

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Final

Tuesday, October 6, 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

Councilmember Wayne Powell 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 a City Plaque to Evelyn Frey in Celebration of her 100th Birthday. [15-0402](#)
PRESENT

Mayor Burton, on behalf of the City Council, presented a City plaque and a City challenge coin to Evelyn Frey in celebration of her 100th birthday.

2. Presentation of a Commendation to Manhattan Beach Police Reserve Officer Michelle Darringer in Recognition of Her 22 Years of Service to the City and for Being Honored with the 2015 California Reserve Peace Officers Association's Distinguished Service Award. [15-0415](#)
PRESENT

Mayor Burton, on behalf of the City Council, along with Police Chief Eve Irvine presented a certificate of Commendation to Manhattan Beach Police Reserve Officer Michelle Darringer in celebration of her recognition.

Presentation of Environmental Program Awards

Councilmembers Howorth and Lesser, on behalf of the City Council, presented the California League of Cities Beacon environmental awards to Public Works Director Tony Olmos. These awards included Beacon Awards for Platinum Level Award in Sustainability Best Practices, Silver Level Award for 9% Community Greenhouse Gas Reduction and Silver Level Award for 9% Agency Greenhouse Gas Reduction.

Presentation of a Proclamation to the American Cancer Fund for Children and Kids Cancer Connection Declaring the Month of October, 2015 as "Childhood Cancer Awareness Month".

Mayor Burton, on behalf of the City Council, proclaimed October as "Childhood Cancer Awareness Month".

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 Burton noted that Agenda Items No. 15 would be heard before Agenda Item No. 13 under Section N. New Business; Agenda Item Nos 6 and 7 are being moved from the Section K. Consent Calendar to Section N. New Business and being heard after Agenda Item No. 13; and Agenda Item No. 8's recommendation which currently reads "Accept Report; Approve Demands" is changed to "Accept Report".

Further, Councilmember Howorth requested that Agenda Item No. 4 under Section K. Consent Calendar be continued to the October 20, 2015 City Council Meeting.

Councilmember Powell clarified that Section L. Public Hearings language should be corrected from "Please Note: Items 11 and 12 Will Be Heard Concurrently" to "Please Note: Items 10 and 11 Will Be Heard Concurrently".

A motion was made by Councilmember Howorth, seconded by Councilmember Powell, that this item be approved as amended above. 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:

George Butts, on behalf of CERT - Regarding the upcoming annual Beach Cities Joint CERT 2015 Great Shakeout Drill on Saturday, October 17, 2015 10 AM - 2 PM at Manhattan Beach Studios.

Joseph Ungoco, on behalf of the Manhattan Beach Residents Association - Regarding informational meeting for the proposed Gelson's project on October 21, 2015 from 7:30 PM to 8:30 PM in the Manhattan Beach Public Library.

Police Captain Tim Hageman - Announced that the Manhattan Beach Police Department is selling "Cops For A Cure" t-shirts to support the Susan G. Komen Organization. In addition to their fundraising efforts, and in support of Breast Cancer Awareness Month, he stated that the Manhattan Beach police officers are wearing pink shoulder patches.

Councilmember Howorth - Shared her support of the Manhattan Beach Police Department Breast Cancer Awareness shoulder patch.

Robert Bush - No comment (Manhattan Beach Residents Association announcement was already presented by Mr. Ungoco).

Laura Frakes, Acting Community Library Manager - Regarding upcoming library programs.

Councilmember Howorth - Regarding 4th Annual Mira Costa High School Hall of Fame Event on October 7, 2015 in the morning.

Councilmember D'Errico - Regarding Neighborhood Watch Fall 2015 meeting at Joslyn Community Center next Tuesday 7 PM; Mayor's Challenge Paint the Town Orange event where the orange represents a block captain on the City map; and lastly, there are flyers regarding Neighborhood Watch who had a booth at the Hometown Fair resulting in 35 resident signups.

Councilmember Powell - Regarding the Hall of Fame Awards; Grand View Elementary for becoming a National Blue Ribbon School; and month of October being Breast Cancer Awareness (Pink Ribbon) Month, Domestic Violence Awareness Month, and National Bullying Prevention Month.

