

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Tuesday, December 19, 2017

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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www.citymb.info/city-officials/city-clerk/city-council-meetings-agendas-and-minutes**

A. PLEDGE TO THE FLAG

Mayor Howorth introduced the Manhattan Beach Police Department Color Guard to post the colors for the City Council Meeting.

Mayor Howorth introduced one of the Presidents of the Mira Costa High School Choir Kelly Shono who led the Pledge of Allegiance.

Mayor Howorth introduced Mira Costa High School Director of Choirs Michael Hayden and the Mira Costa High School Choir who performed "Silent Night".

- 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 Certificate of Recognition from Assemblymember Al Muratsuchi Awarding Police Chief Eve Irvine as "Woman of Distinction 2017" (Continued from the October 17, 2017 City Council Regular Meeting).

[17-0430](#)

PRESENT

Mayor Howorth introduced Assemblymember Al Muratsuchi.

Assemblymember Muratsuchi presented Police Chief Eve Irvine with a Certificate of Recognition for being honored as "Woman of Distinction 2017".

Due to the fact that he was unable to attend the November 21, 2017 City Council Reorganization, Assemblymember Muratsuchi presented Councilmember Lesser with a Certificate of Recognition for his outgoing Mayoral term.

2. Presentation of a Commendation to Outgoing Police Chief Eve Irvine.[17-0519](#)**PRESENT**

Mayor Howorth, on behalf of the City Council, presented a proclamation to Police Chief Eve Irvine for her years of service.

Acting City Manager Bruce Moe presented a PowerPoint presentation outlining Police Chief Irvine's career accomplishments.

Mayor Howorth, Acting City Manager Moe, Councilmember Hersman, Councilmember Lesser, Councilmember Napolitano and Councilmember Montgomery congratulated Police Chief Irvine for her appointment as the new Chief of Police for the City of Torrance and for her service and leadership in the Manhattan Beach Police Department.

Manhattan Beach Unified School District Superintendent Mike Matthews presented Police Chief Irvine with a Certificate of Recognition for her service as Police Chief of the Manhattan Beach Police Department.

Police Chief Irvine thanked her staff in the Police Department for their dedication and support and thanked fellow department directors, City staff and City Council.

3. Presentation of a Commendation to Retiring Fire Chief Robert Espinosa.[17-0520](#)**PRESENT**

Mayor Howorth announced that Fire Chief Robert Espinosa has delayed his retirement and will continue working in the City for an additional time. She further stated that his retirement ceremony will be scheduled at a later time.

4. Presentation of Certificates to the Winners of the 2017 Fire Department Annual "Home Escape Plan" Contest.[17-0521](#)**PRESENT**

Mayor Howorth, on behalf of the City Council, introduced Fire Engineer/Paramedic Brian Yount who presented Certificates of Recognition to the winners of the 2017 Fire Department Annual "Home Escape Plan" Contest:

*Mila Wald, Grand View Elementary School
Paulina Mazzocco, Robinson Elementary School
Kira Billins - Carter, Pennekamp Elementary School
Danica Lin, Meadows Elementary School
Lily McTernan, Pacific Elementary School
Charlotte Wright, American Martyrs Catholic School*

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

Councilmember Napolitano requested to remove Agenda Item No. 7 (Second Reading and Adoption of Ordinance No. 17-0022 Authorizing the Implementation of a Community Choice Aggregation (CCA) Program in the City; Appointment of Second Alternate Director) from the Consent Calendar for individual consideration.

A motion was made by Councilmember Hersman, seconded by Councilmember Montgomery, to approve the agenda as amended by removing Item No. 7 from the Consent Calendar for individual consideration. 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)

Councilmember Montgomery thanked City Council and staff for assisting at the Beach Cities Toy Drive on December 16, 2017.

F. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Lynn Harris spoke about home construction policies and regulations and made suggestions for City Council consideration.

Wayne Powell thanked City staff and Rotary Club on behalf of the Senior Advisory Committee for their work. Congratulated Police Chief Eve Irvine on her position as Police Chief for the City of Torrance and thanked Fire Chief Robert Espinosa for his service.

Ray Joseph spoke on cell towers regarding locations and placement throughout the City.

Community Development Director Anne McIntosh responded to city council questions regarding Lynn Harris's comments regarding construction.

G. CONSENT CALENDAR (APPROVE)

A motion was made by Councilmember Lesser, seconded by Councilmember Montgomery, to approve the Consent Calendar Item Nos. 5-10 with the exception of Item No. 7. The motion carried by the following vote:

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

- 5. City Council Minutes: [17-0523](#)
 This Item Contains Minutes of the Following City Council Meeting:
 City Council Regular Meeting Minutes of December 5, 2017
 (City Clerk Tamura).

