

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Final

Tuesday, September 5, 2017

6:00 PM

Regular Meeting

City Council Chambers

City Council Regular Meeting

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

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/city-officials/city-clerk/city-council-meetings-agendas-and-minutes

A. PLEDGE TO THE FLAG

Mayor Lesser led the Pledge of Allegiance.

B. ROLL CALL

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

C. CEREMONIAL CALENDAR

None

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

A motion was made by Councilmember Hersman, seconded by Councilmember Montgomery, to approve the agenda and waive full reading of ordinances. The motion carried by the following vote:

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

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

Jennifer Cochran spoke about donating or volunteering to aid Cleveland, Texas.

Melissa McCollum, Manhattan Beach Public Library Manager, provided updates on various library events.

Mark Leyman, Parks and Recreation Director, invited everyone to the next Art Center Exhibition Opening featuring the artist Jose Lozano.

Anne McIntosh, Community Development Director, provided information on a community meeting on Telecommunication Facilities on Tuesday, September 26, 2017, at the Police/Fire Community Room from 6-8 PM. She further added that a Mobility Plan Meeting will probably be scheduled for the first week of October.

Mark Lipps, Manhattan Beach Chamber of Commerce, announced an upcoming movie, "Mean Girls," that will be shown behind the Marriott Hotel this weekend. He also announced two additional seminars, 1) "What you Don't Know," a legal seminar for businesses on October 5, 2017 and 2) "How to Create a Do It Yourself Video for Your Business" on October 26, 2017.

F. PUBLIC COMMENTS (3 MINUTES PER PERSON)

City Attorney Quinn Barrow announced to the public that this is the time for members of the public to comment on Consent Calendar Items.

James Walker, Ty Mellinger, and Ella Furguson, Manhattan Beach Middle School Red Cross Youth Club, provided information about the club and announced some of their upcoming projects.

Britney Nucci spoke against cell towers in residential neighborhoods.

Phil Reimert spoke of concerns about tearing down City Hall.

Avigal Horrow, 1736 Family Crisis Center, listed services of the center and requested funding to help create awareness to help prevent crises from occurring.

Melanie McFarland spoke of a pending application for a telecomm facility on 2nd @ Morningside, and stated her desire to keep the City beautiful and opposes the proposition.

John Peetz related his concerns for health, safety and technology issue regarding cell towers and cell phone radiation.

Gianna Ingram voiced health concerns and lack of communication regarding the cell towers.

Wil Arvizo spoke against a new City Hall, the need for a new Fire Station 2 and finding out the real costs of undergrounding.

Karen Darling related that the residents need better communication regarding the cell towers and stated that more research needs to be done.

Bill Victor voiced concerns about receiving notices, the cafe being removed at the end of the pier, the costs of undergrounding and the bad choices of AT&T.

Mayor Lesser and the City Council noted their appreciation for the donations received for Cleveland, Texas and related that the collections would continue at City Hall and at the Manhattan Beach Schools.

Councilmember Napolitano commented on the cell towers stating that the City is not pushing the matter. He added that the City has to accept the application and consider it by law but outside of the Coastal Zone, the Community Development Director makes the decision. Also Councilmember Napolitano noted, the City is limited on what it can disapprove and focusing on the aesthetics constitutes a better case. He further clarified that AT&T wants to improve their coverage but the City has a right to disapprove. The City must respond in a certain amount of time or AT&T will be able to place the cell towers where they want. He acknowledged that AT&T has agreed to a timeline, so the City can have a public meeting.

G. CONSENT CALENDAR (APPROVE)

A motion was made by Councilmember Hersman, seconded by Councilmember Napolitano, to approve the Consent Calendar Item Nos. 1-5.
The motion carried by the following vote:

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

1. City Council Minutes: [17-0352](#)

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

- a) City Council Adjourned Regular Meeting (Closed Session) Minutes of July 26, 2017
- b) City Council Adjourned Regular Meeting (Closed Session) Minutes of July 27, 2017
- c) City Council Adjourned Regular Meeting (Closed Session) Minutes of August 1, 2017
- d) City Council Adjourned Regular Meeting Minutes of August 7, 2017
- e) City Council Adjourned Regular Meeting (Closed Session) Minutes of August 14, 2017
- f) City Council Regular Meeting Minutes of August 15, 2017
- g) City Council Adjourned Regular Meeting (Closed Session) Minutes of August 17, 2017
- h) City Council Adjourned Regular Meeting (Closed Session) Minutes of August 29, 2017
(City Clerk Tamura).

APPROVE

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

2. Financial Report: [17-0340](#)

- a) Schedule of Demands: August 3, 2017
- b) Investment Portfolio for the Month Ending July 31, 2017
- c) Month End Report for July 31, 2017
(Finance Director Moe).

ACCEPT REPORT AND DEMANDS

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

3. Ordinance No. 17-0017 Revising the Number of Members on the Library Commission and Cultural Arts Commission from Five Members to Six Members (City Clerk Tamura and Parks and Recreation Director Leyman). [ORD 17-0017](#)

ADOPT ORDINANCE NO. 17-0017

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

4. Report Describing Alleviation Measures Taken in Connection with Ordinance No. 17-0015-U an Urgency Ordinance Prohibiting Health Care Uses (Community Development Director McIntosh). [17-0376](#)
ISSUE

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

5. Resolution No. 17-0119 Adopting an Addendum Pursuant to the California Environmental Quality Act and Amending a Master Use Permit to Refine Certain Conditions of Approval Imposed on the Permit for the Remodel and Expansion of the Manhattan Village Shopping Center (Community Development Director McIntosh). [RES 17-0119](#)
ADOPT RESOLUTION NO. 17-0119 ADOPTING ADDENDUM AND MASTER USE PERMIT AMENDMENT

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

H. ITEMS PULLED FROM THE CONSENT CALENDAR

None.