Mayor Burton - Regarding Manhattan Beach Police Department Tip a Cop event this Thursday October 8, 2015 from 5 PM to 9 PM at the Tin Roof to benefit Special Olympics; the Manhattan Beach Senior Resource Committee celebrating 10 years on Sunday October 18, 2015 from 2 pm to 4 pm at Joslyn Community Center; and the American Martyrs Church Parish Fair on Saturday October 17 and Sunday October 18, 2015.

G. CITY MANAGER REPORT

City Manager Danaj updated the City Council on labor negotiation meetings with Police Officers Association, Police Management Association, Teamsters, and Fire Association.

City Manager Danaj also reported that staff continues to work with Edison on power reliability and staff is looking at expanding battery backup for all traffic signals which will be included in next year's City Council's CIP review; El Nino preparedness efforts will also include Stormwater Planning and Preparedness Group comprised by internal and external stakeholders; and Open City Hall community feedback in favor of using the civic engagement tool.

City Manager Danaj provided an update on the Gelson project's ongoing conversations, anticipating to receive revised plans in the fall and later Planning Commission Hearing to start the formal public review process.

Further, City Manager noted two upcoming community meetings: Downtown Specific Community Workshop on Thursday October 8, 2015 from 5 PM to 8 PM (formal presentation starting at 6 PM) at Police Fire Conference Room and an additional session on Friday October 9, 2015; and, finally, the Strategic Planning Community meeting on Thursday October 15, 2015 from 6 PM to 9 PM at Joslyn Community Center.

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:

Diane Wallace - Regarding Agenda Item No. 14, expressed concerns regarding the Desalination project.

George Butts - Regarding CERT training class on November 7, November 14 and November 21, 2015, current openings and Beach Cities Health District provided funding for seven or eight classes in 2016.

Danielle Anderson - Regarding Mira Costa High School Band and Orchestra fundraising efforts to perform at Carnegie Hall next year.

Jonathan, Mira Costa High School Junior - Regarding Mira Costa High School Band and Orchestra fundraising efforts to perform at Carnegie Hall next year.

Mira Costa High School Senior - Mira Costa High School Band and Orchestra fundraising efforts to perform at Carnegie Hall next year.

Mira Costa High School Senior - Mira Costa High School Band and Orchestra fundraising efforts to perform at Carnegie Hall next year.

Mira Costa High School Freshman - Mira Costa High School Band and Orchestra fundraising efforts to perform at Carnegie Hall next year.

Catherine, Mira Costa High School Sophomore - Mira Costa High School Band and Orchestra fundraising efforts to perform at Carnegie Hall next year.

Joseph Ungoco, Beach Cities Masons member - Regarding Agenda Item No. 13, community involvement in the process of wayfinding signage.

Kathryn Goulding - Regarding Agenda Item No. 15 in favor of appropriation of additional funds for 2015 Winter Storm Preparation.

Conner Everts, Southern California Watershed Alliance and Desal Response Group - Regarding Agenda Item No. 14 expressed concerns regarding the Desalination project.

Diane Carter - Regarding Food Recycling Program, expressed concerns that the program requires the use of plastic bag liners.

Craig Cadwallader - Regarding Agenda Item No. 14, expressed concerns for the Desalination project and Agenda Item No. 15, supported 2015 Winter Storm Preparation.

Mary Sikona - Requesting a Skateboard Park at Begg Parking Lot (through Peck).

Viet Ngo - Regarding alleged corruption, Agenda Item No. 12 and closed session.

Stephanie Robins, Friends of Polliwog Park - Regarding Agenda Item No. 15, supported 2015 Winter Storm Preparation.

Michelle Murphy - Regarding Agenda Item No. 14, Downtown parking concerns, Agenda Item No. 13, Open City Hall.

Patrick McBride - Regarding the new meeting management format and the WiFi services at Joslyn Center and Manhattan Heights.

Bill Victor - Regarding ULI, the City meeting management program, Brown Act and Advisory Committee

Robert Bush - Regarding elections, attempted kidnapping, Gelson project, light bulb metaphor.

