

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Thursday, November 16, 2017

6:00 PM

City Council Chambers

City Council Adjourned Regular Meeting

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

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A. CALL MEETING TO ORDER

At 6:00 PM, Mayor Lesser called the meeting to order.

B. PLEDGE TO THE FLAG

Mayor Lesser led the Pledge of Allegiance.

C. ROLL CALL

Present 5 - Mayor Lesser, Mayor Pro Tem Howorth, Councilmember Napolitano, Councilmember Hersman, Councilmember Montgomery
Teleconference by Councilmember Montgomery.

.....D. PUBLIC COMMENTS (3 MINUTES PER PERSON)

None.

.....E. PUBLIC HEARING

1. Telecommunications and Coastal Permits for AT&T Telecom Sites in the Public Right of Way on Light, Utility and Banner Poles, Including Four in the Appealable Area of the Coastal Zone, City Council Review of Twelve Administrative Telecom Sites and Proposed Master License Agreement (Community Development Director McIntosh).

[17-0465](#)

**AFTER CONDUCTING PUBLIC HEARING AND DELIBERATIONS:
DIRECT STAFF TO PREPARE RESOLUTIONS (A)
CONDITIONALLY APPROVING OR (B) DENYING REQUESTS;
AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE
MASTER LICENSE AGREEMENT IN SUBSTANTIALLY THE FORM
ATTACHED TO THE REPORT**

Mayor Lesser opened the Public Hearing.

Mayor Pro Tem Howorth stated she will recuse herself from telecommunications permit site #14 at Ingleside Drive and 5th Place.

Community Development Director Anne McIntosh and Planning Manager Laurie Jester provided the Staff presentation.

John Heffernan, representative from the AT&T External Affairs Team, provided a presentation on the item.

City Attorney Quinn Barrow answered City Council questions.

Phillip Brown, representative from AT&T Construction Engineering, answered questions from staff and City Council. Additionally, he clarified that AT&T did not appeal Staff's denial of the proposed telecommunications permit located at 9th Place and Valley Drive. Brown noted that AT&T plans to submit another application.

Mayor Lesser opened the floor to public comment.

William F. Clark, attorney for a resident on 18th Street, discussed his concerns for the impact the proposed antenna pole and cabinet would have on the value of the property.

Carol Detrick discussed her concerns for the proximity of telecommunications cabinets and future applications from wireless carriers.

Mindy Geller encouraged City Council to say, "No" to the application on 18th Street and Ocean Drive.

Ira Goldstone commented on the lack of technical information provided by AT&T for the proposed applications.

Ray Joseph commented on the lack of service provided for cell phone coverage and their concern for its implications on public safety.

Bret Lobner encouraged the City Council to defer action and request that the applicant discuss the item with future telecommunications applicants.

Larry Levine questioned the placement of a telecommunications cabinet located at 29th

Street and Manhattan Avenue near his residence.

Elizabeth McGregor discussed her concern for a view obstruction and its negative affect on their property value.

Richard Neitz discussed his concerns for traffic impacts, increased signage, and a decrease in property values.

John Conway commented on cell services and his belief on its positive impact to property values.

Justin Cooper discussed his concerns related to the health and safety of the telecommunications equipment. He encouraged City Council to deny all applications.

Michael Stillman encouraged the City Council to deny all applications until a better solution can be presented.

Wendy Stillman commented on preserving Manhattan Beach as a "beach town."

Gianna Ingram encouraged the City Council to deny all applications.

Brittany Nucci encouraged the City Council to locate the telecommunications equipment in commercial and business zones and away from residential areas.

Gino Nucci, resident of Church Street, commented on the cell towers violating the aesthetics and general welfare of the neighborhood, lack of evidence to support a coverage gap, concerns over intrusions into the public right-of-way, and concerns over the proposed application not being the least intrusive means.

Chad Fahlbusch commented on the loss of property values in Manhattan Beach.

Erin Hedrick opposes the proposed applications.

Katie Driscoll commented on alternative locations where the cell towers could be placed instead of residential areas.

Nicole Swenson commented on her concerns of radiation emissions from the nearby telephone pole.

Julie Green requested that the City Council deny all applications.

