

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Draft

Tuesday, June 6, 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

Luke Fraunces, Pacific Elementary School, 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

1. Presentation of Commendations Recognizing Michael Lynch as Police Officer of the Year and Matt Simkins as Firefighter of the Year. [17-0241](#)

PRESENT

Mayor Lesser and Police Chief Eve Irvine, on behalf of the City Council, presented a commendation recognizing Officer Michael Lynch as Police Officer of the Year.

Mayor Lesser and Fire Chief Robert Espinosa, on behalf of the City Council, presented a commendation recognizing Fireman Matt Simkins as Firefighter of the year.

2. Presentation of Commendations Recognizing Manhattan Beach Police Officers Teresa Manqueros and David Gibbons as Recipients of the 2017 Medal of Valor Life Saving Award. [17-0242](#)

PRESENT

Mayor Lesser and Police Chief Eve Irvine on behalf of the City Council, presented Officers Teresa Manqueros and David Gibbons with commendations as the 2017 Medal of Valor Life Saving Awards.

3. Presentation of Certificates of Recognition from the Automobile Club of Southern California and the California Highway Patrol to Manhattan Beach Police Officers Michael Lynch and Ian Mikelson as Recipients of the 10851 Vehicle Theft Recovery Award.

[17-0243](#)

PRESENT

Mayor Lesser and Police Chief Eve Irvine on behalf of the City Council, presented Officers Michael Lynch and Ian Mikelson with certificates from the Automobile Club of Southern California and the California Highway Patrol as recipients of the 10851 Vehicle Theft Recovery Award.

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

A motion was made by City Councilmember Napolitano, seconded by City Councilmember Hersman, to approve the agenda and waive full reading of ordinances. The motion carried by the following vote:

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

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

Mark Lipps spoke about the Hometown Fair event and the search for musicians for this year's event.

Councilmember Montgomery and Mayor Lesser spoke about the Vista Del Mar construction and traffic.

F. CITY MANAGER REPORT

City Manager Mark Danaj spoke about the Vista Del Mar construction and how information is also available to the public on the City's website.

Parks and Recreation Leyman provided an update on the art installment located outside the Police/Fire Building and announced that the art piece will be complete by the end of next week.

City Manager Danaj spoke about the roundhouse information available on the City's website.

G. CITY ATTORNEY REPORT

None.

H. 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)

Mark Lipps spoke about the North End Art Walk, Chamber of Commerce initiative such as the possibility of the Air Force Base moving to another state and homelessness in the City.

Nellie Ambrose spoke about the Chamber of Commerce Young Entrepreneurs Academy.

Jeff Davis spoke about undergrounding prices that might vary depending on the districts.

Diana Turner spoke in support of the undergrounding project moving forward for the residents safety.

Tom Hastings spoke in opposition to the bank proposal in connection with the Gelson's project.

Kelly Stroman spoke about Skechers request and clarified that the Downtown Business and Professional Association agreed on the weekend dates as proposed for the Six-Man Beach Volleyball Tournament but did not recommended it.

Sharon Bush spoke in opposition regarding Gelson's.

Robert Bush spoke about Gelson's, Manhattan Beach Unified District school board and unfunded pensions.

Mayor Pro Tem Howorth spoke on some of Robert Bush's comments.

Michelle Murphy spoke about the large number of items on the agenda, Six-Man Beach Volleyball Tournament should not take place over the weekend, opposed to Skechers's request, opposed to Gelson's and high expense of undergrounding.

Bob Perkins spoke in opposition about undergrounding.

Chris Cagle, Southbay Workforce Investment Board, distributed the Quarterly Report to the City Council and reported the information available regarding the region.

Eric Gustafson spoke in support of undergrounding and the increase of property value if the undergrounding is approved.

Bill Victor is opposed to undergrounding and the expenses associated with the project moving forward.

Wendy Wood spoke in support of undergrounding due to safety to the residents and asked staff to keep residents informed on how to move forward with undergrounding and requirements.

