

# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266



## Meeting Minutes - Final

Tuesday, October 18, 2016

6:00 PM

Regular Meeting

City Council Chambers

## City Council Regular Meeting

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

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**A. PLEDGE TO THE FLAG**

*Joseph Ungoco led the Pledge of Allegiance.*

**B. ROLL CALL**

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

**C. CEREMONIAL CALENDAR**

*None.*

**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 Burton pulled for individual consideration Item No. 2 (Ordinance establishing new General Municipal Election dates) and Item No. 3 (Resolution to amend the personnel rules to compensate Battalion Chiefs at time and a half for overtime work performed for Fire Suppression).*

*City Attorney Quinn Barrow clarified that Item No. 12 would not be a public hearing and would be heard in Section M. Old Business as the first item.*

**A motion was made by Councilmember Burton, seconded by Councilmember Powell to approve the agenda and waive the full reading of ordinances, to move Item Nos. 2-3 from the Consent Calendar (to be heard as the last Items in Section M. Old Business) and Item No. 12 would not be a Public Hearing and would be heard as the first Item of Section M. Old Business. The motion carried by the following vote:**

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

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

*Chuck Milam and Lynn Gross reported that "Sea Starry Night" the Roundhouse Aquarium Fundraiser will be held on October 25, 2016, at the Manhattan Beach Country Club.*

*Melissa McCullum, Manhattan Beach Library, reminded residents that the library is closed this week for installation of public art and provided upcoming events for the Library.*

*Linda Ming announced that the Pier to Pier Run would take place on November 12, 2016.*

*Councilmember Burton reminded everyone that October is Breast Cancer Awareness Month and the Police and Fire Departments have t-shirts available for purchase and further added that the "Best of Manhattan" will be held on October 20, 2016 at the Marriott Hotel.*

*Councilmember Powell announced that on Thursday, October 20, 2016, the Dine and Discover Luncheon will provide an impartial analysis of the ballot propositions.*

*Mayor D'Errico noted that the Girl Scouts had visited the City Council Chambers last night.*

## **G. CITY MANAGER REPORT**

*City Manager Mark Danaj invited Planning Manager Laurie Jester to give an update on the Gelson's Market and the Downtown Specific Plan.*

*City Manager Danaj also announced that the MB Cares Team would be participating in the Pier to Pier Walk this week end.*

## **H. CITY ATTORNEY REPORT**

*City Attorney Quinn Barrow reported that the Manhattan Village Mall trial is scheduled for November 2, 2016.*

**I. 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)**

*Franca Staduec spoke in support of Measure C and EE (School Bonds).*

*James McCleary reported on the proposed crosswalk at 38th and Highland Avenue.*

*Steve Oliveira asked for a different plan for the crosswalk at 38th and Highland Avenue with input from the North End BID (Business Improvement District).*

*Marc Krigsman used the document reader to provide information regarding the proposed Exer Urgent Care Facility on Sepulveda Avenue.*

*Chris Prodromides expressed concern about the proposed Exer Urgent Care regarding traffic flow.*

*Geoffrey Kelsch concerned about the traffic from the Exer Urgent Care.*

*Will Arvizo spoke about Item No. 2 the change of election dates and Item No. 5 condominiums and lots being split unevenly. He further expressed concerns about the proposed Urgent Care Facility.*

*Joe Charles spoke about the Pier to Pier Run and doing push-ups.*

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

1. Planning Commission Approval of Use Permit for Proposed On-Site Instructional Alcohol Tasting (Type 86) at an Existing Supermarket at 2700 Sepulveda Boulevard, Ralph's - Manhattan Village Mall. (Community Development Director Lundstedt).

**BY ORDER OF THE CHAIR, RECEIVE AND FILE**

**By order of the Chair this item was received and filed.**

**K. CONSENT CALENDAR (APPROVE)**

A motion was made by Councilmember Burton, seconded by Councilmember Powell to approve the Consent Calendar Item Nos. 4-12 (Item Nos. 2-3 were previously moved to be heard last in Section M. Old Business). The motion carried by the following vote:

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

- 2. Ordinance Establishing New General Municipal Election Dates to be Held in November of Even Years beginning in November 2020, to Meet State Mandates Imposed by California Senate Bill 415 (City Clerk Tamura).

**ADOPT ORDINANCE NO. 16-0026**

This item was moved to Section M.Old Business to be heard after Item No. 14.

- 3. Resolution to Amend The Personnel Rules to Compensate Battalion Chiefs at Time and a Half for Overtime Work Performed for Fire Suppression (Human Resources Director Zadroga-Haase).

**ADOPT RESOLUTION NO. 16-0059**

This item was moved to Section M.Old Business to be heard after Item No. 14 and Item No. 2.

- 4. Completion of the Construction Contract for the Parking Structure No. 2 Rehabilitation Project (Interim Public Works Director Saenz).

**APPROVE**

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

- 5. Zoning Text Amendment and Local Coastal Program Amendment Proposal for Detached Condominiums (Community Development Director Lundstedt).

