

# City of Manhattan Beach

*1400 Highland Avenue  
Manhattan Beach, CA 90266*



## Meeting Minutes - Final

**Tuesday, September 15, 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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**[www.citymb.info/city-officials/city-clerk/city-council-meetings-agendas-and-minutes](http://www.citymb.info/city-officials/city-clerk/city-council-meetings-agendas-and-minutes)**

#### **A. PLEDGE TO THE FLAG**

*Police Captain Tim Hageman 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**

*None.*

#### **D. CERTIFICATION OF MEETING NOTICE AND AGENDA POSTING**

*Management Analyst Matthew Cuevas confirmed that the meeting was properly posted.*

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

*Mayor Burton noted that Items No. 3 and 4 are being moved to Section M. Old Business to be heard concurrently as the first item.*

**A motion was made by Mayor Burton, seconded by Councilmember D'Errico, to move Item No. 2, Section R Closed Session to the October 6, 2015, City Council Meeting to be agendaized for approval. The motion failed by the following vote:**

**Aye:** 2 - Burton and D'Errico

**Nay:** 3 - Lesser, Howorth and Powell

**A motion was made by Mayor Burton, seconded by Councilmember 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)**

*The following individuals provided Community Announcements:*

*Phil Reimert – Regarding an upcoming meeting on the Desalinization Plant.*

*Charlotte Marshall - Regarding Manhattan Beach Botanical Garden book donation to the Library.*

*Julie Gonella - Regarding Manhattan Beach Botanical Garden upcoming free classes.*

*Yolande Wilburn - thanked City Council for her time with the Manhattan Beach Library and announced upcoming events.*

*Councilmember Howorth – Announced and summarized the COG meeting in Santa Monica regarding bike share. Also, along with Councilmember Lesser, reported on a meeting held with a California Public Utilities Commissioner.*

*Councilmember Powell – Requested that we all drive carefully around the schools during El Nino, announced upcoming older adult programs and announced his new radio show.*

*Mayor Burton - Regarding upcoming Hometown Fair and Hometown 10K.*

## **G. CITY MANAGER REPORT**

*Assistant City Manager Nadine Nader reported updates on parking in the Civic Center and the Metlox Parking Structures.*

## **H. CITY ATTORNEY REPORT**

*None.*

**I. PUBLIC COMMENTS (2 MINUTES PER PERSON FOR ONE ITEM, A MAXIMUM OF 5 MINUTES IF A SPEAKER WANTS TO COMMENT ON MORE THAN ONE ITEM)**

*The following individuals provided public comment:*

*Esther Schiller - Item No. 10.*

*Primo Castro - Item No. 10.*

*Barbara Van Dusen - Ceramics position.*

*Fred Manna - Item No. 10.*

*Simeon Moses - Planned power outages.*

*Liane Bell - Road closure and impact on businesses.*

*Charlotte Marshall - Watering schedule.*

*Diane Wallace - Movie production issue and Item No. 10.*

*Bill Victor - Item Nos. 3, 4.*

*Viet Ngo - Alleged corruption and Item No. 11.*

*Craig Cadwallader - Item No. 10, upcoming Coastal Clean up and parking during City Council meetings.*

*Jim Burton - Item No. 8.*

*Steve Packwood - Item Nos. 3, 4, and 11.*

*Robert Bush - Commissioners, school board, Bill Victor, school bonds, crime and accidents.*

*Violet Ruiz - Item No. 10.*

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

**None.**

**K. CONSENT CALENDAR (APPROVE)**

A motion was made by Councilmember Howorth, seconded by Mayor Pro Tem D'Errico, to approve the Consent Calendar Item Nos. 1,2 and 7, and also to change the recommendation on Item No. 6 from Approve to Accept as well as to waive full reading of ordinances. The motion carried by the following vote:

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

*City Attorney Quinn Barrow read the title of Ordinance No. 15-0022 An Ordinance of the City of Manhattan Beach Adding Chapter 9.06 (Solar Energy System Permit Expediting) to Title 9 (Building Regulations) of the Manhattan Beach Municipal Code to Provide an Expedited, Streamlined Process for Small Residential Rooftop Solar Systems, and Ordinance No. 15-0025-U An Urgency Ordinance of the City of Manhattan Beach Amending Chapter 7.44 (Water Conservation) of Title 7 (Public Works) Regarding Landscape Watering Restrictions during a Declared Stage 3 Water Shortage.*

1. Second Reading 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](#)

**SECOND READING AND ADOPT ORDINANCE NO. 15-0022**

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

2. Adoption of Urgency Ordinance No. 15-0025-U and Introduction of Non-Urgency Ordinance No. 15-0025, which will Revise *Title 7 - Public Works, Chapter 7.44 - Water Conservation* of the Manhattan Beach Municipal Code (Public Works Director Olmos). [ORD 15-0025-U](#)

**ADOPT URGENCY ORDINANCE NO. 15-0025-U AND INTRODUCE ORDINANCE NO. 15-0025**

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

3. Approve Contract with KNN Public Finance for Financial Advisory Services (Finance Director Moe) [CON 15-0050](#)  
**APPROVE**

This item was removed from the Consent Calendar and heard later under Section M. Old Business.

4. Approve Contract for Bond and Disclosure Counsel Services with Stradling, Yocca, Carlson & Rauth (Finance Director Moe) [CON 15-0051](#)  
**APPROVE**

This item was removed from the Consent Calendar and heard later under Section M. Old Business.

5. Acceptance of Donated Real Property, APN 4168-017-027 (Meadows/Bryant Place), by the Pelton Company, LLC to the City of Manhattan Beach (Public Works Director Olmos). [RES 15-0051](#)  
**ACCEPT AND ADOPT RESOLUTION NO. 15-0051**

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

6. Financial Reports: [15-0347](#)  
Schedule of Demands: August 13, 2015 (Finance Director Moe).  
**APPROVE**

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

The recommendation for this item was changed from Approve to Accept.

7. City Council Minutes: [15-0024](#)  
This Item Contains Minutes of the following City Council Meeting: City  
Council Regular Meeting of September 1, 2015 (City Clerk Tamura).  
**APPROVE**

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

#### **L. PUBLIC HEARINGS (2 MINUTES PER PERSON)**

*None.*

#### **M. OLD BUSINESS**

**PLEASE NOTE: ITEMS 3 AND 4 WERE HEARD CONCURRENTLY.**

3. Approve Contract with KNN Public Finance for Financial Advisory  
Services (Finance Director Moe) [CON 15-0050](#)  
**APPROVE**

4. Approve Contract for Bond and Disclosure Counsel Services with  
Stradling, Yocca, Carlson & Rauth (Finance Director Moe) [CON 15-0051](#)  
**APPROVE**

*Management Analyst Matthew Cuevas introduced Item Nos. 3 and 4 and Finance Director Bruce Moe provided the Staff presentation.*

*Finance Director Moe responded to City Council questions.*

**A motion was made by Councilmember Howorth, seconded by Mayor Burton to approve a contract with KNN Public Finance for Financial Advisory Services and to approve a contract for Bond and Disclosure Counsel Services with Stradling, Yocca, Carlson & Rauth. The motion carried by the following vote:**

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

8. Strategic Planning Process Update (Information Memo Published August 28, 2015) (Assistant City Manager Nader).

[15-0412](#)

**INFORMATION ONLY**

*Management Analyst Matthew Cuevas introduced the item and Assistant City Manager Nadine Nader provided the Staff presentation.*

*Assistant City Manager Nader introduced Strategic Planning Facilitator Julia Novak of the Novak Consulting Group and they responded to City Council questions.*

**This item was for information only.**

*At 7:36 P.M. City Council recessed and reconvened at 7:41 P.M. with all Councilmembers present.*

9. Additional Research Regarding Surety Bonds and Numerical Limitations on Residential Construction Permits (Community Development Director Lundstedt).

