

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Draft

Tuesday, November 6, 2018

6:00 PM

Regular Meeting

City Council Chambers

City Council Regular Meeting

*Mayor Steve Napolitano
Mayor Pro Tem Nancy Hersman
Councilmember Richard Montgomery
Councilmember David Lesser
Councilmember Amy Howorth*

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A. PLEDGE TO THE FLAG

At 6:02 PM, Mayor Napolitano called the meeting to order and Nathan Inoue, from Meadows Elementary School, led the Pledge of Allegiance.

B. ROLL CALL

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

C. CEREMONIAL CALENDAR

1. Proclamation Declaring November 2018 as National Family Caregivers Month.

PRESENT

Mayor Napolitano, on behalf of the City Council, presented a proclamation to Melene McBride and Barbara Landon, declaring November 2018 as National Family Caregivers Month.

D. APPROVAL OF AGENDA AND WAIVER OF FULL READING OF ORDINANCES

Mayor Napolitano requested to remove from the Consent Calendar, Agenda Item No. 6- Request from the Cultural Arts Commission to Discuss the "Art in the Park" Event Proposal.

A motion was made by Mayor Napolitano, seconded by Councilmember Lesser, to approve the agenda and waive full reading of ordinances, and remove Agenda Item No. 6- Request from the Cultural Arts Commission to Discuss the "Art in the Park" Event Proposal from the Consent Calendar for discussion. The motion carried by the following vote:

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

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

Mark Lipps, President and CEO of the Manhattan Beach Chamber of Commerce, announced the 2nd Annual Mastermind for Women by Women Metamorphosis event on November 14, 2018, from 10:00 AM to 2:00 PM.

Carrie Holland, OneLegacy Ambassador, announced a special viewing of the "Rhythm of the Heart" Rose Parade float on December 12, 2018, from 10:00 AM to 12:00 PM. OneLegacy's mission is to save and heal lives by promoting organ, eye, and tissue donations.

Kelly Stroman, Executive Director of the Downtown Manhattan Beach Business and Professionals Association, announced the VetFest Beer-B-Que to be held on November 11, 2018, from 12:00 PM to 5:00 PM and the Holiday Open House and Pier Lighting event to be held on November 14, 2018, at 5:00 PM.

Wayne Powell announced that on November 15, 2018, at 11:30 AM, Manhattan Beach Coordinating Council will hold a Luncheon at the Belamar Hotel.

Amanda Hunter, California Map Art Company, displayed a hand painted City of Manhattan Beach map and asked the City Council to agendaize the discussion of the hand painted map which becomes a poster and a 500-piece jigsaw puzzle.

Councilmember Howorth announced that prior to the Holiday Open House and Pier Lighting event, the sunset will occur at 4:51 PM and invited everyone to attend the Light Gate Sunset on Highland Avenue between Manhattan Beach City Hall and the Manhattan Beach Library.

Councilmember Montgomery announced that he was pleased to see so many people wearing "I Voted" stickers. He also announced that elections will be held in March, and that the National League of Cities will be touring the City of Manhattan Beach.

F. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Richard Ackerman stated that at 424 1st Street there is new construction that encroaches upon the right-of-way for all of the properties on the south side of the street. He indicated that the construction impacts telephone cables and utility lines. He indicated that he believes this to be a due process issue and asked that this item be put on the City Council's agenda in order to reverse the Community Development Department's decision to ignore the request.

Stephanie Robins expressed her opposition to the Resolution in Item No. 13 regarding the shelter crisis declaration, stating that the City does not have a homeless problem that rises to the level of a shelter crisis.

Flint Myers spoke on North Meadows Avenue traffic, indicating that the speed and quality of the driving is dangerous. He mentioned that the speeds range from 25 MPH to low 80 MPH, specifically in front of Ella's Enchanted Garden where there is no crosswalk. Mr. Myers also indicated that the crosswalk signage on North Meadows Avenue is being blocked by another sign that says "Dip".

Lucia La Rosa Ames, a Homelessness Taskforce member, shared concerns about safety regarding the adoption of the shelter crisis resolution. She requested that the City Council, if they choose to adopt the shelter crisis resolution, include a statement to say that the no camping ordinance prevails.

Mayor Napolitano stated that he would like to agendize for future discussion the North Meadows Avenue traffic matter.

City Manager Bruce Moe clarified that the issue brought up by Mr. Ackerman is a matter between the property owner and Southern California Edison and that the City has no jurisdiction.