I. CONSENT CALENDAR (APPROVE)

A motion was made by Mayor Pro Tem Howorth, seconded by City Councilmember Hersman, to approve the Consent Calendar Agenda Item Nos.

4-13. The motion carried by the following vote:

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

4. City Council Minutes: [17-0226](#)

This Item Contains Minutes of the following City Council Meetings:

- a) City Council Regular Meeting Minutes of April 18, 2017
- b) City Council Adjourned Regular Meeting Minutes of May 2, 2017 - Boards and Commissions Interviews and Appointments
- c) City Council Regular Meeting Minutes of May 2, 2017
- d) City Council Adjourned Regular Meeting Minutes of May 3, 2017 - City Council Retreat and Closed Session
- e) City Council Adjourned Regular Meeting Minutes of May 4, 2017 - Budget Study Session #1
- f) City Council Adjourned Regular Meeting (Closed Session) Minutes of May 8, 2017
- g) City Council Adjourned Regular Meeting (Closed Session) Minutes of May 16, 2017
- h) City Council Adjourned Regular Meeting (Closed Session) Minutes of May 18, 2017
- i) City Council Special Meeting (Closed Session) Minutes of May 23, 2017

(City Clerk Tamura).

APPROVE

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

5. Financial Report: [17-0180](#)

- a) Schedule of Demands: April 27, 2017
- b) Investment Portfolio for the Month Ending April 30, 2017
- c) Month End Report for April 30, 2017 (Finance Director Moe).

ACCEPT REPORT AND DEMANDS

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

6. Re-Appointment of Joe Ahn to the South Bay Workforce Investment Board (City Clerk Tamura). [17-0240](#)

APPROVE

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

7. Resolution Approving Two Side Letter Agreements with the Manhattan Beach Firefighters' Association 1) Agreement Related to Temporary Specialty Assignments; and 2) Agreement Related to a Specialty Assignment for Development of the Ambulance Operator Program (Human Resources Director Zadroga-Haase). [RES 17-0076](#)

ADOPT RESOLUTION NO. 17-0076

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

8. Resolution Approving an Agreement with the Independent Cities Risk Management Authority for Amortized Payment of Pooled General Liability Program Assessments (Human Resources Director Zadroga-Haase). [RES 17-0066](#)

ADOPT RESOLUTION NO. 17-0066

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

9. Resolution Approving Addendum No. 1 to the December 2012 Agreement with Kronos Incorporated to Provide Telestaff Workforce Management Software Update, User and Administrator Training, and Project Management Services in the Amount of \$8,571.25 and \$14,971.44 of Annual Maintenance and Service Fees for Three Years (\$23,542.69 Total for Contract Addendum) (Fire Chief Espinosa). [RES 17-0085](#)

ADOPT RESOLUTION NO. 17-0085

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

10. Resolution to Authorize Enrollment in CalWARN, Authorize the City Manager to Sign the 2007 Omnibus Mutual Assistance Agreement, and Appoint the Public Works Director or Assigned Designee as the Representative Emergency Contact (Public Works Director Katsouleas). [RES 17-0081](#)

ADOPT RESOLUTION NO. 17-0081 AUTHORIZING ENROLLMENT AND APPOINT PUBLIC WORKS DIRECTOR AS EMERGENCY CONTACT

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

11. Resolution Awarding Professional Services Agreement to Psomas for \$104,450 for Engineering Design Services for: 1) Street Improvements within Liberty Village, and 2) Along Marine Avenue, Between Aviation Boulevard and Sepulveda Boulevard (Public Works Director Katsouleas). [RES 17-0183](#)

ADOPT RESOLUTION NO. 17-0183

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

12. Resolution Awarding Construction Contract to Palp Inc. dba Excel Paving Company for: 1) the Manhattan Beach Boulevard Pavement Resurfacing Project and Other Right-of-Way Modifications Between Sepulveda Boulevard and Aviation Boulevard, and 2) the Resurfacing of Redondo Avenue, 10th Street, 11th Street and Oak Avenue Project, for \$1,156,427.35 (Public Works Director Katsouleas).