[15-0421](#)

**PROVIDE DIRECTION**

*Management Analyst Matthew Cuevas 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 Mayor Burton, seconded by Councilmember Howorth, that mandatory mediation be included in Construction Rules. The motion carried by the following vote:**

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

10. Introduce Ordinance No. 15-0019: Regulation of Smoking in Multi-Unit Housing in Manhattan Beach (Public Works Director Olmos).

[ORD 15-0019](#)

**INTRODUCE ORDINANCE NO. 15-0019**

*Management Analyst Matthew Cuevas introduced the item and Environmental Programs Manager Sona Coffee provided the PowerPoint presentation.*

*Environmental Programs Manager Coffee and City Attorney Quinn Barrow responded to City Council questions.*

*Mayor Pro Tem D'Errico comments that he will vote "no" because he supports 99% of the ordinance, but does not support the private home portion without proof that HVAC systems transfer smoke to other units. He is also concerned about enforcement.*

*Councilmember Lesser concurs with Mayor Pro Tem D'Errico. He supports the prohibition of smoking in public places, but does not support limiting smoking in private multi-unit homes when the same restrictions are not imposed on single family homes. Councilmember Lesser is also concerned about enforcement.*

*City Attorney Quinn Barrow read the title of Ordinance No. 15-0019, an Ordinance of the City of Manhattan Beach Regulating Smoking in Multi-Unit Housing and Adding Chapter 4.117 (Regulation of Smoking in Multi-Unit Housing) to Title 4 (Public Welfare, Morals and Conduct) of the Manhattan Beach Municipal Code into the record.*

**A motion was made by Councilmember Howorth, seconded by Councilmember Powell, to waive further reading and introduce Ordinance No. 15-0019 Regulation of Smoking in Multi-Unit Housing in Manhattan Beach with the caveat of excluding Manhattan Village for now. The motion carried by the following vote:**

**Aye:** 3 - Burton, Howorth and Powell

**Nay:** 2 - D'Errico and Lesser

*City Attorney Barrow clarified that we are accepting one year for education and outreach with enforcement at 18 months. He further stated that there will be a second reading of the ordinance to address Manhattan Village.*



**N. NEW BUSINESS**

5. Acceptance of Donated Real Property, APN 4168-017-027  
(Meadows/Bryant Place), by the Pelton Company, LLC to the City of  
Manhattan Beach (Public Works Director Olmos).

[RES 15-0051](#)**ACCEPT AND ADOPT RESOLUTION NO. 15-0051**

*Management Analyst Matthew Cuevas introduced the item.*

*Councilmember Lesser recused himself from this item because his family lives in a rental property within 500 feet of the donated property.*

*At 8:24 P.M. Councilmember Lesser left the dais.*

*Public Works Director Tony Olmos provided the Staff presentation.*

**A motion was made by Councilmember Howorth, seconded by Councilmember Powell, to: 1. Adopt Resolution No. 15-0051 accept real property and approve issuance of a Certificate of Acceptance. 2. Accept Grant Deed for real property located at the northwest corner of Meadows Avenue and Bryant Place (APN 4168-017-027 donated by the Pelton Company, LLC. 3. Authorize City Manager to sign the Certificate of Acceptance. 4. Authorize City Clerk to record Grant Deed with the Los Angeles County Recorder. The motion carried by the following vote:**

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

**Recused:** 1 - Lesser

*At 8:34 P.M. Councilmember Lesser returned to the dais.*

11. Approve the Appropriation of Additional Surface Transportation  
Program - Local (STPL) Funding in the Amount of \$481,249 to the  
Strand Stairs Rehabilitation Project (Public Works Director Olmos).