Kelly Stroman - Regarding Paint the Town Pink event this weekend.

Arpad Pallai - Spoke in opposition of Agenda Item No. 4.

Cheryll Lynn - Regarding Agenda Item No. 15.

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

None.

K. CONSENT CALENDAR (APPROVE)

A motion was made by Councilmember Howorth, seconded by Councilmember Powell, to approve Agenda Item Nos 3, 5, 8 (as amended), and 9. The motion carried by the following vote:

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

3. Adopt Ordinance No. 15-0025: Revise *Title 7 - Public Works, Chapter 7.44 - Water Conservation* of the Manhattan Beach Municipal Code (Public Works Director Olmos).

[ORD 15-0025](#)

ADOPT ORDINANCE NO. 15-0025

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

4. Adopt Ordinance No. 15-0019: Regulation of Smoking in Multi-Unit Housing in Manhattan Beach (Continued from the October 6, 2015 City Council Meeting) (Public Works Director Olmos).

[ORD 15-0019](#)

ADOPT ORDINANCE NO. 15-0019 AND APPROPRIATE FUNDS

This item was continued to the October 20, 2015 City Council Meeting.

5. Declare Vacant the Parking and Public Improvements Commission Business Community Seat No. 2 (Silverman) (City Clerk Tamura).

[15-0420](#)

DECLARE VACANCY, CONDUCT PUBLIC OUTREACH

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

6. Appropriation in the Amount of \$60,000 for As-Needed Development Engineering Services (Public Works Director Olmos). [15-0405](#)

APPROVE

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

7. Award of Purchase Order to Dekra-Lite in the Amount of \$57,938 for the Purchase of New Holiday Lighting Decorations (Public Works Director Olmos). [15-0435](#)

WAIVE FORMAL BIDDING, APPROVE

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

8. Financial Reports: [15-0394](#)
a) Schedules of Demands: August 27, 2015, and September 10, 2015
b) Investment Portfolio for the Month Ending July 31, 2015
c) Financial Reports for the Month Ending July 31, 2015
(Finance Director Moe).

ACCEPT REPORT; APPROVE DEMANDS

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

9. City Council Minutes: [15-0025](#)
This Item Contains Minutes of the following City Council Meeting:
a.) City Council Adjourned Regular Meeting - City Council Retreat of September 8, 2015 (City Clerk Tamura).
b.) City Council Regular Meeting of September 15, 2015 (City Clerk Tamura).

APPROVE

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

L. PUBLIC HEARINGS (2 MINUTES PER PERSON)**PLEASE NOTE: ITEMS 10 AND 11 WERE HEARD CONCURRENTLY.**

City Clerk Liza Tamura introduced Agenda Item Nos 10 and 11. Community Development Director Marisa Lundstedt provided a brief summary and introduced Associate Planner Eric Haaland to provide the staff presentation.

Mayor Burton opened the public hearing for Agenda Item Nos 10 and 11.

Hearing no requests to speak, the public hearing was closed.

- 10.** Introduce Ordinance No. 15-0026 Zoning Code Amendments for Maximum Lot Size and Minor Exceptions as recommended by the Planning Commission and previously reviewed by the City Council in 2013 (Community Development Director Lundstedt.)

[ORD 15-0026](#)

**CONDUCT PUBLIC HEARING; WAIVE FURTHER READING;
INTRODUCE ORDINANCE NO. 15-0026**

City Attorney Quinn Barrow read the title of Ordinance No. 15-0026.

A motion was made by Mayor Burton, seconded by Councilmember Lesser, to waive further reading and introduce subject ordinance. The motion carried by the following vote:

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

PLEASE NOTE: ITEMS 10 AND 11 WERE HEARD CONCURRENTLY.

- 11.** Introduce Ordinance No. 15-0028 Local Coastal Program Amendments for Maximum Lot Size and Minor Exceptions as recommended by the Planning Commission and previously reviewed by the City Council in 2013 (Community Development Director Lundstedt.)

