

# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266



## Meeting Minutes - Draft

Tuesday, April 2, 2019

6:00 PM

Regular Meeting

City Council Chambers

## City Council Regular Meeting

*Mayor Steve Napolitano*  
*Mayor Pro Tem Nancy Hersman*  
*Councilmember Richard Montgomery*  
*Councilmember Suzanne Hadley*  
*Councilmember Hildy Stern*

**PLEASE NOTE THAT THE CITY ARCHIVES THE VIDEO RECORDINGS OF ALL REGULAR CITY COUNCIL MEETINGS AND THE VIDEO FOR THIS MEETING IS HEREBY INCORPORATED BY THIS REFERENCE. ALSO IN SUPPORT OF MORE TRANSPARENCY AND THE AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE, THE CITY OFFERS CLOSED CAPTIONING FOR REGULAR CITY COUNCIL MEETINGS. FOR A COMPLETE RECORD OF THIS CITY COUNCIL MEETING, GO TO:  
[www.citymb.info/departments/city-clerk/city-council-meetings-agendas-and-minutes](http://www.citymb.info/departments/city-clerk/city-council-meetings-agendas-and-minutes)**

**A. PLEDGE TO THE FLAG**

*Mayor Napolitano called the meeting to order and David Hadley led the Pledge of Allegiance.*

**B. ROLL CALL**

**Present:** 5 - Mayor Napolitano, Mayor Pro Tem Hersman and Councilmember Montgomery, Councilmember Lesser and Councilmember Howorth

**C. REORGANIZATION**

1. City Council Minutes:  
This Item Contains Minutes of the Following City Council Meeting(s):
  - a) City Council Adjourned Regular Meeting Minutes (Closed Session) of March 19, 2019
  - b) City Council Regular Meeting Minutes of March 19, 2019 (City Clerk Tamura).

**APPROVE**

*Mayor Napolitano opened the floor for public comments.*

*Seeing no requests to speak, Mayor Napolitano closed the floor for public comments.*

**A motion was made by Councilmember Howorth, seconded by Councilmember Lesser, to approve the City Council Regular Meeting Minutes and Adjourned Regular Meeting Meetings of March 19, 2019. The motion carried by the following vote:**

**Aye:** 5 - Napolitano, Hersman, Montgomery, Lesser and Howorth

2. Resolution Citing the Facts of the March 5, 2019, General Municipal Election (City Clerk Tamura).

**ADOPT RESOLUTION NO. 19-0033**

*Mayor Napolitano opened the floor for public comments.*

*Seeing no requests to speak, Mayor Napolitano closed the floor for public comments.*

**A motion by Councilmember Howorth, seconded by Councilmember Lesser, to adopt Resolution No. 19-0033, citing the facts of the March 5, 2019, General Municipal Election. The motion was carried by the following vote:**

**Aye:** 5 - Napolitano, Hersman, Montgomery, Lesser and Howorth

3. City Council Reorganization:  
Recognition of Outgoing City Councilmembers Lesser and Howorth and  
Introduction of Newly Elected City Councilmembers Hadley and Stern  
(City Clerk Tamura).
- a) **PRESENT**
  - b) **INTRODUCE**

*Mayor Napolitano, Mayor Pro Tem Hersman, Councilmember Montgomery, and City Treasurer Lilligren presented outgoing Councilmembers Howorth and Lesser with plaques, commendations, certificates of recognition, and gifts of appreciation for their time and commitment as Mayors and Councilmembers.*

*City Manager Bruce Moe recited a poem and the City Department Heads presented gifts of appreciation to outgoing Councilmembers Howorth and Lesser.*

*The City Council of Hermosa Beach presented a plaque to outgoing Councilmembers Howorth and Lesser.*

*The Mayor of Rolling Hills Estates, Judy Mitchell, presented a certificate of recognition to outgoing Councilmembers Howorth and Lesser.*

*Former Mayors of the City of Malibu Laura Rosenthal and Lou La Monte presented gifts of appreciation to outgoing Councilmembers Howorth and Lesser.*

*Representatives from Congressman Ted Lieu, Senator Ben Allen, Assemblymember Al Murastuchi presented certificates of appreciation to outgoing Councilmembers Howorth and Lesser.*

*Member of the Los Angeles County Board of Supervisors from the 4th District, Janice Hahn, presented a certificate of recognition to outgoing Councilmembers Howorth and Lesser.*

