

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Final

Tuesday, September 1, 2015

6:00 PM

Regular Meeting

City Council Chambers

City Council Regular Meeting

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

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A. PLEDGE TO THE FLAG

Mayor Pro Tem Tony D'Errico led the Pledge of Allegiance.

B. ROLL CALL

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

C. CEREMONIAL CALENDAR

1. Presentation of Honorary Designation for Culturally Significant Landmarks.

[15-0385](#)

PRESENT

This item was taken out of order.

Mayor Burton introduced Jan Dennis and Martha Andreani who gave a brief overview of the Honorary Designation for Culturally Significant Landmarks.

Mayor Burton, on behalf of the City Council, presented plaques for: The Charles Owen Home, the Arneal Home and American Martyrs Catholic Church.

D. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING

This item was taken out of order.

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

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

A motion was made by Councilmember Powell, seconded by Mayor Pro Tem D'Errico, to approve the agenda and waive full reading of ordinances. The motion carried by the following vote:

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

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

City Clerk Liza Tamura introduced this item.

The following individuals provided community announcements:

*Gordana Vukotich
Yolande Wilburn, Manhattan Beach Library Manager*

- **Upcoming Labor Negotiations**

Mayor Burton provided a brief overview of the upcoming negotiations and asked for community input.

G. CITY MANAGER REPORT

City Manager Mark Danaj introduced the new Human Resources Director Teresia Zadroga-Haase and Management Fellow Kendra Davis.

City Manager Danaj provided an update on the Strategic Planning Process and announced the inauguration of the new Library Sunday Hours. He further added that the 9-11 Commemoration will be held in front of the Police/Fire Facility and invited Police Chief Eve Irvine to share an overview of the new patch that the Police Department will be wearing during the Month of October for "Breast Cancer Awareness Month".

H. CITY ATTORNEY REPORT

City Attorney Quinn Barrow reported on the Manhattan Village Mall Lawsuit.

I. PUBLIC COMMENTS (2 MINUTES PER PERSON FOR ONE ITEM, FOR A MAXIMUM OF 5 MINUTES)

The following individuals provided public comment:

*Tom Corley
April Ammeter Sakane
Martha Andreani
Jan Dennis
Patrick McBride
Bernard Botiller
Jon Chaykowski
Rusty Roten
Viet Ngo
Ray Joseph
Robert Bush
Kim Komick*

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

2. Planning Commission Approval of Two One-Year Time Extensions of a Master Use Permit and Associated Applications for 1000-1008 Sepulveda Boulevard (Community Development Director Lundstedt). [15-0391](#)
BY ORDER OF THE CHAIR, RECEIVE AND FILE

Hearing no objections, this item was received and filed by motion of the chair.

K. CONSENT CALENDAR (APPROVE)

A motion was made by Councilmember Powell, seconded by Mayor Pro Tem D'Errico, to approve the Consent Calendar, Item Nos. 3-5. The motion carried by the following vote:

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

3. Designation of Voting Delegate and Alternate to the 2015 League of California Cities Annual Conference and Authorize Delegate and/or Alternate Voting Authority on Proposed Resolutions Being Considered at the Conference (City Clerk Tamura). [15-0398](#)
APPROVE VOTING DELEGATE AND AUTHORIZE VOTING AUTHORITY

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

4. Minutes: [15-0023](#)
This Item Contains Minutes of the following City Council Meeting: City Council Regular Meeting of August 18, 2015 (City Clerk Tamura).
APPROVE

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

5. Financial Report: [15-0346](#)
Schedule of Demands: July 30, 2015 (Finance Director Moe).
APPROVE

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

L. PUBLIC HEARINGS (2 MINUTES PER PERSON)

6. Conduct Public Hearing Regarding Water Conservation Program
(Public Works Director Olmos).

[15-0393](#)**CONDUCT PUBLIC HEARING AND PROVIDE DIRECTION**

City Clerk Liza Tamura introduced this item and Public Works Director Tony Olmos provided the PowerPoint Presentation.

Public Works Director Olmos responded to City Council questions.

Mayor Burton opened the Public Hearing and the following individuals provided public comment:

In favor of changing watering to more than one day by amending the ordinance:

*Jim Burton
Scott King*

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

City Attorney Quinn Barrow responded to additional City Council questions.