G. CONSENT CALENDAR (APPROVE)

City Attorney Quinn Barrow clarified that a revised Resolution No. 18-0148 was distributed for Item No. 7, the amendments to the Manhattan Beach Municipal Code (MBMC) and Local Coastal Program (LCP) related to the Regulation of (a) Banks, Catering Services, Offices (Business and Professional), Communication Facilities, Veterinary Services and Optometrists; and (b) Retail Store Sales Floor Area, in the Downtown Commercial (CD) Zone; Adoption of Resolution No. 18-0148 Transmitting Local Coastal Program Code Amendments to the California Coastal Commission.

Mayor Napolitano stated that he wanted to record himself as a "No" vote for Item No. 7.

A motion was made by Mayor Pro Tem Hersman, seconded by Councilmember Howorth, to approve the Consent Calendar, Item Nos. 2-5 and 7-10. Agenda Item 6- Request from the Cultural Arts Commission to Discuss the "Art in the Park" Event Proposal was moved to after Item No. 14. The motion carried by the following vote:

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

Nay: 1 - Napolitano (Agenda Item No. 7)

2. City Council Minutes:

This Item Contains Minutes of the Following City Council Meeting(s):

- a) City Council Regular Meeting Minutes of October 2, 2018
 - b) City Council Adjourned Regular Meeting Minutes (Information Technology Fiber Master Plan Study Session) of October 9, 2018
 - c) City Council Special Meeting Minutes (Closed Session) of October 16, 2018
- (City Clerk Tamura).

APPROVE

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

3. Financial Reports:

- a) Schedule of Demands: September 27, 2018
- b) Investment Portfolio for the Month Ending September 30, 2018
- c) Month End Report for September 30, 2018
(Interim Finance Director Charelian).

ACCEPT REPORTS AND DEMANDS

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

4. Resolution No. 18-0146 Adopting the Memorandum of Understanding with the Manhattan Beach Part-Time Employee Association, Appropriate Prop A Funds and Approve Transfer from General Fund (Interim Human Resources Tomikawa).

- a) **ADOPT RESOLUTION NO. 18-0146**
- b) **APPROPRIATE PROP A FUNDS**
- c) **APPROVE TRANSFER FROM GENERAL FUND**

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

5. Resolution No. 18-0147 Approving the Los Angeles Area Regional Training Group Joint Powers Agreement and Authorizing the City's Membership in the Regional Training Group Authority (Acting Fire Chief Abell).

- a) **ADOPT RESOLUTION NO. 18-0147**
- b) **AUTHORIZE**

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

6. Request from the Cultural Arts Commission to Discuss the "Art in the Park" Event Proposal (Parks and Recreation Director Leyman).**DISCUSS AND PROVIDE DIRECTION**

This item was removed from the Consent Calendar and heard after Item No. 14.

7. Second Reading and Adoption of Ordinance Nos. 18-0022 and 18-0023 Amending the Manhattan Beach Municipal Code (MBMC) and Local Coastal Program (LCP) related to the Regulation of (a) Banks, Catering Services, Offices (Business and Professional), Communication Facilities, Veterinary Services and Optometrists; and (b) Retail Store Sales Floor Area, in the Downtown Commercial (CD) Zone; Adoption of Resolution No. 18-0148 Transmitting Local Coastal Program Code Amendments to the California Coastal Commission (Community Development Director McIntosh).

a) ADOPT ORDINANCE NOS. 18-0022 AND 18-0023

b) ADOPT RESOLUTION NO. 18-0148

The recommendation for this item was approved on the Consent Calendar, with Mayor Napolitano voting "No".

Aye: 4 - Hersman, Montgomery, Lesser and Howorth

Nay: 1 - Napolitano

8. Accept as Complete the Cycle 1 Storm Drain Improvements Project Constructed by Clarke Contracting Corporation; Authorize Filing a Notice of Completion with the County Recorder; and Release of Retention of \$24,998.40 (Public Works Director Katsouleas).

APPROVE

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

9. Accept as Complete the Cycle 2 Community Development Block Grant (CDBG) Project No. 601911-17: Installation of Americans with Disabilities Act (ADA)-Compliant Curb Ramps Construction Project constructed by FS Contractors, Inc.; Authorize Filing a Notice of Completion with the County Recorder; and, Release the Retention for \$7,178.15 (Public Works Director Katsouleas).

APPROVE

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

10. Accept as Complete the Following Construction Projects Constructed by Palp Inc., dba Excel Paving Company (Excel): 1) Manhattan Beach Boulevard Pavement Resurfacing Project and Other Right-of-Way Modifications Between Sepulveda Boulevard and Aviation Boulevard, and 2) Resurfacing of Redondo Avenue, 10th Street, 11th Street and Oak Avenue Project; Authorize Filing a Notice of Completion with the County Recorder; Release the Retention Amount of \$65,011; Approve an Increase to the Authorized Contract Amount by \$51,259, Needed to Process Final Change Order No. 3 for \$51,851 (Public Works Director Katsouleas).