[RES 17-0053](#)

ADOPT RESOLUTION NO. 17-0053

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

13. Resolution Awarding Construction Contract to EBS General Engineering, Inc. for the 3rd Street Improvement Project Between Johnson Street and West End (Cul-de-Sac) for \$172,720.00 (Public Works Director Katsouleas).

[RES 17-0056](#)

ADOPT RESOLUTION NO. 17-0056

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

J. PUBLIC HEARINGS

14. Application for a Use Permit for the Expansion of an Existing Retail Use That Would Exceed 1,600 Square Feet of Buildable Floor Area Located at 1115, 1117, 1121 Manhattan Avenue (Skechers USA, Inc) (Community Development Director McIntosh). [RES 17-0065](#)
- CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION NO. 17-0065 APPROVING THE PROJECT WITH CONDITIONS**

Assistant Planner Faturos presented the PowerPoint presentation.

Applicant and Owner of Skechers Michael Greenberg presented presentation.

Appellant Martha Andreani provided a presentation in opposition to the record regarding the appeal.

City Attorney Quinn Barrow responded to City Council questions.

Mayor Lesser opened the floor for public comments regarding the public hearing at 7:36 PM.

The following members of the public spoke in opposition to the project:

*Kathy Clark
Tami Zamrazil
Bill Victor
Faith Lyons
Karol Wahlberg
Jody Leventhal
Neil Leventhal
Alexandra Smith*

Applicant and Owner of Skechers, Greenberg spoke about the remodel and the changes he is proposing and also suggested for members of the public to look at the designs as proposed by Skechers and responded to City Council questions.

Mayor Lesser closed the public hearing at 7:58 PM.

City Manager Mark Danaj responded to City Council questions.

A motion was made by Mayor Pro Tem Howorth, seconded by City Councilmember Hersman, to adopt Resolution No. 17-0065 as amended in the errata sheet. The motion carried by the following vote:

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

At 8:14 PM City Council recessed and reconvened at 8:29 PM with all Councilmembers present.

K. GENERAL BUSINESS

15. Status Update on Existing Underground Utility Assessment Districts in the City (Public Works Director Katsouleas).

[17-0171](#)

RECEIVE REPORT AND PROVIDE DIRECTION

Mayor Lesser stated that his residence is near Districts 4 and 15 and he will be seeking an opinion from the FPPC as to whether he can participate in decisions regarding Districts 4 and 15, and will not participate in any discussion on Districts 4 and 15 at this time.

Public Works Director Stephanie Katsouleas presented PowerPoint presentation and responded to the City Council questions.

Mayor Lesser opened the floor public comments.

The following members of the public spoke in support of undergrounding:

*Bob Sievers
Adam Griffin
Peter Erling
Richard Whilden
Joe Chrisman
Michael Feakins
Marjorie Bowen
Ray Joseph
Ed Skebe
Bruce Greenberg
Mike Simpson
Tom Nordberg*

Mayor Lesser closed the floor for public comments.

Public Works Director Katsouleas responded to City Council questions.

A motion was made by City Councilmember Montgomery, seconded by City Councilmember Hersman, to proceed with the formation process of Districts 12 and 14, the deferment program discussion to be placed on hold until the City Council has more information from the Public Works Director and the guidelines and formations is considered current until Public Works Director provides new information. A friendly amendment, accepted by the maker of the motion, to lift the moratorium on undergrounding and make the "fact book" accesible to the public. The motion carried by the following vote:

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

The City Council further directed that Districts 4 and 15 be placed on an agenda in September.

16. Report on the 2017 International Surf Festival's Charlie Saikley Six-Man Beach Volleyball Tournament and Options to Hold the 2017 Tournaments on Thursday, August 3 and Friday, August 4 or Friday, August 4 and Saturday, August 5, 2017 (Parks and Recreation Director Leyman).