APPROVE

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

6. Financial Report: [17-0438](#)
Schedules of Demands: November 22, 2017 (Finance Director Moe).
ACCEPT REPORT AND DEMANDS

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

7. Second Reading and Adoption of Ordinance No. 17-0022 Authorizing the [17-0524](#)
Implementation of a Community Choice Aggregation (CCA) Program in
the City; Appointment of Second Alternate Director; and Letter
Opposing CPUC Proposed Resolution E-4097 (Community
Development Director McIntosh).
**ADOPT ORDINANCE NO. 17-0022 AND APPOINT SECOND
ALTERNATE DIRECTOR**

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

8. Second Reading and Adoption of Ordinance Nos. 17-0028 and 17-0029 [17-0516](#)
Related to Urgent Care Offices and Adoption of Resolution No. 17-0171
Transmitting Local Coastal Program Code Amendments to the California
Coastal Commission (Community Development Director McIntosh).
**ADOPT ORDINANCE NOS. 17-0028 AND 17-0029; AND
RESOLUTION NO. 17-0171**

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

9. Resolution Awarding a Professional Services Agreement to Quantum [RES 17-0165](#)
Consulting, Inc. for Inspection Services for the Pier and Roundhouse
Improvements Project for \$150,000 (Public Works Director Katsouleas).
ADOPT RESOLUTION NO. 17-0165

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

10. Resolutions Awarding a Construction Contract to Clark Contracting [17-0505](#)
Corporation for the Cycle 1 Storm Drain Improvements Project for
\$477,018 and Approving a Professional Services Agreement with SA
Associates, Inc. for Inspection Services for the Cycle 1 Storm Drain
Improvements Project for \$55,000 (Public Works Director Katsouleas).
ADOPT RESOLUTION NOS. 17-0138 AND 17-0167

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

H. ITEMS REMOVED FROM THE CONSENT CALENDAR

7. Second Reading and Adoption of Ordinance No. 17-0022 Authorizing the Implementation of a Community Choice Aggregation (CCA) Program in the City; Appointment of Second Alternate Director; and Letter Opposing CPUC Proposed Resolution E-4097 (Community Development Director McIntosh). [17-0524](#)

ADOPT ORDINANCE NO. 17-0022 AND APPOINT SECOND ALTERNATE DIRECTOR

Environmental Programs Manager Dana Murray presented the staff presentation.

City Attorney Quinn Barrow responded to City Council questions.

A motion was made by Councilmember Lesser, seconded by Mayor Howorth, that this request for a letter opposing CPUC proposed Resolution E-4097 came to the City Council's attention after the posting of the agenda and requires action by the City Council before the next City Council Meeting. The motion carried by the following vote:

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

Councilmember Hersman suggested new language to be used for the letter based on the information provided.

Councilmember Lesser agrees with the suggested language, however, he is okay with making changes as suggested by Councilmember Hersman.

Mayor Howorth, Mayor Pro Tem Napolitano and Councilmember Montgomery all agree that the language as suggested by staff is proper for the letter.

Mayor Howorth opened the floor to public comment.

Craig Cadwallader spoke in support of Council approving this item and sending the proposed letter in opposition.

Mayor Howorth suggested for the public to contact Senator Allen and others regarding this matter.

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

Mayor Pro Tem Napolitano requested that there be an opportunity for City Council discussion regarding the possibility of long term City Council assignments with the various committees and subcommittee rather than change City Council representation at every Council reorganization.

Councilmember Hersman suggested a second friendly amendment to use different language as to not reflect that the C.C.A. is deliberately harming the City.

Mayor Howorth and Mayor Pro Tem Napolitano disagree because the current language in the letter, as provided by staff, reflects City Council's opposition.

Councilmember Hersman withdrew her friendly amendment.

A motion was made by Councilmember Montgomery, seconded by Councilmember Lesser, to authorize the Mayor to sign a letter opposing draft Resolution E-4097 on Community Choice Aggregation. A friendly amendment by Mayor Howorth to appoint Environmental Programs Manager Dana Murray as the Second Alternate Director, was accepted by the maker. The motion carried by the following vote:

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

City Attorney Quinn Barrow responded to City Council questions.

A motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Napolitano, to adopt Ordinance No. 17-0022. The motion carried by the following vote:

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

I. PUBLIC HEARINGS

None.

J. GENERAL BUSINESS

11. Receive and File Draft Climate Action Plan (CAP) Phase II Policy Guidance Document to Reduce the City's Greenhouse Gas Emissions (GHG) from the South Bay Cities Council of Governments (SBCCOG) (Community Development Director McIntosh). [17-0478](#)

RECEIVE REPORT, DISCUSS AND PROVIDE DIRECTION

Community Development Director Anne McIntosh introduced South Bay Cities Council of Governments Environmental Services Analyst & Electric Vehicle Programs Aaron Baum.

