

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Final

Tuesday, October 20, 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 Amy Howorth 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 Plaque in Recognition of Councilmember Amy Howorth as an Honoree of the 12 Remarkable Women for the National Women's Political Caucus Los Angeles Westside Calendar. [15-0456](#)
PRESENT

Mayor Mark Burton, on behalf of the City Council, presented a plaque to Councilmember Howorth as an honoree of the 12 Remarkable Women for the National Women's Political Caucus Los Angeles Westside Calendar.

2. Presentation of a Proclamation to the Manhattan Beach Rotary Club Declaring October 23, 2015 as "World Polio Day." [15-0465](#)
PRESENT

Mayor Burton, on behalf of the City Council, presented a proclamation to the Manhattan Beach Rotary Club President Richard Ham declaring October 23, 2015 as "World Polio Day".

3. Presentation of a Certificate of Recognition to the Manhattan Beach Rotary Club for Leading the Efforts to Raise \$1 Million to Advance Clean Water, Sanitation and Hygiene (WASH) to Over 25,000 People in Niger, Western Africa.

[15-0471](#)

PRESENT

Mayor Burton, on behalf of the City Council, presented a certificate of recognition to the Manhattan Beach Rotary Club Committee Chairman Larry Johnson for the fundraising efforts for clean water, sanitation and hygiene for the people of Niger, Western Africa.

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

Councilmember Howorth requested that Agenda Item No. 12 be continued to the November 3, 2015 City Council Meeting.

Hearing no objection by the City Council, it was so ordered by Mayor Burton.

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

The following individuals provided Community Announcements:

Joseph Ungoco, Manhattan Beach Residents Association - Regarding their upcoming meeting on the Gelson project.

Laura Frake, Acting Library Manager - Regarding upcoming library events.

Carol Perrin, Downtown Residents Group - Regarding regular Group meetings conducted every other Thursday from 6:15 PM to 8:15 PM at Joslyn Community Center starting this Thursday.

Councilmember David Lesser - Regarding Downtown Business and Professional Association's Annual Safe Trick-or-Treat day this Sunday October 25, 2015 between 11 AM and 3 PM.

Councilmember Wayne Powell - Regarding the monthly Older Adults City program Dine and Discover which will be dedicated to emergency preparedness and the upcoming community town hall meeting for El Nino preparedness this Thursday at Joslyn Community Center from 6 PM to 8 PM.

Councilmember Amy Howorth - Regarding this Sunday's world famous Pumpkin Race and the Pier-to-Pier Friendship Walk sponsored by Skechers.

G. CITY MANAGER REPORT

City Manager Mark Danaj reported updates on the two strategic planning community meetings, development review process, Joint City Council and Planning Commission Meeting regarding mobility plan, and upcoming labor negotiations with bargaining units.

Mayor Pro Tem Tony D'Errico commented on expanding the strategic planning process to include the entire City and not just Downtown.

H. CITY ATTORNEY REPORT

City Attorney Quinn Barrow provided an update on the Goodbody lawsuit settlement agreement.

This item was taken out of order: City Manager Danaj invited Police Chief Eve Irvine to provide an update under Section G. City Manager Report regarding Neighborhood Watch and the Manhattan Beach Police Department Paint the Town Orange campaign.

I. MAYOR'S REPORT ON MEETING MANAGEMENT

Mayor Burton provided statistics regarding past Public Comments and the new meeting management format.

Councilmember Powell requested to revisit meeting management regarding public participation.

Mayor Pro Tem D'Errico concurred with Mayor Burton that more members of the public provide comments and meetings are more efficient.

Councilmember Lesser asked to revisit the topic at a later time and encouraged more dialogue and public engagement.

J. 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 comments:

Carol Kwan, West Basin Water District Representative - Regarding the West Basin ER report.

Carol Perrin, Downtown Residents Group - Regarding Agenda Item No. 10.

Suzanne Lerner - Regarding Agenda Item No. 10, parking, trash collection times during weekend, and no wheel chair access at the local creamery.

Scott King, Manhattan Village Homeowners Association President - Regarding Agenda Item No. 4.

Diane Wallace, Manhattan Village Boardmember - Regarding Agenda Item No. 4 and no parking at Manhattan Village.

Tami Zamrazil - Regarding Agenda Item No. 10, highlighted the pollution issue and smoking ban, and suggested the City look for additional revenues.

Martha Andreani - Regarding Agenda Item No. 10 and Downtown parking issue.

Robert Bush - Regarding Senior Resources Committee 10-year anniversary, Manhattan Beach Residents Association goals, Esther Besbirs and Jan Dennis recognition.