[ORD 15-0028](#)

**CONDUCT PUBLIC HEARING; WAIVE FURTHER READING;
INTRODUCE ORDINANCE NO. 15-0028**

City Attorney Quinn Barrow read the title of Ordinance No. 15-0028.

A motion was made by Mayor Burton, seconded by Councilmember Lesser, to waive further reading and introduce subject ordinance. The motion carried by the following vote:

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

M. OLD BUSINESS

12. City Council Policies regarding: (1) Description of Closed Sessions regarding Pending Litigation; (2) Consideration of Settlements in Open Sessions; and (3) Restriction on the Use of Technology During City Council Meetings (City Attorney Barrow.)

[15-0430](#)

ADOPT POLICIES

City Clerk Liza Tamura introduced the item and City Attorney Quinn Barrow provided the staff presentation.

City Council concurred to bring back Policy No. 1 (Description of Closed Sessions regarding Pending Litigations) and Policy No. 2 (Consideration of Settlements in Open Sessions) to the November 17, 2015 City Council meeting and provided direction to staff.

A motion was made by Mayor Burton, seconded by Councilmember Howorth, to approve Policy No. 3 Regarding restrictions on the Use of Technology during City Council Meetings. The motion carried by the following vote:

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

At 8:33 PM, City Council recessed and reconvened at 8:46 PM.

N. NEW BUSINESS

15. 2015 Winter Storm Preparation Update and Appropriation of \$335,000 for the Purchase of Storm Preparation Equipment and Supplies (Public Works Director Olmos).

[15-0422](#)

WAIVE FORMAL BIDDING, RECEIVE REPORT, APPROVE

City Clerk Liza Tamura introduced the item. Public Works Director Tony Olmos provided the PowerPoint presentation along with Joshua Spenson with the Los Angeles County Flood Control District.

LA County Flood Control District Representative and Public Works Director Olmos responded to City Council questions.

A motion was made by Councilmember Powell, seconded by Mayor Burton, to waive formal bidding, receive report on 2015 Winter Storm Preparation and appropriate \$335,000 from available unreserved General Fund for the purchase of equipment, supplies and materials. The motion was amended to also include the City Manager and Staff to report back in 6 months regarding Polliwog Park's flood control and request the County to come back at that time as well. The motion carried by the following vote:

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

14. Update Regarding the West Basin Ocean Water Desalination Project
(Public Works Director Olmos).

[15-0446](#)

RECEIVE REPORT AND PROVIDE DIRECTION

City Clerk Liza Tamura introduced the item. Public Works Director Tony Olmos provided the staff report.

Public Works Director Olmos and Community Development Director Marisa Lundstedt responded to City Council questions.

A motion was made by Councilmember Lesser, seconded by Councilmember Powell, to authorize Staff to proceed in preparing written comments in response to the Notice of Preparation by October 15, 2015; the comments to include the elements presented by Councilmember Powell and in consistence with the Director. A friendly amendment was made to consider the document submitted by Craig Cadwalder and Diane Wallace and to consult with Surfrider Foundation, Heal the Bay and Sierra Club Representatives in drafting the comments. The motion carried by the following vote:

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

13. Presentation of a Preliminary Wayfinding Signage Master Plan
(Continued from the October 6, 2015 City Council Meeting) (Public Works Director Olmos).

[15-0373](#)

RECEIVE REPORT AND PROVIDE DIRECTION

At the request of Mayor Burton, Agenda Item No. 13 was moved so that the City Council could consider Agenda Items Nos. 6 and 7 first.

6. Appropriation in the Amount of \$60,000 for As-Needed Development Engineering Services (Public Works Director Olmos).

[15-0405](#)

APPROVE

City Clerk Liza Tamura introduced the item. Public Works Director Tony Olmos presented the staff report and responded to City Council questions.

A motion was made by Mayor Burton, seconded by Councilmember Howorth, to approve the appropriation of funds in the amount of \$60,000 from the unreserved General Fund for As-Needed Development Engineering Services. An amendment was made to reimburse the \$60,000 to the unreserved General Fund using the plan check fees. The motion carried by the following vote:

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

7. Award of Purchase Order to Dekra-Lite in the Amount of \$57,938 for the Purchase of New Holiday Lighting Decorations (Public Works Director Olmos).