APPROVE

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

H. ITEMS REMOVED FROM THE CONSENT CALENDAR

None. Item 6- Request from the Cultural Arts Commission to Discuss the "Art in the Park" Event Proposal was moved for discussion after Item No. 14.

I. PUBLIC HEARINGS

None.

J. GENERAL BUSINESS

11. 60-Day Update on Changes and Modifications Made by Leadership Manhattan Beach (City Clerk Tamura).

DISCUSS AND PROVIDE DIRECTION

Senior Management Analyst George Gabriel provided the staff presentation.

Robert Espinoza, Interim President of Leadership Manhattan Beach, and Steven Carvel, Alumni Director of Leadership Manhattan Beach, presented information regarding the Leadership Manhattan Beach board meetings and the proposed updated bylaws.

Mayor Napolitano opened the floor for public comments.

Mark Lipps indicated his support of the changes that Leadership Manhattan Beach has addressed in their meetings.

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

Mayor Pro Tem Hersman expressed her concern with the progress and the method of the reforms to Leadership Manhattan Beach and recommended employing a nonprofit attorney.

Councilmember Montgomery suggested to continue the item as the elections had not been completed.

A motion by Councilmember Howorth, Seconded by Councilmember Montgomery, to receive and file the report and look for updates from the City Council liaison (Councilmember Howorth). The motion carried by the following vote:

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

12. Consideration of Short-Term Rental Program and Policies (Community Development Director McIntosh).

DISCUSS AND PROVIDE DIRECTION

Community Development Director Anne McIntosh, Community Development Senior Management Analyst Nhung Madrid, and Community Development Building Official Ryan Heise provided the staff presentation and responded to City Council questions regarding the item.

Mayor Napolitano opened the floor for public comments.

Mark Lipps spoke in support of short-term rentals and suggested that it could be expanded outside of the commercial areas.

Laurie McDermott spoke in support of short-term rentals indicating that guests spend a lot of money in the community and she enjoys being a host with guests in her home.

Connie Llanos, representative for Airbnb, spoke in support of short-term rentals, citing incredible benefits to the City's businesses and residents with supplemental income, being one of the benefits.

Karen McDermott spoke against the commercial zone, suggested expanding the program, while adding a small fee to reservations in order to offset the costs of the program.

Eric Doricko stated that he has had a lot of short-term rentals which have helped him supplement his income. He suggested not adding a fee to rentals.

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

At 8:12 PM City Council recessed and reconvened at 8:25 PM with all Councilmembers present.

A motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Hersman, directing staff to return to the City Council with a draft Ordinance to consider short-term rentals in residential districts citywide (hosted stays) and in commercial districts (hosted or unhosted stays). City Council also directed staff to develop information regarding:

- 1) Hosted vs. unhosted stay guidelines.**
- 2) Supplementing enforcement capacity (i.e. compliance vendor, Code Enforcement staff).**
- 3) Application, registration, and permit requirements.**
- 4) Information sharing requirement with online platforms.**
- 5) Special advertising related to short-term rental discussion.**

The motion was carried by the following vote:

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

13. Resolution No. 18-0149 Declaring a Shelter Crisis Pursuant to SB 850, Allowing the City to be Eligible for Homeless Emergency Aid Program (HEAP) Grant Funding and the City's Multi-Jurisdictional Proposal to Implement the City's Homelessness Plan (City Manager Moe).

a) **ADOPT RESOLUTION NO. 18-0149**

b) **APPROVE**

Senior Management Analyst George Gabriel provided the staff presentation. City Manager Bruce Moe, City Attorney Quinn Barrow, and Senior Management Analyst Gabriel responded to questions from the City Council.

Mayor Napolitano opened the floor for public comment.

Sandy Elsky spoke in opposition of the proposed resolution and inquired about the activities of the mental health liaison.

Elyse Gura asked if "declaring a shelter crisis" means that the City never has enough beds for the homeless. She also asked if it is a violation of the Ordinance for a homeless person to decline an offered bed.

George Dvorsky stated that the City does not have a homeless crisis and urged the City Council to not build shelters.

Mayor Napolitano clarified that the City is not suggesting building shelters.

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

Police Chief Derrick Abell responded to City Council questions.

A motion was made by Councilmember Howorth, seconded by Councilmember Montgomery to adopt Resolution No. 18-0149 declaring a shelter crisis pursuant to SB 850, allowing the City to be eligible for Homeless Emergency Aid Program (HEAP) grant funding, and to direct staff to pursue additional hours of service provided by the Los Angeles County Mental Health Evaluation Team. The motion carried by the following vote:

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

14. City Hall Lobby Public Art Project Request for Qualifications (Parks and Recreation Director Leyman).

APPROVE

Cultural Arts Manager Martin Betz provided the staff presentation and answered questions from the City Council.