Jon Chaykowski - Regarding ULI, Specific Plan Parking and Gelson's project.

Aamir Bhamani - Regarding Agenda Item No. 12.

Nausheen Merchant - Regarding Agenda Item No. 12.

Viet Ngo - Regarding alleged corruption, the Goodbody case, Agenda Item No. 11, and City Manager and City Attorney evaluations.

Craig Cadwallader, Surf Rider Foundation - Regarding Agenda Item No. 4 and the new meeting management format.

Jim Burton - Regarding Agenda Item No. 10, the new meeting management and beach concession City issued RFP.

Robert Bush - Regarding the Goodbody case and Gelson's project.

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

- None

L. CONSENT CALENDAR (APPROVE)

A motion was made by Councilmember Lesser, seconded by Councilmember Powell, to approve the Consent Calendar Item Nos. 5, 6, 7 and 8. In addition, Council concurred to direct Staff look into finding health community sponsors regarding Item No. 6 community sunscreen lotion dispensers. The motion carried by the following vote:

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

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 removed from the Consent Calendar and heard later under Section N. Old Business.

5. Consideration of a Renewal of a Fire Department Equipment/Apparatus Loan Agreement with the Cities of El Segundo, Hermosa Beach, Redondo Beach and Manhattan Beach (Fire Chief Espinosa). [15-0339](#)

APPROVE

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

6. Request from the Parks and Recreation Commission to Discuss the Salute to the Troops Event and Community Sunscreen Lotion Dispensers (Parks and Recreation Director Leyman). [15-0462](#)

APPROVE

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

7. Financial Reports: [15-0397](#)
a) Schedule of Demands: September 24, 2015
b) Investment Portfolio for the Month Ending August 31, 2015
c) Financial Reports for the Month Ending August 31, 2015
(Finance Director Moe).

ACCEPT REPORTS AND DEMANDS

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

8. Minutes: [15-0026](#)
The minutes of the City Council Regular Meeting of October 6, 2015 are being continued to the November 3, 2015 City Council Regular Meeting (City Clerk Tamura).

CONTINUED

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

M. PUBLIC HEARINGS (2 MINUTES PER PERSON)**N. OLD BUSINESS**

Item No. 4 was pulled from Section L. Consent Calendar and heard as the first item under Section N. Old Business.

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

City Clerk Liza Tamura introduced the item.

Public Works Director Tony Olmos, Environmental Programs Manager Sona Coffee, City Attorney Queen Barrow and Community Development Director Marisa Lundstedt responded to City Council questions.

Mayor Pro Tem D'Errico expressed concerns regarding common ventilation system in multi-unit properties.

Councilmember Lesser shared Mayor Pro Tem D'Errico concerns, pointed the citizens' privacy rights and expressed concerns about the regulation's enforcement.

At 7:35 PM, City Council recessed and reconvened at 7:46 PM with all Councilmembers present.

A motion was made by Mayor Burton, seconded by Councilmember Howorth, to adopt Ordinance No. 15-0019: Regulation of Smoking in Multi-Unit Housing in Manhattan Beach. The motion carried by the following vote:

Aye: 3 - Burton, Howorth and Powell

Nay: 2 - D'Errico and Lesser

At 7:35 PM, City Council recessed and reconvened at 7:46 PM with all Councilmembers present.

9. 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

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

Public Works Director Olmos introduced consultant Cliff Selbert with Selbert Perkins Design who provided the PowerPoint Presentation.

City Manager Mark Danaj, Public Works Director Olmos and Consultant Selbert Perkins responded to City Council questions.

City Council requested that this item returns at a future City Council Meeting and directed Staff to provide the following: an existing signs inventory, options consistent with the current signage inventory and options to include City's hometown feel.

A motion was made by Mayor Burton, seconded by Councilmember Lesser, to receive report and provide direction. The motion carried by the following vote:

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

10. Downtown Specific Plan Project Update (Community Development
Director Lundstedt).

[15-0425](#)

DISCUSS AND PROVIDE DIRECTION

City Clerk Liza Tamura introduced the item.

Community Development Director Marisa Lundstedt provided the summary of this item and introduced Senior Management Analyst Nhung Madrid, Project Manager for the Downtown Specific Plan Project.

Consultant Loreli Cappel with Michael Baker International provided the PowerPoint presentation.

City Council provided comments and directed Staff to return to a future City Council meeting with more options and detailed direction.

This item was discuss and provide direction only.