A motion was made by Councilmember Lesser, seconded by Councilmember Howorth, to amend the Water Conservation Ordinance that allows watering under the current Stage 3 (watering for 15 minutes, 1 day per week) to now include up to 2 days of watering at 7.5 minutes of watering, per duration. The motion carried by the following vote:

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

City Attorney Barrow clarified that a draft urgency ordinance for consideration will be presented in two weeks to change the terms of Stage 3 to include up to 2 days of watering at 7.5 minutes duration each time.

7. Conduct Public Hearing to Consider Resolution No. 15-0053
Determining that the City is in Compliance with the Program
Requirements of the 2015 Congestion Management Program for Los
Angeles County Metropolitan Transportation Authority (Community
Development Director Lundstedt).

[RES 15-0053](#)

**CONDUCT PUBLIC HEARING AND ADOPT RESOLUTION NO.
15-0053**

City Clerk Liza Tamura introduced this item and Community Development Director Marisa Lundstedt introduced City Traffic Engineer Eric Zandvliet who provided a brief overview.

City Traffic Engineer Zandvliet responded to City Council questions.

Mayor Burton opened the Public Hearing.

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

A motion was made by Councilmember Howorth, seconded by Councilmember Powell, to adopt Resolution No. 15-0053 to be in compliance with the Congestion Management Program (CMP) and adopting the CMP Local Development Report in accordance with the California Government Code Section 65089. The motion carried by the following vote:

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

At 7:31 PM City Council recessed and reconvened at 7:43 PM with all Councilmembers present.

M. OLD BUSINESS

8. Construction Rules Designed to Mitigate Impacts of Construction
(Community Development Director Lundstedt).

[15-0214](#)

CONSIDER ADOPTING ADDITIONAL CONSTRUCTION RULES

City Clerk Liza Tamura introduced this item and Community Development Director Marisa Lundstedt provided the PowerPoint Presentation.

Community Development Director Lundstedt and City Attorney Quinn Barrow responded to City Council questions.

A motion was made by Councilmember Lesser, Seconded by Councilmember Howorth, to direct Staff to return with an Ordinance that would require Contractors to prepare a Construction Management and Parking Plan for all construction sites in Residential Districts III and IV, and other impacted areas, as needed, authorize the more detailed progressive disciplinary program and to come back with more information about the current mediation program and how it might be strengthened. Two friendly amendments, accepted by the maker, are to investigate making the General Contractor the Responsible Party and to notify the contractors that there is a "No Smoking in Manhattan Beach" Ordinance.

City Attorney Barrow clarified that an ordinance was not necessary for the Construction Rules, but may be needed for progressive discipline.

The motion carried by the following vote:

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

City Attorney Barrow clarified that the Construction Management Plan would take effect as soon as it could be implemented, that an ordinance would be brought back on Progressive Discipline, and a report would be compiled on current mediation and how it could be strengthened.

A motion was made by Mayor Burton, seconded by Councilmember Powell, to direct Staff to review the "Declaration of Rights " for the residents of Manhattan Beach and report back on the ones that Staff thinks are beneficial.

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

N. NEW BUSINESS

9. Report on History of Residential Mansionization Code Amendments
(Community Development Director Lundstedt).

[15-0392](#)**DISCUSS AND PROVIDE DIRECTION**

City Clerk Liza Tamura introduced the item and Community Development Director Marisa Lundstedt provided the Staff presentation.

Former Planning Commissioner Jim Fasola and Planning Manager Laurie Jester provided some background information on Mansionization issues.

Community Development Director Lundstedt, Planning Manager Jester and City Attorney Quinn Barrow responded to City Council questions.

A motion was made by Mayor Burton, seconded by Councilmember Lesser, to prepare a revision to the Municipal Code to include the lot merger issue in Districts III and IV. The motion carried by the following vote:

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

A motion was made by Mayor Burton, seconded by Councilmember Powell, to direct Staff to develop an amendment to Minor Exceptions. The motion carried by the following vote:

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

10. Summary Vacation of a Street Easement on the East Side of Ardmore Avenue, at 1800 North Ardmore Avenue (Public Works Director Olmos).