[15-0403](#)**APPROVE APPROPRIATION**

*Management Analyst Matthew Cuevas introduced the item and Public Works Director Tony Olmos presented City Engineer Joe Parco who provided the Staff presentation.*

*Public Works Director Olmos and City Engineer Parco responded to City Council questions.*

**A motion was made by Councilmember Powell, seconded by Councilmember Lesser, to approve the Appropriation of Additional Surface Transportation Program - Local (STPL) Funding in the Amount of \$481,249 to the Strand Stairs Rehabilitation Project. The motion carried by the following vote:**

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

## **O. CITY COUNCIL REPORTS, OTHER COUNCIL BUSINESS AND TRAVEL REPORTS, INCLUDING AB 1234 REPORTS (COMMITTEE REPORTS)**

*Councilmember Howorth and Councilmember Lesser attended the Southbay Council of Governments meeting where they met the new Public Utilities Commissioner Leanne Randolph. Councilmember Lesser explained that Commissioner Randolph is interested in continued interaction with The City Council regarding regulatory policy issues.*

*Councilmember Powell is the City Council liaison to the Independent Cities Association, and was recently installed as a Director. He also requested that when residents speak at City Council Meetings, the Minutes should identify the Agenda Item Number they addressed.*

*Councilmember D'Errico attended a board meeting for the North Manhattan BID. The issues discussed included Way-Finding Signs and the Holiday Open House.*

*Councilmember Lesser is the City Council liaison to the Downtown Business Association. The Association is concerned about the loss of parking spaces resulting from sidewalk construction. He also stated that the issue of signage will be discussed during the October 6, 2015 City Council Meeting.*

*Mayor Burton attended the School Board meeting, the Mayor's Youth Council meeting, and spoke about the City Council retreat. He discussed Santa Monica's Civility Policy.*

## **P. FORECAST AGENDA AND FUTURE DISCUSSION ITEMS**

### **12. Agenda Forecast (City Clerk Tamura). DISCUSS AND PROVIDE DIRECTION**

[15-0413](#)

*Mayor Burton directed the Council's attention to Item No. 4 on the October 6, 2015 City Council Agenda. Councilmember Lesser suggests that the City provide publicity and outreach for the Item.*

*Councilmember Powell requested all business license holders be notified of the vacant PPIC seat. Councilmember Powell also requested that the CAFR report for the January 19, 2016 City Council Agenda be placed under General Business item.*

*Councilmember Howorth requested a briefing with City Manager and staff regarding the policies for loading and unloading recreational vehicles.*

*Councilmember D'Errico requested a review of ordinances regarding individuals collecting money and solicitation in general on City sidewalks in Downtown. Councilmember D'Errico also requested a briefing with staff on the policy regarding food trucks in the City.*

*Mayor Burton requested a briefing with the City Manager regarding the leaf blower ordinance. Mayor Burton also spoke about a Civility Policy adopted by the U.S. Conference of Mayors and the city of Santa Monica and requested staff that the two policies be incorporated and return to City Council.*

## **Q. INFORMATIONAL ITEMS**

**None**

## **R. CLOSED SESSION**

*Mayor Burton suggested hearing Item No. 2 of the closed session first.*

*City Attorney Quinn Barrow read the title of the item.*

*At 9:04 P.M. the City Council adjourned into Closed Session.*

### **1. CONFERENCE WITH LABOR NEGOTIATOR**

**(Government Code Section 54957.6)**

**Agency Negotiator: Mark Danaj, City Manager**

**Employee Groups: Manhattan Beach Firefighters' Association;**

**Manhattan Beach Police Officers' Association;**

**Manhattan Beach Police Management Association;**

**Management Confidential;**

**Teamsters and**

**Part-Time Employees**

### **2. CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION)**

**(Government Code Section 54956.9 (d) (1))**

**Kayter, Kenneth v. City of Manhattan Beach, LA Superior Court, Case No. BC539719**

*City Council reconvened at 9:45 P.M. City Attorney Barrow announced that City Council went into closed session and discussed both items on the agenda and direction was provided to legal counsel. There was no other reportable action taken.*

**S. ADJOURNMENT**

*At 9:46 P.M. Mayor Burton adjourned the September 15, 2015, Regular City Council Meeting to the 6:00 P.M., October 6, 2015, Regular City Council Meeting in City Council Chambers, in said City.*

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**Matthew Cuevas**  
**Recording Secretary**

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**Mark Burton**  
**Mayor**

**ATTEST:**

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**Liza Tamura**  
**City Clerk**