[17-0251](#)

DISCUSS AND PROVIDE DIRECTION

Mayor Lesser introduced Parks and Recreation Director Mark Leyman.

Parks and Recreation Leyman introduced Parks and Recreation Manager Jessica Vincent who presented the staff presentation.

Parks and Recreation Manager Vincent, Police Chief Eve Irvine and City Manager Mark Danaj responded to City Council questions.

Mayor Lesser opened the floor for public comments.

The following members of the public spoke in support of the event taking place Friday and Saturday:

J. Parker Saikley

Chris Brown

Danny Smith

Kevin Cleary

Mayor Lesser closed the floor for public comments.

A motion was made by Mayor Pro Tem Howorth, seconded by City Councilmember Hersman, to approve moving the 2017 surf Festival's Charlie Saikley Six-Man Volleyball Tournament to Friday, August 4 and Saturday, August 5, 2017, and for Staff to explore opportunities for future sponsorship.that this item be approved. The motion carried by the following vote:

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

A motion made by Councilmember Hersman, seconded by Councilmember Napolitano, to extend the City Council Meeting past 11:00 PM to allow City Council to discuss the remaining Agenda Item Nos. 17-20. The motion carried by the following vote:

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

At 10:28 PM City Council recessed and reconvened at 10:35 PM with all Councilmembers present.

17. Resolution Awarding an Agreement to Magellan Advisors, LLC for Fiber Master Plan Professional Services in the Amount of \$149,875 (Information Technology Director Taylor and Public Works Director Katsouleas).

[RES 17-0052](#)

ADOPT RESOLUTION NO. 17-0052

Information Technology Director Taylor presented a brief summary regarding the item.

Information Technology Director Taylor and Public Works Director Stephanie Katsouleas presented the PowerPoint presentation and responded to City Council questions.

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

A motion was made by City Councilmember Napolitano, seconded by Mayor Lesser, to adopt Resolution No. 17-0052 awarding an agreement to Magellan Advisors, LLC for fiber master plan professional services in the amount of \$149,875. The motion carried by the following vote:

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

18. Consideration of Draft Resolutions to (1) Adopt Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and (2) Approve a Master Use Permit for a Market with Off-Site Alcohol Sales and On-Site Alcohol Consumption and Tastings and a Bank at 707 North Sepulveda Boulevard; the Provision of Off-Site Parking at 801 North Sepulveda Boulevard; Reduced Parking; Sign Program (Paragon Commercial Group- Gelson's Market) (Community Development Director McIntosh).

[17-0218](#)

ADOPT RESOLUTION NOS. 17-0067 AND 17-0068

Associate Planner Haaland provided the staff presentation

Mayor Lesser opened the floor for public comments.

Don McPherson spoke in opposition to the proposed 8th Street parking plan and spoke about the direction of City Council not being included in the Mitigated Negative Declaration (MND) and the Conditional Use Permit (CUP).

Dennis May spoke in opposition about certain phases of this project, is opposed to the proposed parking plan and claimed residents input is being ignored.

Jan Mills spoke in opposition to the parking analysis and claimed it is invalid.

Jim Lee spoke in opposition to the proposed parking plan.

Sue Vogl spoke in support of City Council moving forward with this project.

Mike Simpson spoke in support of City Council moving forward with this project and spoke about the parking proposed being adequate.

Mayor Lesser closed public comments.

Traffic Engineer Erik Zandvliet and Community Development Director Anne McIntosh responded to City Council questions.