[RES 15-0054](#)**APPROVE**

City Clerk Liza Tamura introduced this item and Public Works Director Tony Olmos provided the Staff presentation.

Mayor Burton explained the reasons for returning this item to the agenda.

Public Works Director Olmos and City Traffic Engineer Eric Zandvliet responded to City Council questions.

Councilmember Lesser stated that there were reasons to maintain this easement and that he was not in favor of moving forward with this vacation.

Councilmember Powell had concerns about the costs associated with this easement.

A motion was made by Mayor Burton, seconded by Councilmember Howorth, to adopt Resolution No. 15-0054 and vacate the street easement on the east side of Ardmore Avenue at 1800 North Ardmore Avenue. The motion carried by the following vote:

Aye: 3 - Burton, D'Errico and Howorth

Nay: 2 - Lesser and Powell

11. Consideration of Bagging of City Parking Meters During the Holiday Season to Encourage Local Shopping (Finance Director Moe).

[15-0345](#)

APPROVE

Management Analyst Matthew Cuevas introduced this item and Finance Director Bruce Moe provided the Staff presentation.

Finance Director Moe responded to City Council questions.

Councilmember Lessser questioned the reasons for not returning on a yearly basis and also asked if there has been an analysis on the parking issues and the time limits.

A motion was made by Mayor Burton, seconded by Councilmember Howorth, to bag the City Parking Meters during the Holiday Season for three weeks, beginning December 3, 2015 and ending December 24, 2015 and continue this policy for three weeks during the Holiday Season of future years. The motion carried by the following vote:

Aye: 4 - Burton, D'Errico, Howorth and Powell

Nay: 1 - Lesser

12. Adoption of Ordinance No. 15-0022 Streamlining the Permitting Process for Small Residential Rooftop Solar Energy Systems (Fire Chief Espinosa and Community Development Director Lundstedt).

[ORD 15-0022](#)

ADOPT ORDINANCE NO. 15-0022

City Clerk Liza Tamura introduced this item and Community Development Director Marisa Lundstedt and Fire Chief Robert Espinosa provided the Staff presentation.

Fire Chief Espinosa and Community Development Director Lundstedt responded to City Council questions.

City Attorney Quinn Barrow read the title of Ordinance No. 15-0022 into the record.

A motion was made by Mayor Burton, seconded by Councilmember Powell, to introduce Ordinance No. 15-0022 Streamlining the permitting process for small residential rooftop solar energy systems. The motion carried by the following vote:

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

PLEASE NOTE: ITEMS 13 AND 14 WERE HEARD CONCURRENTLY.

13. Approve Funding Agreement Between the Los Angeles County Metropolitan Transportation Authority and City of Manhattan Beach to Formalize the Terms and Conditions of Use of the Previously Awarded Measure R Funds for the Sepulveda Boulevard at Manhattan Beach Boulevard Intersection Improvement Project in the Amount of \$980,000 (Public Works Director Olmos).

[CON 15-0046](#)**APPROVE**

City Clerk Liza Tamura introduced item Nos. 13 and 14 and Public Works Director Tony Olmos explained why the two items are being heard concurrently and provided an overview.

South Bay Cities Council of Governments (SBCCOG) Transportation Director Steve Lantz provided a brief presentation on Measure R Funding.

Public Works Director Olmos, Transportation Director Lantz and City Manager Mark Danaj responded to City Council questions.

A motion was made by Mayor Burton, seconded by Councilmember Powell, to approve the Funding Agreement between the Los Angeles County Metropolitan Transportation Authority and City of Manhattan Beach to formalize the terms and conditions of use of the previously awarded Measure R Funds for the Sepulveda Boulevard at Manhattan Beach Boulevard Intersection Improvement Project in the Amount of \$980,000. The motion carried by the following vote:

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

PLEASE NOTE: ITEM 14 WAS HEARD CONCURRENTLY WITH ITEM 13.

14. Approve Funding Agreement Between the Los Angeles County Metropolitan Transportation Authority and City of Manhattan Beach to Formalize the Terms and Conditions of Use for the Previously Awarded Measure R Funds for the Aviation Boulevard at Artesia Boulevard Intersection Improvements in the Amount of \$1,500,000 (Public Works Director Olmos).