**DIRECT PLANNING COMMISSION TO SCHEDULE HEARING ON ZONING TEXT AMENDMENT**

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

- 6. First Reading of Ordinance Adopting By Reference the 2016 Edition of the California Fire Code and Certain Amendments, Deletions, and Additions, and Amending Title 3 of the Manhattan Beach Municipal Code (Fire Chief Espinosa).

**INTRODUCE ORDINANCE NO. 16-0021 (FIRE CODE 2016 EDITION) AND SCHEDULE A PUBLIC HEARING**

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

7. Award a Professional Services Contract to GHD, Inc. (Attachment 1) for Engineering Services for the Manhattan Avenue/Highland Avenue Improvement Project and the Parkview Avenue Sidewalk and Access Ramp Improvement Project in the Amount Not-to-Exceed \$119,053 (Interim Public Works Director Saenz).

**APPROVE**

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

8. Second Reading on Ordinance Consolidating and Codifying Manhattan Beach's Existing Construction Rules (Community Development Director Lundstedt).

**ADOPT ORDINANCE NO 16-0020, AN ORDINANCE  
CONSOLIDATING AND CODIFYING EXISTING CONSTRUCTION  
RULES**

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

9. Contingency Report for the Capital Improvement Plan Projects Completed in Fiscal Year 2015-2016 (Interim Public Works Director Saenz).

**RECEIVE AND FILE**

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

10. Financial Report:  
a) Schedule of Demands: September 15, 2016  
b) Investment Portfolio for the Month Ending August 31, 2016  
c) Month End Report for August 31, 2016  
(Finance Director Moe).

**ACCEPT REPORT AND DEMANDS**

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

11. City Council Minutes:  
This Item Contains Minutes of the following City Council Meeting:  
City Council Regular Meeting Minutes of October 4, 2016  
(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**

12. Ordinance to Authorize an Amendment to the Contract Between the Board of Administration of the California Public Employees' Retirement System and the City of Manhattan Beach to allow police officers and fire fighters to share the cost of employer contributions on a pre-tax basis. (Human Resources Director Zadroga-Haase).

**INTRODUCE ORDINANCE NO. 16-0006**

*Mayor D'Errico introduced Human Resources Director Teresia Zadroga-Haase who provided the Staff presentation.*

*Human Resources Director Zadroga-Haase responded to City Council questions*

*Mayor D'Errico opened the floor to public comment.*

*The following individual provided public comment:*

*Will Arvizo commented on CalPers (California Public Employess Retirement System).*

*Seeing no further requests to speak, the Mayor closed the floor to public comment.*

*City Attorney Quinn Barrow read the title of the ordinance into the record: An Ordinance of the City of Manhattan Beach authorizing an Amendment to the contract between the City of Manhattan Beach and the Board of Administration of the California Public Employees' Retirement System to allow police officers and fire fighters to share the cost of employer contributions on a pre-tax basis.*

**A motion was made by Councilmember Burton, seconded by Councilmember Powell, to introduce Ordinance No. 16-0006. The motion carried by the following vote:**

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

13. Report on Southern California Gas Company's Loop Project and the January 7, 2016 Gas Ignition at their Playa del Rey Storage Facility (Interim Public Works Director Saenz).

**RECEIVE REPORT, DISCUSS, AND PROVIDE DIRECTION**

*Mayor D'Errico introduced Interim Public Works Director Raul Saenz who presented Southern California Gas Company Public Outreach Manager Kristine Lloyd.*

*Public Outreach Manager Kristine Lloyd provided the PowerPoint Presentation with an overview of the Loop Project.*

*Public Outreach Manager Kristine Lloyd, Senior Project Manager Ron Bott, City Manager Mark Danaj, City Attorney Quinn Barrow and Interim Public Works Director Saenz responded to City Council questions.*

*Mayor D'Errico opened the floor to public comment.*

*Seeing no requests to speak, Mayor D'Errico closed the floor to public comment.*

*Councilmember Burton is concerned that CEQA (California Environmental Quality Act) analysis hasn't been done on a major project having potential health and safety issues for the residents of the community. The City needs to do its due diligence for its residents. He also requested that the Gas Company return with other routes.*

*Councilmember Lesser questioned the discretion of the City and noted that other municipalities are involved and that the PUC (Public Utilities Commission) is the lead agency. He stated that it is appropriate to be asking questions and advocate for our residents, but the City is part of a broader region.*

*Councilmember Howorth remarked that she understands seeking CEQA review, but does not necessarily agree with it. She further added that there may not be other routes for this project.*

*Councilmember Powell related that it is troubling to him to speak of the "cost" and "high consequence area" and he would rather see the pipe go in a commercial area or some other area.*

**A motion was made by Councilmember Burton, seconded by Councilmember Powell, to direct the City Manager and Staff to revoke or not issue any additional permits for the Loop Project until the City Attorney and Staff report back on the CEQA applicability and whether or not the permits issued are discretionary under the law. The City Attorney is directed to research CEQA applicability and whether required City permits are discretionary. The motion carried by the following vote:**