Sally Peel encouraged the City Council to look at alternative solutions to provide better service for AT&T customers.

Kenan Driscoll commented on his concern about the precedent of approving the applications and how it affects his home and property value. In addition, he mentioned alternative locations and less intrusive technology that could be utilized.

Jim McCormick commented on the poor cell phone service in Manhattan Beach and supported the proposed telecommunications applications.

Steve Portner commented on the proliferation of telecommunications boxes for various cell phone carriers and alternative locations.

Lou Figueroa commented on the property value impacts, aesthetic impacts, and health concerns related to the telecommunication applications.

Lee Harris commented on his concerns for additional applications from other cell phone carriers and their affect on property values.

Victor Cohen commented on the psychological impact of the proposed telecommunication applications.

At 7:52 PM City Council recessed and reconvened at 8:12 PM with all Councilmembers present (Councilmember Montgomery teleconferencing).

John Heffernan, Representative from the AT&T External Affairs Team, declined to provide a rebuttal and opted to answer questions on individual telecommunications permits as they arose.

Mayor Lesser closed the public hearing at 8:13 PM.

John Heffernan, Representative from the AT&T External Affairs Team, introduced legal counsel for AT&T, Emily Murray and answered questions raised by the City Council.

City Attorney Barrow answered questions raised by the City Council.

Assistant Planner Jason Masters provided a staff presentation on the proposed telecommunications permit location at Ocean Drive and 18th Street.

Assad Peracha, Engineering Counsel for AT&T, answered questions raised by the City Council.

Phillip Brown, Representative from AT&T Construction Engineering, answered questions raised by the City Council.

Emily Murray, Legal Counsel for AT&T answered questions raised by the City Council.

Assistant Planner Masters answered questions raised by the City Council.

Community Development Director McIntosh answered questions raised by the City Council.

At 9:10 PM City Council recessed and reconvened at 9:11 PM with all Councilmembers present (Councilmember Montgomery teleconferencing).

Councilmember Napolitano made general comments relating to all telecommunications permits and stated reasons for denials. He commented on his concern for the lack of feasible site alternatives, aesthetic concerns, collocations opportunities not explored, technological alternatives not explored, and burdens on less developed properties.

Mayor Lesser made general comments relating to all telecommunications permits and stated concerns related to telecommunications permits. He commented on AT&T not making the case for a significant gap in coverage and the lack of alternative sites explored.

Mayor Pro Tem Howorth made general comments relating to all telecommunications permits and stated concerns related to telecommunications permits. She commented on her concerns for aesthetics and the significant gaps in coverage.

Councilmember Hersman made general comments relating to all telecommunications permits and stated concerns related to telecommunications permits. She commented on the necessity of adequate coverage due to public safety concerns.

A motion was made by City Councilmember Napolitano, seconded by Mayor Lesser, that the proposed telecommunications permit at Ocean Drive and 18th Street be denied. The motion carried by the following vote:

Aye: 4 - Lesser, Howorth, Napolitano and Montgomery

Nay: 1 - Hersman

Assistant Planner Masters provided a staff presentation on the proposed telecommunications permit location at Manhattan Avenue and 5th Place.

Assistant Planner Masters answered questions raised by the City Council.

Assad Peracha, Engineering Counsel for AT&T, answered questions raised by the City Council.

Phillip Brown, Representative from AT&T Construction Engineering, answered questions raised by the City Council.

Emily Murray, Legal Counsel for AT&T answered questions raised by the City Council.

A motion was made by City Councilmember Hersman, seconded by Mayor Lesser, that the proposed telecommunications permit at Manhattan Avenue and 5th Place be approved. The motion failed by the following vote:

Aye: 2 - Lesser and Hersman

Nay: 3 - Howorth, Napolitano and Montgomery

Assistant Planner Masters provided a staff presentation on the proposed telecommunications permit location at Manhattan Avenue and 35th/36th Street.

A motion was made by Mayor Pro Tem Howorth, seconded by Mayor Lesser, that the proposed telecommunications permit at Manhattan Avenue and 35th/36th Street Place be conditionally approved. The motion carried by the following vote:

Aye: 3 - Lesser, Howorth and Hersman

Nay: 2 - Napolitano and Montgomery

Assistant Planner Masters provided a staff presentation on the proposed telecommunications permit location at Manhattan Avenue and 29th Street.

