

# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266



## Meeting Minutes - Draft

Tuesday, April 3, 2018

6:00 PM

Regular Meeting

City Council Chambers

## City Council Regular Meeting

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

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**A. PLEDGE TO THE FLAG**

*Mayor Howorth led the Pledge of Allegiance.*

**B. ROLL CALL**

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

**C. CEREMONIAL CALENDAR**

1. Presentation of a Proclamation Declaring the Month of April, 2018 as [18-0142](#)  
Earth Month.

**PRESENT**

*Mayor Howorth, on behalf of the City Council, presented a proclamation for Earth Month to Community Development Director Anne McIntosh and Environmental Programs Manager Dana Murray,*

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

**A motion was made by Councilmember Lesser, seconded by Councilmember Montgomery, to approve the agenda as amended to remove Item No. 5 (Resolution No. 18-0033 Ordering Plans, Specifications, Cost Estimates and Engineer's Report for Annual Street Lighting and Landscaping Assessments) and waive full reading of ordinances. The motion carried by the following vote:**

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

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

*Mark Lipps, Manhattan Beach Chamber of Commerce, announced an Economic Forum on April 19, 2018, the presentation by The Young Entrepreneurs Academy on April 17, 2018, and the "Salute to the Heroes of Manhattan" (First Responders and Public Works Department) on October 17, 2018, at Veranda's in Manhattan Beach.*

*David Ibarra, Senior Recreation Leader, announced the Family Campout event on May 19-20, 2018 at Begg Field and Fishing Derby on May 20, 2018 at Begg Field.*

*Councilmember Montgomery reported that nighttime flights over the City are due to improvements on runways at LAX (Los Angeles International Airport). He further added that the potholes on Sepulveda are under the jurisdiction of CalTrans and the City is looking into solutions to solve the problem.*

*Mayor Pro Tem Napolitano reported calls regarding flights out of Hawthorne and Councilmember Montgomery responded that he has also inquired about this and will report back.*

*Mayor Howorth spoke of the "Reach Manhattan Beach" app and announced an Emergency Preparedness Meeting on April 10, 2018, at the Joslyn Community Center with Emergency Preparedness Kits for sale.*

*Mayor Howorth reported on the Town Hall Meeting held by Police Chief Derrick Abell.*

*Mayor Howorth also announced the opening of the Spring Musical at Mira Costa High School on April 20, 2018.*

## **F. PUBLIC COMMENTS (3 MINUTES PER PERSON)**

*Mark Lipps, Manhattan Beach Chamber of Commerce, thanked the Mayor for promoting emergency preparedness with the Town Hall Meeting and the sale of the Emergency Preparedness Kits. He also thanked the Downtown Business Association, the City of Manhattan Beach and Annie McQuitty from Dance Excellence for their assistance in greeting the International Mom's visiting Manhattan Beach today.*

*Suzanne Lerner spoke about the need for larger trash cans on 10th Street, requested that no podiums or carpets be allowed outside of restaurants, no yellow umbrellas and not increasing parking spaces needed as Metlox is already overcrowded.*

*Bill Victor spoke about the LA Food Bowl Event and the need to add more seats for the public.*

**G. CONSENT CALENDAR (APPROVE)**

A motion was made by Councilmember Montgomery, seconded by Councilmember Lesser, to approve the Consent Calendar Item Nos. 2-6 with the exception of Item No.5 ( Resolution No. 18-0033 Ordering Plans, Specifications, Cost Estimates and Engineer's Report for Annual Street Lighting and Landscaping Assessments). The motion carried by the following vote:

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

2. City Council Minutes: [18-0030](#)  
This Item Contains Minutes of the Following City Council Meeting:  
City Council Regular Meeting Minutes of March 20, 2018  
(City Clerk Tamura).

**APPROVE**

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

3. Financial Report: [18-0102](#)  
a) Schedule of Demands: March 1, 2018  
b) Investment Portfolio for the Month Ending February 28, 2018  
c) Month End Report for February 28, 2018  
(Interim Finance Director Charelian).

**ACCEPT REPORT AND DEMANDS**

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

4. Approve the Revised City Council Assignments (City Clerk Tamura). [18-0152](#)  
**APPROVE**

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

5. Resolution No. 18-0033 Ordering Plans, Specifications, Cost Estimates and Engineer's Report for Annual Street Lighting and Landscaping Assessments (Interim Finance Director Charelian). [RES 18-0033](#)  
**ADOPT RESOLUTION NO. 18-0033**

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

6. Resolution No. 18-0041 Authorizing the City Manager to Execute a Five-Year Lease with the United States Postal Service (Interim Finance Director Charelian). [RES 18-0041](#)  
**ADOPT RESOLUTION NO. 18-0041**