[15-0435](#)

WAIVE FORMAL BIDDING, APPROVE

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

Public Works Director Olmos and Maintenance Superintendent Keith Darling responded to City Council questions.

Mayor Pro Tem D'Errico expressed concerns regarding the lack of an overall strategic planning providing payment percentage by different organizations including the City.

A motion was made by Mayor Burton, seconded by Councilmember Howorth, to waive formal bidding and approve the award of purchase order to Dekra-Lite in the amount of \$57,938 for the purchase of new holiday lighting decorations ensuring that the "Seasons Greetings" sign is only in white. Further direction was given to Staff to expand holiday lighting decoration in the El Porto area for next year. The motion carried by the following vote:

Aye: 4 - Burton, Lesser, Howorth and Powell

Nay: 1 - D'Errico

13. Presentation of a Preliminary Wayfinding Signage Master Plan (Continued from the October 6, 2015 City Council Meeting) (Public Works Director Olmos).

[15-0373](#)

RECEIVE REPORT AND PROVIDE DIRECTION

Due to the late hour, Mayor Burton requested that Agenda Item No. 13 be continued as the first Agenda Item under Old Business at the October 20, 2015 City Council Meeting.

Hearing no objections, it was so ordered.

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

Councilmember Howorth reported that she attended the League of California Cities conference, reported on the South Bay Cities Council of Government's meeting, and attended the Government Advisory Panel from Southern California Edison.

Councilmember Powell reported that he viewed the web streaming of the League of California Cities and attended the South Bay Cities Council of Government environmental services center workshop, and reported on the Independent Cities Association press conference on Friday at the El Segundo Police Department regarding AB 109 and Proposition 47.

Councilmember Lesser attended the League of California Cities conference as well and represented the City at the General Assembly.

Mayor Burton also attended the League of California Cities conference with Councilmembers Howorth and Lesser.

P. FORECAST AGENDA AND FUTURE DISCUSSION ITEMS

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

[15-0447](#)

Councilmember Howorth requested that the Ad Hoc Manhattan Beach Unified School District and City Council have a joint meeting before the end of the year. City Manager Mark Danaj indicated that Staff has been reaching to the School District. Mayor Burton indicated January or February (2016) as preferred option.

Councilmember Powell indicated that he would like 40th Street/El Porto matter to be added to the agenda forecast as well construction rules and mediation.

Mayor Burton requested that City Manager and Staff prepare a letter opposing the desalination plant for review and consideration at the 2nd meeting in November.

Councilmember Lesser added to have as much data as possible when drafting the letter.

City Manager Danaj suggested that the City Council schedule a closed session to prepare the City Attorney and City Manager appraisals.

Mayor Burton stated that they are considering either October 19 or October 27, 2015 for Closed Session.

Q. INFORMATIONAL ITEMS**17. Commission Minutes:**[15-0429](#)

This Item Contains Minutes of the following City Commission Meetings:

- a.) Parking and Public Improvements Commission Meeting of June 11, 2015 (Community Development Director Lundstedt).
- b.) Parking and Public Improvements Commission Meeting of June 25, 2015 (Community Development Director Lundstedt).
- c.) Planning Commission Meeting of September 23, 2015 (Community Development Director Lundstedt).
- d.) Parks and Recreation Commission Meeting of July 27, 2015 (Parks and Recreation Director Leyman).
- e.) Cultural Arts Commission Meeting of August 11, 2015 (Parks and Recreation Director Leyman)

INFORMATION ITEM ONLY

Mayor Burton accepted the Informational Items and hearing no objections, it was so ordered.

R. CLOSED SESSION**S. ADJOURNMENT**

Prior to the adjournment, Mayor Burton respectfully apologized to City Attorney Quinn Barrow

At 10:29 PM, the City Council Meeting was adjourned to the 6 PM Regular City Council Meeting on October 20, 2015 in the City Council Chambers.

Tatyana Roujenova-Peltekova
Recording Secretary

Mark Burton
Mayor

ATTEST:

Liza Tamura
City Clerk