*Councilmembers Lesser and Howorth made brief comments thanking their families, residents, and staff.*

*Mayor Napolitano introduced the Honorable Judge Joyce Fahey.*

*Honorable Judge Fahey issued the Oath of Office to newly elected Councilmembers Hadley and Stern.*

*Councilmembers Hadley and Stern made brief comments thanking their families and the residents.*

#### **D. RECESS AND RECONVENE**

*At 7:35 PM City Council recessed and reconvened at 7:50 PM with all Councilmembers present.*

#### **E. ROLL CALL**

**Present: 5 -** Mayor Napolitano, Mayor Pro Tem Hersman, Councilmember Montgomery, Councilmember Hadley, and Councilmember Stern

**F. CEREMONIAL CALENDAR**

- 4. Presentation of a Proclamation Declaring the Month of April, 2019 as DMV/Donate Life California Month.

**PRESENT**

*Mayor Napolitano, on behalf of the City Council, presented a proclamation declaring the month of April 2019 as DMV/Donate Life California Month.*

**G. APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES**

*City Attorney Quinn Barrow requested to remove from the Consent Calendar, Agenda Item No. 8 - adopt Ordinance No. 19-0007 amending the Manhattan Beach Municipal Code to reinforce the prohibition on renting residential property for less than 30 days, to be heard under Section K- Items Removed from the Consent Calendar.*

**A motion was made by Councilmember Montgomery, seconded by Mayor Pro Tem Hersman, to approve the agenda and waive full reading of ordinances, and remove Agenda Item No. 8 - Adopt Ordinance No. 19-0007 Amending the Manhattan Beach Municipal Code to Reinforce the Prohibition on Renting Residential Property for Less than 30 Days from the Consent Calendar to be heard under Section K- Items Removed from the Consent Calendar. The motion carried by the following vote:**

**Aye:** 5- Napolitano, Hersman, Montgomery, Hadley, Stern

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

*Information Systems Manager Leilani Emnace announced that the City will be launching a redesign of the City's website and provided a implementation timeline.*

*Allie Bussjaeger from Grades of Green announced that they are celebrating their tenth anniversary on April 20, 2019, at the Westdrift Hotel.*

*Public Works Director Stephanie Katsouleas announced that the Public Works Department will be hosting a public meeting to discuss Peck Reservoir Replacement Project on April 3, 2019, at the Joslyn Community Center at 6:30 PM.*

*Suzanne Karger announced the reopening of the Neptunian Woman's Clubhouse on Saturday, May 11, 2019, at Kinecta Federal Credit Union from 6:00 PM to 10:00 PM.*

*Nellie Ambrose invited the City Councilmembers to the Young Entrepreneurs Academy Investor Panel Presentation on Monday, April 15, 2019, at 4:45 PM.*

*Kelly Stroman from the Manhattan Beach Chamber of Commerce announced the 20th anniversary celebration of the opening of Tabula Rasa on May 8, 2019, at 5:00 PM.*

*Bob Siemak announced that the Huddle of Manhattan Beach is having a fundraiser for Kids In Need of Defense, benefitting immigrant children separated from their families on April 6, 2019, from 9:00 AM to 12:00 PM at Pacific Elementary School, Manhattan Beach.*

## I. PUBLIC COMMENTS (3 MINUTES PER PERSON)

*The following individuals spoke:*

*Jon Chaykowski spoke about the Sepulveda height limit and stated that residents only wanted to allow first and second story buildings in the business areas. He stated that citizens do not want a 40-foot height limit.*

*Bill Victor spoke regarding the redline copy of the Waste Management Agreement.*

*Carolinn Mejza, a consultant on behalf of AirBnB, stated that AirBnB sent a letter arguing that it would be legally improper to adopt the short-term rental ordinance, as it had not been properly introduced. She expressed her appreciation and commendation on behalf of AirBnB for the City Council's decision to introduce the ordinance for a first reading on Agenda Item No. 8, correcting the violations described in their letter.*

*Tom Nordberg spoke regarding the security at the parking lot on Rosecrans and Highland Avenue, stating that the North BID has money that could be dedicated to additional security measures in that area. Additionally, he stated that license plate readers could provide additional measures to track criminals.*

*David Evans spoke regarding the pedestrian crosswalk on 14th Street and 19th Street and Highland Avenue and requested that the pedestrian lights be reinstated.*