[CON 15-0047](#)**APPROVE**

A motion was made by Mayor Burton, seconded by Councilmember Powell, to approve Funding Agreement between the Los Angeles County Metropolitan Transportation Authority and City of Manhattan Beach to formalize the terms and Conditions of Use for the Previously Awarded Measure R Funds for the Aviation Boulevard at Artesia Boulevard Intersection Improvements in the Amount of \$1,500,000 . The motion carried by the following vote:

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

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

15. Support of SBCCOG to Clarify Metro Board Policy and the Funding of "Complete Streets" Highway Projects with Measure R Funds (Public Works Director Olmos). [15-0406](#)

AUTHORIZE MAYOR TO SEND LETTER OF SUPPORT

Mayor Burton asked if this item should be removed from the agenda, but Councilmember Howorth requested that a letter of support be sent.

A motion was made by Councilmember Howorth, seconded by Councilmember Lesser, to authorize the Mayor to send a letter to the Metro Board in support of the South Bay Cities Council of Governments (SBCCOG) to clarify the policy and the funding of "Complete Streets" Highway Projects. The motion carried by the following vote:

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

City Attorney Quinn Barrow clarified that the letter would be sent to the Metro Board.

16. Letter to Los Angeles County Board of Supervisors Regarding Polliwog Park (Public Works Director Olmos). [15-0407](#)

AUTHORIZE MAYOR TO SEND LETTER

City Clerk Liza Tamura introduced this item and Public Works Director Tony Olmos provided a background on the purpose of the letter.

Public Works Director Olmos responded to City Council questions.

A motion was made by Councilmember Howorth, seconded by Mayor Pro Tem D'Errico, to authorize the Mayor to send a letter to the Los Angeles County Board of Supervisors expressing the City's concerns about the Manhattan Beach Pump Station's ability to adequately drain Polliwog Park. The motion carried by the following vote:

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

P. FORECAST AGENDA AND FUTURE DISCUSSION ITEMS

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

[15-0395](#)

Councilmember Lesser spoke of the Strategic Planning and bringing back to the City Council for a discussion for the community.

Mayor Burton requested that the Informational Memo be placed on the next agenda as a General Business Item and City Council concurred.

Councilmember Howorth announced a future event at the Manhattan Beach Botanical Garden at 10:00 AM, on Saturday, October 31, 2015, on how to prepare for El Nino.

Councilmember Howorth reported on the South Bay Cities Council of Governments (SBCCOG) Meeting and upcoming meetings with Southern California Edison (SCE) Representatives.

Councilmember Powell remarked about previous letters sent to LAX and the FAA about flight incursions over Manhattan Beach and now there is a new problem involving Hawthorne Airport and two propeller jet airlines. He asked support for a letter to be sent to Hawthorne Airport and Mayor Burton concurred.

Mayor Burton reminded residents that they have an opportunity to request that items be removed from the Consent Calendar by notifying City Councilmembers during the Public Comment or prior to a City Council Meeting. Mayor Burton announced that the City Council will be providing bargaining instructions on Labor Contracts at the next City Council Meeting and informed the public that they may contact Councilmembers with any comments or suggestions.

Mayor Burton further added that the City Council Retreat will be held on Tuesday, September 8, 2015, at 11:30 AM in the Police/Fire Conference Room.

Q. INFORMATIONAL ITEMS

18. Commission Minutes: [15-0408](#)

This Item Contains Minutes of the following City Commission Meetings: Planning Commission Meeting of August 12, 2015 (Community Development Director Lundstedt).

INFORMATION ITEM ONLY

This item is for information only and no City Council action is required.

R. CLOSED SESSION

None.

S. ADJOURNMENT

At 10:13 PM Mayor Burton adjourned the Regular City Council Meeting to the 11:30 AM Adjourned Regular City Council Meeting (City Council Retreat) on September 8, 2015, in the Police/Fire Conference Room, 400/420 15th Street, in said City.

Tatyana Roujenova-Peltekova
Recording Secretary

Mark Burton
Mayor

ATTEST:

Liza Tamura
City Clerk