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

## H. ITEMS REMOVED FROM THE CONSENT CALENDAR

5. Resolution No. 18-0033 Ordering Plans, Specifications, Cost Estimates and Engineer's Report for Annual Street Lighting and Landscaping Assessments (Interim Finance Director Charelian). [RES 18-0033](#)  
**ADOPT RESOLUTION NO. 18-0033**

*Interim Finance Director Steve Charelian provided the Staff presentation.*

*City Manager Bruce Moe responded to City Council questions.*

*Mayor Howorth opened the floor to public comment.*

*Bill Victor supports the survey and the City Council asking questions about the Lighting District.*

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

**A motion was made by Councilmember Hersman, seconded by Mayor Pro Tem Napolitano, to adopt Resolution No. 18-0033 Ordering Plans, Specifications, Cost Estimates and Engineer's report for Annual Street Lighting and Landscaping Assessments. The motion carried by the following vote:**

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

## I. PUBLIC HEARINGS

7. Public Hearing to Consider Master Use Permit Amendment to Modify Certain Conditions of Approval in the Metlox Master Use Permit Related to Restaurant and Commercial Uses Located at 451 Manhattan Beach Boulevard (Metlox, LLC) (Community Development Director McIntosh). [18-0165](#)  
**a) CONDUCT PUBLIC HEARING**  
**b) CONSIDER ADOPTING RESOLUTION APPROVING A MASTER USE AMENDMENT AND AMENDMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT**

*Mayor Howorth opened the public hearing.*

*Community Development Director Anne McIntosh provided a summary of the item and Assistant Planner Angela Ochoa provided the PowerPoint presentation,*

*Community Development Director McIntosh and Assistant Planner Angela Ochoa responded to City Council questions.*

*Jonathon Tolkin Metlox Manager/Applicant provided a PowerPoint presentation and responded to City Council questions.*

*Appellant Don McPherson provided a PowerPoint presentation and distributed a handout to the City Council.*

*At 7:38 PM City Council recessed and reconvened at 7:44 Pm with all Councilmembers present.*

*Mayor HOworth opened the floor to public comment.*

*Bill Victor stated that he is opposed to amending the Master Use Permit. He spoke about parking, upstairs dining, and giving authority to the City Manager for decisions without returning to City Council.*

*James Gill stated his concerns about the number of liquor licenses that could be given, but also stated that keeping a diversified portfolio is important.*

*Suzanne Lerner spoke about intensification of the property.*

*Carol Perrin stated that parking is already impossible and intensified use will not work.*

*Jim Burton recommended that the City Council defer taking action until there are vacancies.*

*Kathy Clark spoke about lack of parking and that more restaurants would cause more deliveries.*

*Neil Leventhal echoed that it does not make sense to solve a problem that does not exist.*

*Karol Wahlberg does not want to add more food space and stated that there is not enough parking.*

*Mayor Howorth allowed the Applicant and the Appellant time for a rebuttal.*

*Seeing no further requests to speak, Mayor Howorth closed the public hearing.*

*At 8:16 PM Mayor Howorth reopened the public hearing at the request of Councilmember Montgomery so that Kelly Stroman could speak on behalf of the Downtown Business Association.*

*At 8:20 PM Mayor Howorth closed the public hearing.*

*Community Development Director McIntosh and City Attorney Quinn Barrow responded to City Council questions.*

*After consideration, discussion and deliberation the City Council considered a number of different motions that did not gain support.*

A motion was made by Mayor Howorth, seconded by Councilmember Lesser, for Staff to return with a resolution to approve the division of the restaurant space currently occupied by Nick's, into two restaurant spaces with alcohol permitted in both spaces, modification of previously approved retail use currently occupied by Waterleaf (with two tenant spaces) to allow personal service or personal improvement service use, modification of previously approved retail use (currently occupied by Beehive) to allow personal service or personal improvement service use and to deny the Applicant's remaining requests without prejudice (thereby enabling the Applicant to resubmit this request in the future without waiting for the two-year resubmittal requirement). The motion carried by the following vote:

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

## J. GENERAL BUSINESS

### 8. Update on the Manhattan Village Mall (Oral Presentation by the Manhattan Village Mall).

*City Manager Bruce Moe reported that there will be more frequent Manhattan Village Mall updates as requested by the subcommittee.*

*JLL Senior Vice President Phil Friedl provided the Manhattan Village Mall PowerPoint presentation.*

*Mayor Howorth opened the floor to public comment.*

*Will Arvizo inquired about the Marine Avenue/Sepulveda Boulevard Exit.*

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

*JLL Senior Vice President Friedl responded to City Council questions.*

*Seeing no further questions, the City Council received the report.*

*At 9:18 PM City Council recessed and reconvened at 9:25 PM with all Councilmembers present.*

9. Approve Composition and Roles for City's Sustainability Task Force 2018-2019 (Community Development Director McIntosh). [18-0130](#)