**Aye:** 3 - D'Errico, Powell and Burton

**Nay:** 2 - Lesser and Howorth



*Councilmember Powell stated that he was deeply disappointed that there was not a presentation on the Playa del Ray underground storage facility. He requested that this item be returned and asked that questions about the safety valves be answered at that time.*

*Mayor D'Errico asked the City Manager to arrange for the Gas Company to return with answers for the City Council on the Playa del Ray project.*

*City Manager Danaj explained that Staff does not have the authority to compel the Gas Company to come. Staff will try to facilitate a future discussion.*

*At 8:05 PM City Council recessed and reconvened at 8:14 PM with all Councilmembers present.*

**14. Update Report on the Fire and Medical Services in Manhattan Beach If Hermosa Beach Contracts Fire Services with Los Angeles County Fire Department (Fire Chief Espinosa).**

**INFORMATION ITEM ONLY**

*Mayor D'Errico introduced Fire Chief Bob Espinosa who provided the Staff presentation.*

*City Manager Mark Danaj and Fire Chief Espinosa responded to City Council questions.*

*Mayor D'Errico opened the floor to public comment.*

*Seeing no requests to speak, Mayor D'Errico closed the floor to public comment.*

**By order of the Chair, this report was received and filed.**

2. Ordinance Establishing New General Municipal Election Dates to be Held in November of Even Years beginning in November 2020, to Meet State Mandates Imposed by California Senate Bill 415 (City Clerk Tamura).

**ADOPT ORDINANCE NO. 16-0026**

*Mayor D'Errico introduced the item.*

*City Council held a discussion of the item to decide if the election dates for the City should be changed.*

*City Clerk Liza Tamura and City Attorney Quinn Barrow responded to City Council questions.*

*Mayor D'Errico opened the floor to public comment.*

*Seeing no requests to speak, Mayor D'Errico closed the floor to public comment.*

*City Attorney Barrow read the title of Ordinance No. 16-0026 into the record: An Ordinance of the City of Manhattan Beach moving the date of the City's General Municipal Election from the first Tuesday after the first Monday in March of odd numbered years to the first Tuesday after the first Monday in November of even-numbered years beginning in November 2020.*

*City Attorney Barrow clarified that this is a special ordinance affecting an election and it has been adopted tonight. There is no second reading.*

**A motion was made by Councilmember Burton, seconded by Councilmember Howorth, to adopt Ordinance No. 16-0026 establishing new General Municipal Election dates to be held in November of even years beginning in November 2020, to meet State mandates Imposed by California Senate Bill 415 . The motion carried by the following vote:**

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

*City Attorney Barrow clarified that this is an ordinance relating to an election and it has been adopted tonight. There is no second reading.*

3. Resolution to Amend The Personnel Rules to Compensate Battalion Chiefs at Time and a Half for Overtime Work Performed for Fire Suppression (Human Resources Director Zadroga-Haase).

**ADOPT RESOLUTION NO. 16-0059**

*Mayor D'Errico introduced Human Resources Director Teresia Zadroga-Haase who presented the Staff presentation.*

*Human Resources Director Teresia Zadroga-Haase responded to City Council questions.*

*Mayor D'Errico opened the floor to public comment.*

*Seeing no requests to speak, Mayor D'Errico closed the floor to public comment.*

**A motion was made by Councilmember Burton, seconded by Councilmember Howorth, to adopt Resolution No. 16-0059 amending personnel rules to compensate Battalion Chiefs at time and a half for overtime worked for Fire Suppression Operations/Job Duties. The motion carried by the following vote:**

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

**N. NEW BUSINESS**

*None.*

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

*Councilmember Burton, Mayor Pro Tem Lesser, Councilmember Howorth, Councilmember Powell and Mayor D'Errico attended the California League of Cities Conference and provided reports as required by AB1234..*

*Councilmember Powell also spoke of the Puttnam Award that was awarded to the "Older Adults Program" for the City of Manhattan Beach and the Beacon Award.*

*Mayor Pro Tem Lesser noted that the public can get a great deal of information if you go to the League of California Cities website.*

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

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

*Councilmember Burton noted that he will call in for some items on the November 1, 2016, City Council Meeting.*

*Councilmember Powell wants the Southern California Gas Company to return with answers for the Playa del Rey underground storage and the Loop Project for a future agenda and a future discussion of the ICA membership.*

**Q. INFORMATIONAL ITEMS**

*None.*

**R. CLOSED SESSION**

*None.*

**S. ADJOURNMENT**

*At 9:15 PM Mayor D'Errico adjourned the October 18, 2016, Regular City Council Meeting to a Closed Session Meeting on Thursday, October 27, 2016, at 1:30 PM in the City Council Chambers in said City.*

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**Martha Alvarez**  
**Recording Secretary**

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**Tony D'Errico**  
**Mayor**

**ATTEST:**

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