not listed.

Councilmember Napolitano wanted to discuss budget and CIP and would like to include more pedestrian safety projects.

Mayor Lesser suggested for staff to bring back the discussion of pedestrian safety and safe routes for school funding on various items that were presented on the February 7, 2017 - City Council Regular Meeting including the bicycle safety.

City Council agreed to bring back the item with the additional items added for discussion at a future meeting.

Councilmember Napolitano agrees but would like to have some of those items included in the CIP discussion.

Assistant City Manager Nader clarified that the item can be discussed on May 3, 2017 during the City Council Retreat and on May 4, 2017 during Budget Study Session #1.

Mayor Lesser and Councilmember Napolitano requested to add Metro funding, Measure M and other broader opportunities of different programs available to the City that can use for transportation and City Council to discuss as a future agenda item.

Q. INFORMATIONAL ITEMS

13. Commission Minutes:

17-0178

This Item Contains Minutes of the following City Commission Meetings:

- a) Library Commission Meeting Minutes of February 13, 2017 (Parks and Recreation Director Leyman)
- b) Cultural Arts Commission Meeting Minutes of February 14, 2017 (Parks and Recreation Director Leyman)
- c) Parks and Recreation Commission Meeting Minutes of February 27, 2017 (Parks and Recreation Director Leyman)

INFORMATION ITEM ONLY

Councilmember Napolitano inquired as to why the Cultural Arts Commission Meeting Minutes are reflecting the recognition of individuals as a ceremonial item and how City Council should be the only group recognizing individuals or organizations during a City Council Regular Meeting, stating that if someone is deserving of recognition, to contact the City Clerk's Office.

Councilmember Montgomery requested to bring back the recognition of City employees leaving the City at a City Council Regular Meeting.

Mayor Lesser clarified why there were changes to the recognition of employees, however that can be further discussed during the City Council Retreat and Councilmember Napolitano's request regarding Commission ceremonials can be left for discussion during the Joint Commission Meetings scheduled for the month of June 2017

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

R. CLOSED SESSION

None.

S. ADJOURNMENT

At 8:48 PM Mayor Lesser adjourned the meeting.

ATTEST:

Liza Tamura City Clerk Martha Alvarez

David Lesser

Mayor

Recording Secretary