South Bay Cities Council of Governments Environmental Services Analyst & Electric Vehicle Programs Baum presented the PowerPoint presentation.

Community Development Director McIntosh suggested that the City Council receive the draft CAP Phase II Policy Guidance Document from the SBCCOG and staff will have an Environmental Study Session early in 2018 to discuss this and other environmental projects and programs and return with suggestions for City Council adoption after conducting public outreach.

South Bay Cities Council of Governments Environmental Services Analyst & Electric Vehicle Programs Baum and Fehr & Peers AICP Principal and Senior Market Leader Jeremy Klop responded to City Council questions.

Mayor Howorth opened the floor to public comment.

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

Mayor Howorth moved to receive and file this report and directed staff to use this as a basis for the plan that will be discussed in either January or February (2018).

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

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

12. Request by Councilmember Montgomery and Councilmember Lesser to Discuss Public Comment Policy During City Council Meetings. [RES 17-0140](#)
CONSIDER ADOPTING RESOLUTION NO. 17-0140

Acting City Manager Bruce Moe introduced Management Analyst George Gabriel who provided the staff presentation.

City Council discussed their expectations moving forward.

Mayor Howorth opened the floor to public comment.

Craig Cadwallader appreciates that the public is allowed to provide comments after City Council discussion.

Wayne Powell agrees that there should be consistency and flexibility by allowing more public comments because it allows City Council to make better decisions and sometimes from those comments there are valuable points made regarding the item.

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

City Attorney Quinn Barrow responded to City Council questions.

City Council concurred that Councilmember Hersman and Councilmember Lesser work with City Attorney Barrow to simplify the language in the proposed resolution to be more clear.

A motion was made by Councilmember Hersman, seconded by Mayor Howorth, to request the City Attorney to return with very concise language saying that the public can speak during public comment on any item for up to three minutes, on any public hearing item for up to three minutes, on any general business item for up to two minutes, one minute for community announcements and a sentence reflecting that there could be limitations in the amount of time given to the speakers as determined by Mayoral discretion. The motion carried by the following vote:

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

L. FUTURE AGENDA ITEMS

City Attorney Quinn Barrow stated that the January 2, 2018 City Council meeting had been previously rescheduled by City Council to January 9, 2018 and that there is now a conflict with Police Chief Eve Irvine's "Oath of Office" Ceremony for the City of Torrance on January 9, 2018.

Councilmember Montgomery stated that due to the holidays the public would not be around to attend the meeting on Tuesday, January 2, 2018.

Councilmember Hersman suggested cancelling the meeting all together.

Mayor Pro Tem Napolitano suggested to use past practices and just reschedule the meeting to Wednesday, January 3, 2018.

Mayor Howorth suggested moving the meeting to Wednesday, January 10, 2018.

Councilmember Lesser is in favor of Tuesday, January 2, 2018 or Wednesday, January 3, 2018.

Acting City Manager Bruce Moe, City Attorney Barrow and City Clerk Liza Tamura responded to City Council questions.

Mayor Howorth opened the floor to public comment.

Craig Cadwallader agrees with City Council to move the meeting to Wednesday, January 3, 2018.

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

A motion was made by Councilmember Montgomery, seconded by Mayor Howorth, to reschedule the (Tuesday) January 2, 2018 meeting to (Wednesday) January 3, 2018. The motion carried by the following vote:

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

Councilmember Montgomery requested to agendize for a future City Council meeting regarding the placement of a stop sign by Grand View Elementary School.

M. CITY MANAGER REPORT

Acting City Manager Bruce Moe thanked City staff for assisting and participating at the annual Beach Cities Toy Drive wrapping event that took place on December 16, 2017.

Acting City Manager Moe thanked Pete Moffett and his crew for the Annual Holiday Fireworks event that took place on Sunday, December 10, 2017. Acting City Manager Moe also thanked the Public Works, Police and Fire Departments for making it a safe event for families to enjoy.

Acting City Manager Moe announced that Acting Revenue Services Manager Cynthia Mickschl has obtained her Certified Revenue Officer Designation that requires two years of full time work, fifty hours of classroom time in the areas of business tax skills, collection, law & regulation and administration management theory.

N. CITY ATTORNEY REPORT

None.

O. INFORMATIONAL ITEMS

13. Commission Minutes: [17-0531](#)

This Item Contains Minutes of the following City Commission Meetings:

- a) Library Commission Meeting Minutes of September 11, 2017 (Parks and Recreation Director Leyman)
- b) Library Commission Meeting Minutes of November 13, 2017 (Parks and Recreation Director Leyman).

INFORMATION ITEM ONLY

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

P. CLOSED SESSION

Q. ADJOURNMENT

At 8:33 PM Mayor Howorth adjourned the meeting.

Martha Alvarez
Recording Secretary

Amy Howorth
Mayor

ATTEST:

Liza Tamura
City Clerk