Phillip Brown, Representative from AT&T Construction Engineering, answered questions raised by the City Council.

Emily Murray, Legal Counsel for AT&T answered questions raised by the City Council.

A motion was made by City Councilmember Hersman, seconded by Mayor Lesser, that the proposed telecommunications permit at Manhattan Avenue and 29th Street be conditionally approved. The motion carried by the following vote:

Aye: 3 - Lesser, Howorth and Hersman

Nay: 2 - Napolitano and Montgomery

Mayor Lesser noted that the proposed telecommunications permit located at N. Valley Drive and 9th Place was denied by Community Development Director McIntosh.

Assistant Planner Masters provided a staff presentation on the proposed telecommunications permit location at Morningside Drive and 2nd Street.

Phillip Brown, Representative from AT&T Construction Engineering, answered questions raised by the City Council.

Assistant Planner Masters answered questions raised by the City Council.

A motion was made by Mayor Pro Tem Howorth, seconded by Mayor Lesser, that the proposed telecommunications permit at Morningside Drive and 2nd Street be conditionally approved. The motion carried by the following vote:

Aye: 3 - Lesser, Howorth and Hersman

Nay: 2 - Napolitano and Montgomery

Assistant Planner Masters provided a staff presentation on the proposed telecommunications permit location at Alma Street and 28th Street/Place.

City Attorney Barrow answered questions raised by the City Council.

A motion was made by City Councilmember Hersman, seconded by Mayor Pro Tem Howorth, that the proposed telecommunications permit at Alma Street and 28th Street/Place be conditionally approved. The motion carried by the following vote:

Aye: 3 - Lesser, Howorth and Hersman

Nay: 2 - Napolitano and Montgomery

Assistant Planner Masters provided a staff presentation on the proposed telecommunications permit location at Highland Avenue and 19th Street/Place.

City Attorney Barrow answered questions raised by the City Council.

A motion was made by City Councilmember Napolitano, seconded by Mayor Pro Tem Howorth, that the proposed telecommunications permit at Highland Avenue and 19th Street/Place be denied. The motion carried by the following vote:

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

Assistant Planner Masters provided a staff presentation on the proposed telecommunications permit location at Marine Avenue and Bayview Drive.

Assistant Planner Masters answered questions raised by the City Council.

A motion was made by City Councilmember Hersman, seconded by Mayor Lesser, that the proposed telecommunications permit at Marine Avenue and Bayview Drive be conditionally approved.

Mayor Lesser withdrew his second.

A motion was made by City Councilmember Napolitano, seconded by Mayor Pro Tem Howorth, that the proposed telecommunications permit at Marine Avenue and Bayview Drive be denied. The motion carried by the following vote:

Aye: 4 - Lesser, Howorth, Napolitano and Montgomery

Nay: 1 - Hersman

City Attorney Barrow advised the City Council to make a motion extending the meeting past 11:00 PM.

A motion was made by City Councilmember Hersman, seconded by Mayor Lesser, to extend the meeting past 11:00 PM. The motion carried by the following vote:

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

Assistant Planner Masters provided a staff presentation on the proposed telecommunications permit location at Manhattan Avenue and 11th Street.

Assistant Planner Masters answered questions raised by the City Council.

Community Development Director McIntosh answered questions raised by the City Council.

Phillip Brown, Representative from AT&T Construction Engineering, answered questions raised by the City Council.

A motion was made by City Councilmember Napolitano, seconded by Mayor Pro Tem Howorth, that the proposed telecommunications permit at Manhattan Avenue and 11th Street be denied. The motion carried by the following vote:

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

Assistant Planner Masters provided a staff presentation on the proposed telecommunications permit location at Highland Avenue and 32nd Place/33rd Street.

A motion was made by City Councilmember Napolitano, seconded by City Councilmember Montgomery, that the proposed telecommunications permit at Highland Avenue and 32nd Place/33rd Street be conditionally approved. The motion carried by the following vote:

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

Assistant Planner Masters provided a staff presentation on the proposed telecommunications permit location at Bayview Drive and 26th Street.