11. Strand Stairs Rehabilitation Project Design Overview (Public Works Director Olmos).

[15-0428](#)

RECEIVE REPORT AND PROVIDE DIRECTION

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

A motion was made by Mayor Burton, seconded by Councilmember Lesser, that this item be received and filed and directed Staff to return to a City Council meeting in April (2016) with proposed modifications. The motion carried by the following vote:

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

12. Introduce Ordinance No. 15-0020 to Institute a Tobacco Retail Licensing Program in Manhattan Beach (Continued from the October 20, 2015 City Council Meeting) (Public Works Director Olmos).

[ORD 15-0020](#)

WAIVE FURTHER READING AND INTRODUCE ORDINANCE NO. 15-0020

This item was continued to the November 3, 2015 City Council Meeting.

O. NEW BUSINESS

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

Councilmember Lesser inquired about private meeting request from West Basin Water District regarding desalination plant project. Mayor Burton requested that this item be discussed under Section Q. Forecast Agenda and Future Discussion Items.

Mayor Burton commented on the success of the new meeting management format and inquired if the City Council had any concerns.

Councilmember Powell commented that he would like to reconsider the two-minute public comment time limit and suggested returning in six months for review.

Q. FORECAST AGENDA AND FUTURE DISCUSSION ITEMS

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

[15-0472](#)

Councilmember Lesser re-iterated his comments as stated under Section P. City Council Reports, Other Council Business, and Committee and Travel Reports. He further inquired if meeting with West Basin Water District should be with individual councilmembers or with entire City Council.

Mayor Burton clarified that West Basin Water District requested one on one meetings.

Regarding Agenda Item No. 12 continued to November 13, 2015 City Council Meeting, Councilmember Lesser inquired if he can forward his questions to City Manager Mark Danaj. City Manager Danaj confirmed.

Councilmember Powell asked for clarification regarding the agenda date for Construction Rules and Mediation Data. Community Development Director Marisa Lundstedt clarified that Mediation Data will be heard on a December (2015) agenda and Construction Rules will be heard in February (2016).

Mayor Burton requested that the City Council direct Staff to bring back a draft drone ordinance incorporating the current Federal Aviation Administration (FAA) regulations.

A motion was made by Mayor Burton, seconded by Councilmember Powell, to approve adding the draft drone ordinance to the list of Future Agenda Items to be considered. The motion carried by the following vote:

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

Mayor Burton requested Staff to develop an RFP for the Sepulveda corridor. Councilmember Howorth expressed concern for Staff's workload. Councilmember Powell requested that Rosecrans corridor would be considered as well. Mayor Burton stated that the focus only should be on the Sepulveda corridor at this time.

A motion was made by Mayor Burton, seconded by Councilmember Lesser, to approve adding this item to the list of Future Agenda Items to be considered. The motion carried by the following vote:

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

R. INFORMATIONAL ITEMS

S. CLOSED SESSION

At 10:05 PM, City Attorney Quinn Barrow announced in open session, and read into the record the following closed session items:

1. CONFERENCE WITH LEGAL COUNSEL (EXISTING LITIGATION)**(Government Code Section 54956.9 (a))****Armato v. City of Manhattan Beach LASC Case No. BS142266**

On July 21, 2015, the Los Angeles Superior Court upheld the City Council's approval of a Coastal Development Permit ("CDP") for a single family residence at 301/303 25th Street, ruling that the decision was supported by substantial evidence. Specifically, the Court ruled that City staff was correct in concluding that the residence is only three stories high; staff correctly calculated the maximum height of the project; and former Councilmember Montgomery did not display any impermissible bias and thus there was no denial of due process. The court also ruled that the revision to the project to convert crawl space into storage space required a hearing or an appeal process, and thus issued a writ to overturn the approval of such conversion.

2. PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION**(Government Code Section 54957)****Title: City Manager****3. PUBLIC EMPLOYEE ANNUAL PERFORMANCE EVALUATION****(Government Code Section 54957)****Title: City Attorney**

The City Council recessed into closed session at 10:06 PM.

The City Council reconvened into open session at 10:49 PM.

City Attorney Barrow announced in open session that the City Council provided direction with respect to the performance evaluation for the City Manager and the City Attorney. With respect to the Armato case, he announced to the public that the Los Angeles Superior Court decision was appealed by both the homeowner and the plaintiff, Armato.

T. ADJOURNMENT

At 10:50 PM, the City Council adjourned to the 10 AM Adjourned Regular City Council Meeting (Closed Session) on Tuesday October 27, 2015 in the City Council Chambers.

Tatyana Roujenova-Peltekova
Recording Secretary

Mark Burton
Mayor

ATTEST:

Liza Tamura
City Clerk