Mayor Napolitano opened the floor to public comment.

Pam Kunath suggested that the empty space in the lobby be filled with art from high school students until permanent pieces are procured.

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

A motion was made by Mayor Pro Tem Hersman, and seconded by Councilmember Montgomery, to approve the City Hall Lobby Public Art Project Request For Qualifications. The motion carried by the following vote:

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

6. Request from the Cultural Arts Commission to Discuss the "Art in the Park" Event Proposal (Parks and Recreation Director Leyman).

DISCUSS AND PROVIDE DIRECTION

Mayor Napolitano indicated support for the idea, suggested to include the request in next year's Cultural Arts Commission Work Plan. Parks and Recreation Director Mark Leyman concurred.

Parks and Recreation Director Leyman responded to City Council questions.

Mayor Napolitano opened the floor for public comments.

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

A motion was made by Councilmember Lesser, seconded by Councilmember Montgomery indicating support for the request on next year's Cultural Arts Commission Work Plan. The motion carried by the following vote:

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

15. Adopt Resolution No. 18-0150 Authorizing the Purchase of Outdoor Fitness Court Equipment to be Installed on Veteran's Parkway (near Vons) and Appropriating \$78,500 from the Capital Improvement Project Fund for the Purchase (Parks and Recreation Director Leyman).

ADOPT RESOLUTION NO. 18-0150

Parks and Recreation Director Mark Leyman provided the staff presentation and responded to City Council questions.

Mayor Napolitano expressed that he is concerned about installing a wall in the park.

Councilmember Montgomery asked why the fitness wall is necessary, and Parks and Recreation Director Leyman answered that it provides a variety of options for fitness routines.

Councilmember Lesser expressed concerns with the color of the flooring not fitting into the natural landscape.

Councilmember Howorth stated that she can see the functionality of the fitness wall for the community, but expressed that she would like to see different options.

A motion was made by Councilmember Montgomery, seconded by Councilmember Howorth, to adopt Resolution No. 18-0150 approving the purchase of outdoor fitness court equipment to be installed on Veteran's Parkway (near Vons), and directing staff to return with concept options on the project. The motion carried by the following vote:

Aye: 4 - Hersman, Montgomery, Lesser and Howorth

Nay: 1 - Napolitano

A motion was made by Councilmember Montgomery, seconded by Councilmember Howorth, to waive the formal bidding process for the purchase of the equipment pursuant to Municipal Code § 2.36.14 waiving formal bidding for the fitness equipment. The motion carried by the following vote:

Aye: 4 - Hersman, Montgomery, Lesser and Howorth

Nay: 1 - Napolitano

K. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS

Councilmember Lesser and Councilmember Montgomery stated they attended the TedX event in Manhattan Beach and that it was very informative.

L. FUTURE AGENDA ITEMS

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

Councilmember Montgomery requested to schedule the item regarding changing the name of Sepulveda Blvd to Pacific Coast Highway to a meeting at a later date due to a scheduling conflict for Mayor Pro Tem Hersman. Councilmember Lesser stated that he has a potential conflict of interest and may need to recuse himself from that item.

M. CITY MANAGER REPORT

City Manager Bruce Moe congratulated Steve Charelian on his new position as Finance Director.

City Manager Moe announced that the "Tip A Cop" event is being held on Thursday, November 8, 2018, from 5:00 PM to 9:00 PM, at the Tin Roof.

City Manager Moe announced that a community meeting regarding the design of Fire Station II will be held on December 3, 2018, from 6:00 PM to 7:00 PM in the Police/Fire Conference Room. He also clarified that the event will be advertised.

N. CITY ATTORNEY REPORT

None.

O. INFORMATIONAL ITEMS

- 17. Commission Minutes:**
This Item Contains Minutes of the following City Commission Meetings:
a) Parks and Recreation Commission Meeting Minutes of June 25, 2018
b) Parks and Recreation Commission Meeting Minutes of July 16, 2018
c) Parks and Recreation Commission Meeting Minutes of September 17, 2018
(Parks and Recreation Director Leyman).

INFORMATION ITEM ONLY

The item was received and filed by order of the Chair.

P. CLOSED SESSION

Q. ADJOURNMENT

At 10:07 PM Mayor Napolitano adjourned the meeting.

Martha Alvarez
Recording Secretary

Steve Napolitano
Mayor

ATTEST:

Liza Tamura
City Clerk