A motion was made by City Councilmember Napolitano, seconded by Mayor Pro Tem Howorth, that the proposed telecommunications permit at Bayview Drive and 26th Street be conditionally approved.

Mayor Pro Tem Howorth withdrew her second.

A motion was made by City Councilmember Napolitano, seconded by City Councilmember Montgomery, that the proposed telecommunications permit at Bayview Drive and 26th Street be conditionally approved. The motion carried by the following vote:

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

Assistant Planner Masters provided a staff presentation on the proposed telecommunications permit location at 2nd Street and North Ardmore Avenue.

Community Development Director McIntosh responded to questions raised by the City Council.

A motion was made by City Councilmember Napolitano, seconded by Mayor Pro Tem Howorth, that the proposed telecommunications permit at 2nd Street and North Ardmore Avenue be denied. The motion carried by the following vote:

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

Mayor Pro Tem Howorth recused herself for the proposed telecommunications permit location at Ingleside Drive and 5th Place.

Assistant Planner Masters provided a staff presentation on the proposed telecommunications permit location at Ingleside Drive and 5th Place.

Assistant Planner Masters answered questions raised by the City Council.

Phillip Brown, Representative from AT&T Construction Engineering, answered questions raised by the City Council.

A motion was made by City Councilmember Hersman, seconded by Mayor Lesser, that the proposed telecommunications permit at Ingleside Drive and 5th Place be conditionally approved. The motion carried by the following vote:

Aye: 4 - Lesser, Napolitano, Hersman and Montgomery

Abstain: 1 - Howorth

At 11:02 PM Mayor Pro Tem Howorth returned to the City Council dias.

Assistant Planner Masters provided a staff presentation on the proposed telecommunications permit location at Church Street and 13th/14th Streets.

Phillip Brown, Representative from AT&T Construction Engineering, answered questions raised by the City Council.

Assistant Planner Masters answered questions raised by the the City Council.

A motion was made by City Councilmember Napolitano, seconded by Mayor Lesser, that the proposed telecommunications permit at Church Street and 13th/14th Streets be denied. The motion carried by the following vote:

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

Assistant Planner Masters provided a staff presentation on the proposed telecommunications permit location at Valley Drive and Pacific Avenue.

Phillip Brown, Representative from AT&T Construction Engineering, answered questions raised by the City Council.

Assistant Planner Masters answered questions raised by the City Council.

A motion was made by City Councilmember Napolitano, seconded by Mayor Pro Tem Howorth, that the proposed telecommunications permit at Valley Drive and Pacific Avenue be denied.

City Councilmember Napolitano withdrew the motion after Phillip Brown, Representative from AT&T Construction Engineering, confirmed that existing infrastructure would be removed from the existing pole.

A motion was made by City Councilmember Hersman seconded by Mayor Lesser, that the proposed telecommunications permit at Valley Drive and Pacific Avenue be conditionally approved. The motion carried by the following vote:

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

At 11:13 PM City Council recessed and reconvened at 11:23 PM with all Councilmembers present (Councilmember Montgomery teleconferencing).

City Attorney Barrow reported that the "shot clock" provision had been extended by the attorney for AT&T to December 6, 2017.

Emily Murray, Legal Counsel for AT&T, reiterated the extension of the "shot clock" provision to December 6, 2017.

A motion was made by City Councilmember Hersman, seconded by Mayor Lesser, authorize the City Manager and City Attorney to execute the Master License Agreement and revise the language on Page 129, Section 8,1,C from "may" to "shall." The motion carried by the following vote:

Aye: 4 - Lesser, Howorth, Napolitano and Hersman

Absent: 1 - Montgomery

Following the vote, Councilmember Montgomery was reconnected to the teleconference line and indicated his support for the prior motion made by City Councilmember Hersman, seconded by Mayor Lesser, authorizing the City Manager and City Attorney to execute the Master License Agreement and revise the language on Page 129, Section 8,1,C from "may" to "shall."

F. ADJOURNMENT

At 11:28 PM the City Council adjourned the meeting to November 20, 2017 closed session meeting at 8:00 AM.

George Gabriel
Recording Secretary

David Lesser
Mayor

ATTEST:

Liza Tamura
City Clerk