A motion was made by City Councilmember Hersman, seconded by Mayor Pro Tem Howorth, to adopt Resolution No. 17-0067 adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the development of a market and bank at 707 North Sepulveda Boulevard and off-site parking at 801 North Sepulveda Boulevard (Paragon Commercial Group-Gelson's Market). The motion carried by the following vote:

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

A motion was made by City Councilmember Hersman, seconded by City Councilmember Montgomery, to adopt Resolution No. 17-0068 approving a master use permit for establishment of a bank and grocery store with on-site dining, alcohol sales and tasting, reduced parking, and a sign program at 707 North Sepulveda Boulevard and off-site parking at 801 North Sepulveda Boulevard (Paragon Commercial Group). The motion carried by the following vote:

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

19. Proposed Revisions to: City Council Meeting Management Rules; Sunshine Policy; and Municipal Code Revisions Provisions to the Zoning Code Regarding Appeal and Council Review (City Attorney Barrow and City Clerk Tamura).

[17-0262](#)

**ADOPT RESOLUTION NO. 17-0077, APPROVE REVISIONS AND
INTRODUCE ORDINANCE NO. 17-0008**

Management Analyst George Gabriel presented brief staff presentation.

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

Public Comments

Councilmember Napolitano suggested to amend the public comments for a member of the public to speak 3 minutes during Public Comments or 3 minutes one one item during General Business.

Councilmember Montgomery was under the impression the 6 minutes was getting removed where only 3 minutes was allowed under public comments.

City Council agreed that 3 minutes was allowed during Public Comments.

Councilmember Napolitano also suggested 3 minutes during Public Comments and 1 minute for non-public hearing items.

City Attorney Quinn Barrow, City Manager Mark Danaj and City Clerk Liza Tamura responded to City Council questions.

Agenda Forecast

Mayor Lesser suggested keeping the Agenda Forecast as part of the agenda packet for public awareness of items that are coming for City Council discussion.

Mayor Pro Tem Howorth did not see a need for the Agenda Forecast.

City Clerk Tamura responded to City Council questions.

City Council agreed that the agenda forecast should be removed from the agenda packet.

Public Comments Clarification

City Attorney Barrow clarified that the only change to the proposed resolution would be to change non-public hearing items to 1 minute per item.

A motion was made by City Councilmember Hersman, seconded by Mayor Pro Tem Howorth, to adopt Resolution No. 17-0077 amending and restating the rules of order for the conduct of City Council Meetings and amending section B, "Opportunities for Public Comments", add each speaker may comment for 1 minute on any individual item on the agenda at the time the matter is being presented. The motion carried by the following vote:

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

City Attorney Quinn Barrow responded to City Council questions.

A motion was made by City Councilmember Hersman, seconded by Mayor Pro Tem Howorth, to introduce Ordinance No. 17-0008 amending the appeals and Council review sections of the Manhattan Beach zoning code. The motion carried by the following vote:

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

City Attorney Quinn Barrow responded to City Council questions.

A motion was made by City Councilmember Napolitano, seconded by City Councilmember Montgomery, to approve revisions to the Sunshine Policy. The motion carried by the following vote:

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

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

Councilmember Montgomery attended Access TC whom invites elected officials, business officials and members of the public to meet with members of Congress where various items are discussed.

Mayor Lesser spoke about the Playa Del Rey roadway improvement that the Department of Transportation for the City of Los Angeles has offered to make its staff members available to discuss the project.

Councilmember Napolitano requested the City Attorney to provide City Council with a legal opinion as to what legal recourse the City has in terms of the environmental justification the City of Los Angeles is providing.

M. FUTURE DISCUSSION ITEMS

- 20. Agenda Forecast (City Clerk Tamura).
DISCUSS AND PROVIDE DIRECTION**

[17-0224](#)

Mayor Lesser and Mayor Pro Tem Howorth requested to agendize the potential options City Council can pursue regarding the Paris Agreement; 1) Climate Mayors Statement and 2) Joining former New York City Mayor Bloomberg's Coalition to uphold the Paris Agreement.

N. INFORMATIONAL ITEMS

None.

O. ADJOURNMENT

At 11:52 PM Mayor Lesser adjourned the meeting.

Martha Alvarez
Recording Secretary

David Lesser
Mayor

ATTEST:

Liza Tamura
City Clerk