**APPROVE**

*Environmental Programs Manager Dana Murray provided the Staff presentation.*

*Community Development Director Anne McIntosh and Environmental Programs Manager Murray responded to City Council questions.*

*Mayor Howorth opened the floor to public comment.*

*Craig Cadwallader stated that the Task Force will be a good process for formally interacting with the City.*

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

**A motion was made by Mayor Pro Tem Napolitano, seconded by Councilmember Montgomery, to approve the composition, roles and appointments for the City's Sustainability Task Force 2018-2019. A friendly amendment, accepted by the maker, is the appointment of Councilmember Hersman and Mayor Howorth to the Task Force as City Council representatives. The motion carried by the following vote:**

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

10. Introduction of Ordinance No. 18-0013 Authorizing the City Council to Conditionally Issue Special Permits for the Service of Alcohol on the Beach Under Limited Circumstances; Adoption of Resolution No. 18-0053 Allowing "Outstanding in the Field" in Conjunction with the L.A. Times Food Bowl to Serve Alcohol at its Longtable Dinner Event on May 24, 2018 (Parks and Recreation Director Leyman). [18-0164](#)
- a) INTRODUCE ORDINANCE NO. 18-0013**
- b) ADOPT RESOLUTION NO. 18-0053**

*Parks and Recreation Director Mark Leyman provided the Staff presentation.*

*Parks and Recreation Director Leyman and City Attorney Quinn Barrow responded to City Council questions.*

*Mayor Howorth opened the floor to public comment.*

*James Gill stated his opposition to the event.*

*Craig Cadwallader stated his opposition to the event.*

*Karol Wahlberg stated her opposition to the event.*

*Bill Victor stated his opposition to the event.*

*Will Arvizo is not opposed to the event, but opposed to changing the Municipal Code.*



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

*Councilmember Lesser stated that it sounds like a fantastic event, but he remains adamant in not changing the City's Municipal Code. He also stressed that it is a privatization of the beach and sets a double standard with the serving of alcohol.*

*City Manager Bruce Moe provided clarification regarding the grills discussion at the last City Council Meeting.*

*City Attorney Barrow read the title of the ordinance into the record: AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING MUNICIPAL CODE SECTION 4.48.090 TO ALLOW THE CONDITIONAL ISSUANCE OF SPECIAL PERMITS BY THE CITY COUNCIL FOR THE SERVICE OF ALCOHOL ON THE BEACH UNDER LIMITED CIRCUMSTANCES.*

*City Attorney Barrow further added that in Section 3, when it goes into effect, a second sentence will be added that states: This ordinance shall automatically be repealed without further action by the City Council on August 31, 2018.*

**A motion was made by Mayor Pro Tem Napolitano, seconded by Councilmember Montgomery, to introduce Ordinance No. 18-0013 to temporarily authorize the City Council to conditionally issue special permits for the service of alcohol on the beach under limited circumstances with the addition of a "Sunset Clause" so that the Ordinance would expire on August 31, 2018, between now and the event no other applications will be taken, come back at a future date to review the event to see what the impacts were and how it was run and then decide whether to allow other events to apply for a special permit and consider criteria for any future events or just let the sunset run out. The motion carried by the following vote:**

**Aye:** 4 - Howorth, Napolitano, Hersman and Montgomery

**Nay:** 1 - Lesser

*Parks and Recreation Director Leyman and City Attorney Barrow responded to City Council questions.*

**A motion was made by Mayor Howorth, seconded by Councilmember Montgomery, to adopt Resolution No. 18-0053 with the following additions:**

- 1. No amplified sound.**
- 2. Event hours are from 4 PM until 9 PM.**
- 3. No alcohol may be purchased at or brought into the event.**
- 4. Appropriate security as approved by the Manhattan Beach Police Chief.**
- 5. Shuttle Transportation.**
- 6. Compliance with all standard special permit conditions.**

**The motion carried by the following vote:**

**Aye:** 4 - Howorth, Napolitano, Hersman and Montgomery

**Nay:** 1 - Lesser

11. Discuss and Provide Direction on a Proposed Donation by Warren Lichtenstein of Robert Indiana's "LOVE" Sculpture (Continued from the February 20, 2018 City Council Regular Meeting) (Parks and Recreation Director Leyman).