*Tami Zamrazil spoke regarding the pedestrian crosswalk lights that can be embedded in the street.*

## J. CONSENT CALENDAR (APPROVE)

**A motion was made by Mayor Pro Tem Hersman, seconded by Councilmember Montgomery, to approve the Consent Calendar with the exception of Agenda Item No. 8 - Adopt Ordinance No. 19-0007 Amending the Manhattan Beach Municipal Code to Reinforce the Prohibition on Renting Residential Property for Less than 30 Days to be heard under Section K- Items Removed from the Consent Calendar. The motion carried by the following vote:**

**Aye:** 5 - Napolitano, Hersman, Montgomery, Hadley, and Stern

5. Financial Reports:
- a) Schedule of Demands February 28, 2019
  - b) Investment Portfolio for the Month Ending February 28, 2019
  - c) Month End Report for February 28, 2019
- (Finance Director Charelian).

### **ACCEPT REPORTS AND DEMANDS**

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

- 6. Accept Resignation from Parks and Recreation Commissioner Sue Allard, Declare Vacant Parks and Recreation Commission Seat No. 5 (Allard), and Defer Parks and Recreation Commissioner Appointment Until the Annual Boards and Commissions Interview and Appointment Process (City Clerk Tamura).
  - a) **ACCEPT RESIGNATION**
  - b) **DECLARE VACANCY**
  - c) **DEFER PARKS AND RECREATION COMMISSIONER APPOINTMENT**

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

- 7. Consideration of Ordering Plans, Specifications, Cost Estimates, and Engineer’s Report for Annual Street Lighting and Landscaping Assessments (Finance Director Charelian).  
**ADOPT RESOLUTION NO. 19-0034**

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

- 8. Adopt Ordinance No. 19-0007 Amending the Manhattan Beach Municipal Code to Reinforce the Prohibition on Renting Residential Property for Less Than 30 days (Community Development Director McIntosh).  
**ADOPT ORDINANCE NO. 19-0007**

This item was removed from the Consent Calendar and heard under Section K-Items Removed from the Consent Calendar.



## K. ITEMS REMOVED FROM THE CONSENT CALENDAR

8. Adopt Ordinance No. 19-0007 Amending the Manhattan Beach Municipal Code to Reinforce the Prohibition on Renting Residential Property for Less Than 30 days (Community Development Director McIntosh).  
**ADOPT ORDINANCE NO. 19-0007**

*City Attorney Quinn Barrow introduced the item and responded to City Council questions.*

*Mayor Napolitano opened the floor for public comments.*

*Seeing no requests to speak, Mayor Napolitano closed the floor for public comments.*

*City Attorney Barrow read the title of Ordinance No. 19-0007:*

*AN ORDINANCE OF THE CITY OF MANHATTAN BEACH ADDING CHAPTER 4.88 TO TITLE 4 OF THE MANHATTAN BEACH MUNICIPAL CODE REGARDING SHORT-TERM RENTALS AND OTHER TRANSIENT USES.*

**A motion was made by Mayor Pro Tem Hersman, seconded by Councilmember Montgomery, to introduce Ordinance No. 19-0007 Amending the Manhattan Beach Municipal Code to Reinforce the Prohibition on Renting Residential Property for Less than 30 days. The motion carried by the following vote:**

**Aye: 5 - Napolitano, Hersman, Montgomery, Hadley, and Stern**

## L. PUBLIC HEARINGS

*None.*

## M. GENERAL BUSINESS

9. Declare Vacant Planning Commission Seat No. 3 (Sandra Seville-Jones) and Appoint (City Clerk Tamura).  
a) **DECLARE VACANCY**  
b) **APPOINT**

**A motion was made by Mayor Pro Tem Hersman, seconded by Mayor Napolitano to declare vacant Planning Commission Seat No. 3. The motion carried by the following vote:**

**Aye: 5 - Napolitano, Hersman, Montgomery, Hadley, and Stern**

*City Clerk Liza Tamura responded to City Council questions.*

**The City Council unanimously appointed Joseph Ungoco to the Planning Commission - Seat No. 3, for a term to expire on May 31, 2020, with an automatic reappointment to a 3-year term, expiring on May 31, 2023.**

10. Consider Adopting Resolution No. 19-0038 Amending the City Manager's Employment Agreement to Provide a 3% Merit Adjustment and a Smart Phone Allowance (Human Resources Director Jenkins).

**ADOPT RESOLUTION NO. 19-0038 APPROVING AMENDMENT NO. 1 TO CITY MANAGER'S EMPLOYMENT AGREEMENT**

*City Attorney Quinn Barrow provided the staff presentation and responded to City Council questions.*

*Mayor Napolitano opened the floor for public comments. The following individuals spoke:*

*Unknown speaker  
Bill Victor*

*Seeing no further requests to speak, Mayor Napolitano closed the floor for public comments.*

**A motion was made by Mayor Pro Tem Hersman, seconded by Councilmember Hadley, to adopt Resolution No. 19-0038, Approving Amendment No. 1 to the City Manager's Employment Agreement. The motion was carried by the following vote:**

**Aye: 5 - Napolitano, Hersman, Montgomery, Hadley, and Stern**

**N. CITY CLERK ANNOUNCEMENT**

*City Clerk Tamura made an announcement that in accordance with Government Code Section 54952.3, Board Members do not receive any compensation or stipend for attending this Manhattan Beach Capital Improvements Corporation meeting.*

**O. ADJOURN CITY COUNCIL MEETING TO A MEETING OF THE MANHATTAN BEACH CAPITAL IMPROVEMENTS CORPORATION**

*At 8:39 PM the City Council recessed to the Capital Improvements Corporation Board Meeting.*

**I. CALL MEETING TO ORDER**

*At 8:40 PM the Capital Improvements Corporation Board Meeting was called to order.*

**II. ROLL CALL**

**Present: 5- Boardmember Montgomery, Councilmember Hadley, Councilmember Stern, Vice President Hersman, and President Napolitano**

**III. PUBLIC COMMENT ON CAPITAL IMPROVEMENT CORPORATION**

*None.*

**IV. GENERAL BUSINESS**

- 11. Reorganization of the Manhattan Beach Capital Improvements Corporation (Finance Director/CFO Charelian).

**APPROVE**

*Finance Director Steve Charelian gave a brief overview of the Capital Improvements Corporation.*

**A motion was made by President Napolitano, seconded by Vice President Hersman to appoint Councilmember Hadley and Councilmember Stern as boardmembers and Finance Director Steve Charelian as Chief Financial Officer of the Capital Improvements Corporation. The motion carried by the following vote:**

**Aye:** 5 - Napolitano, Hersman, Montgomery, Hadley, and Stern

**P. ADJOURN MANHATTAN BEACH CAPITAL IMPROVEMENTS CORPORATION AND RECONVENE THE CITY COUNCIL MEETING**

*At 8:42 PM President Napolitano adjourned the Capital Improvements Corporation Meeting to the Regular Adjourned City Council Meeting.*

**Q. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS**

*None.*

**R. FUTURE AGENDA ITEMS**

*Mayor Napolitano requested to discuss at a future City Council meeting, an ordinance regulating all new cell tower sites in the City of Manhattan Beach, and Councilmember Montgomery concurred.*

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

**This item was received and filed by order of the Chair.**

**S. CITY MANAGER REPORT**

*None.*

**T. CITY ATTORNEY REPORT**

*City Attorney Quinn Barrow congratulated the new City Councilmembers.*

**U. INFORMATIONAL ITEMS**

13. Commission Minutes:  
This Item Contains Minutes of the following City Commission Meetings:  
a) Library Commission Meeting Minutes of February 11, 2019 (Parks and Recreation Director Leyman)  
b) Parks and Recreation Commission Meeting Minutes of February 25, 2019 (Parks and Recreation Director Leyman).

**INFORMATION ITEM ONLY**

**This item was received and filed by order of the Chair.**

14. Recent Planning Commission Quasi-Judicial Decision:  
Use Permit Amendment to Allow a Major Remodel of an Existing Restaurant with Full Liquor Service and Live Entertainment- 309 Manhattan Beach Boulevard  
(Community Development Director McIntosh).

**INFORMATION ITEM ONLY**

**This item was received and filed by order of the Chair.**

**V. CLOSED SESSION**

*None.*

**W. ADJOURNMENT**

*At 8:48 PM Mayor Napolitano adjourned the meeting in memory of Bob Brigham to a 6:00 PM CIP Study Session, Tuesday, April 9, 2019, in Council Chambers.*

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**Alexandria Latragna**  
**Recording Secretary**

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**Steve Napolitano**  
**Mayor**

**ATTEST:**

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