[RES 18-0045](#)

- a) **DISCUSS AND PROVIDE DIRECTION**
- b) **CONSIDER FIVE-YEAR TERM LOAN**
- c) **CONSIDER PROPOSED LOCATION**
- d) **CONSIDER RESOLUTION NO. 18-0045**

*Cultural Arts Manager Martin Betz provided the PowerPoint presentation.*

*At 10:33 PM Mayor Howorth requested a motion to extend the meeting.*

**A motion was made by Mayor Pro Tem Napolitano, seconded by Councilmember Lesser, to extend the time of the meeting past 11:00 PM. The motion carried by the following vote:**

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

*Cultural Arts Manager Martin Betz provided the PowerPoint presentation.*

*Cultural Arts Manager Betz and City Attorney Quinn Barrow responded to City Council questions.*

*Mayor Howorth opened the floor to public comment.*

*Craig Cadwallader stated his opposition to the proposed location.*

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

**A motion was made by Mayor Howorth seconded by Mayor Pro Tem Napolitano, to request that Staff pursue locations for the donated piece at Metlox and Civic Center Plaza and return at a future meeting with proposed sites for City Council approval. The motion carried by the following vote:**

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

12. Update on Public Art Trust Fund Projects; and City's Public Art Policy Approval to Proceed with a Request for Qualifications for the City Hall Mural Project (Parks and Recreation Director Leyman). [18-0149](#)
- a) **DISCUSS AND PROVIDE DIRECTION**
- b) **APPROVE**

*Cultural Arts Manager Martin Betz presented the PowerPoint presentation and responded to City Council questions.*

*Mayor Howorth opened the floor to public comments.*

*Craig Cadwallader indicated his support for moving forward with a variety of art projects.*

*Vanessa Zippo, Gallery Director from Bo Bridges, expressed support for moving forward with art projects throughout the City and City Hall.*

*Unknown speaker questioned the process of coming forward with specific ideas and specific locations.*

*James Gill stated that the "Concerts in the Park" was not discussed during the presentation.*

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

**A motion was made by Mayor Howorth, seconded by Councilmember Hersman, to proceed with moving forward with decommissioning the current City Hall Mural and issuing a Request for Qualifications for a replacement City Hall Mural project. The motion carried by the following vote:**

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

**A motion was made by Mayor Pro Tem Napolitano, seconded by Councilmember Hersman, to move forward with all of the Public Art Trust Fund projects and return to the City Council on May 1, 2018, with the application and selection process for displaying art in City Hall or other City facilities. The motion carried by the following vote:**

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

## **K. CITY COUNCIL REPORTS AND COMMITTEE REPORTS INCLUDING AB 1234 REPORTS**

*Mayor Howorth noted that she would provide a report on the Clean Power Alliance at the next meeting.*

13. **Request by Councilmember Montgomery to Consider Changing the Annual City Business Recognition Program.**

*This item was continued to the April 17, 2018 City Council Meeting.*

## L. FUTURE AGENDA ITEMS

14. Agenda Forecast (City Clerk Tamura). [18-0047](#)  
**DISCUSS AND PROVIDE DIRECTION**

*Mayor Howorth requested for staff to follow up with Suzanne Lerner regarding the request for bigger trash cans on 10th Street and to agendaize a discussion on going dark on the regularly scheduled July 3, 2018 City Council meeting. Councilmember Hersman concurred.*

## M. CITY MANAGER REPORT

*City Manager Bruce Moe announced future meetings:*

*April 10, 2018 - Tuesday - 6:00 PM - Emergency Preparedness Meeting at the Joslyn Community Center*

*April 16, 2018 - Monday - 6:00 PM - Fire Operations Study Session*

*April 23, 2018 - Monday - 6:00 PM - Joint City Council/MBUSD Meeting at the Joslyn Community Center*

*May 8, 2018 - Tuesday - 6:00 PM - Budget Study Session (Tentative)*

*May 10, 2018 - Thursday - 6:00 PM - Budget Study Session (Tentative)*

*May 17, 2018 - Thursday - 6:00 PM - Budget Study Session (Tentative)*

*May 22, 2018 - Tuesday - 6:00 PM - Budget Study Session (Tentative)*

*May 16, 2018 - Wednesday - 6:00 PM - Work Plan Meeting*

*Mayor Howorth also added:*

*April 30, 2018 - Monday -- 6:30 PM - Our Kids and Opioids "It's time to Talk" at the Joslyn Community Center*

## N. CITY ATTORNEY REPORT

*None.*

## O. INFORMATIONAL ITEMS

15. Commission Minutes: [18-0156](#)  
This Item Contains Minutes of the following City Commission Meetings:  
a) Parks and Recreation Commission Meeting Minutes of March 5, 2018 (Parks and Recreation Director Leyman)  
b) Planning Commission Action Meeting Minutes of March 14, 2018 (Community Development Director McIntosh).  
**INFORMATION ITEM ONLY**

*Received and filed by order of the Chair.*

**P. CLOSED SESSION**

*None.*

**Q. ADJOURNMENT**

*At 11:55 PM City Council adjourned to the 6:00 PM Fire Operations Study Session on Monday, April 16, 2018, in the City Council Chambers in said City.*

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

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**Amy Howorth**  
**Mayor**

**ATTEST:**

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