I. PUBLIC HEARINGS

None.

J. GENERAL BUSINESS

6. Consider Findings from the Assessment and Feasibility Study Report on a New City Hall with Public Parking, Fire Station No. 2, and City Aquatic Complex, and Provide Direction on These as well as Potential Other Facility Initiatives (Public Works Director Katsouleas).

[17-0306](#)

DISCUSS AND PROVIDE DIRECTION

Public Works Director, Stephanie Katsouleas provided the PowerPoint presentation for the item.

Public Works Director Katsouleas, City Manager Mark Danaj, Parks & Recreation Director Mark Leyman and Fire Chief Robert Espinosa responded to City Council questions.

Mayor Lesser opened the floor to public comment.

Phil Reimert suggested that City Hall move to the Manhattan Village Towers and use the current building for an enterprise building.

Bill Victor stated that he preferred the option to add an annex to the current City Hall and that he would like to see if the Beach Cities Health District would develop an aquatic center at the Marine Avenue Park.

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

A motion was made by Councilmember Napolitano, seconded by Mayor Pro Tem Howorth, directing Staff to return to City Council in the future with Option #5 as the replacement for Fire Station No.2 (Demolish the existing building and build a new 9,710 SF building with an estimated cost of \$7,777,000) and provide necessary financing options with the proposed remodel. The motion carried by the following vote:

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

A motion was made by Mayor Pro Tem Howorth, seconded by Mayor Lesser, that following Staff's report on costs and financing options associated with Fire Station No. 2, pursue the idea of renovating Begg Pool by researching recently renovated pools in the Los Angeles and Orange County areas to determine construction costs and provide that information to the City Council. The motion carried by the following vote:

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

By order of the chair, summarize the immediate needs for repairs and maintenance to City Hall and provide a rough order magnitude of renovation costs for the building, then provide that information to City Council at a future meeting.

At 8:20 PM City Council recessed and reconvened at 8:33 PM with all Councilmembers present.

7. Consider the Current Underground Utility Assessment District Formation Policy and Provide Direction on Potential Revisions (Public Works Director Stephanie Katsouleas).

[17-0372](#)

PROVIDE DIRECTION

Public Works Director Stephanie Katsouleas provided a PowerPoint presentation on the item.

City Attorney Quinn Barrow and Public Works Director Katsouleas responded to City Council questions.

Mayor Lesser opened the floor to public comment.

Alita Rethmeyer questioned whether studies have been done as to what the utility poles can withstand.

Kim Winterson supported undergrounding and hopes District 13's efforts will be expedited.

Lisa Benacquista related that the public is misinformed about undergrounding and the options that are available. She would like to see the City distribute a pamphlet on undergrounding.

Bill Victor stated that he would like to opt out of undergrounding District 8.

Marc Cohen lives in District 8 and would like undergrounding to be revived and he hopes there is a way to streamline this process.

Brian Sweeney is hoping that the City Council can at least move forward with Districts 8 and 13.

Robert Freedman spoke in favor of undergrounding and requested that the City Council leave things alone or make it easier.

Bob Sievers thanked the City Council for moving the process forward and wants to make sure that the Districts 12 and 14 are not subject to the 60% single parcel rule.

Diana Turner supports undergrounding in District 13 and inquired as to the next steps to keep the process going.

Will Arviso questioned the minimum price per parcel, what the qualifications are for voting and supports raising the barrier to increase voter threshold.

Chris Ryan supports undergrounding and keeping the assessment deferral program.

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

Public Works Director Katsouleas responded to City Council questions.

City Council unanimously concurred on the following questions identified on page 3 of the staff report:

- 1. Revive the utility undergrounding assessment district program and allow future districts to form.*
- 2. Maintain current guidelines for number of parcels needed to form a district (at least one block in length and no more than 300 parcels per district).*
- 3. Increase the current residential petition signature threshold to 66% support among all parcels in the district.*
- 4. Increase current survey validation threshold to 66% support among surveys returned.*
- 5a. The City should Continue to "front" funds for the full cost of utility designs and assessment engineering services (estimated at \$350,000 per district).*
- 5d. The City's policy should be different for two failed districts that already have (draft) plans (UUADs 8 and 13) where minimal work and funding may be needed to bring the district to a vote and at the 60% return threshold.*
- 6. Provide in-kind staff support during the design, assessment engineering and voting phases of UUAD formation.*
- 7. Modify the approval thresholds required for district formation during the Prop 218 voting process to be only that weighted RETURNS must show at least 50% + 1 support to form per Prop 218 requirements.*
- 8. Explore hiring an engineer to be reimbursed by the UUA districts to manage their formation.*
- 9. Continue providing an Assessment Deferment Program and have staff return with suggestions for any modifications to the program.*

8. Resolution No. 17-0115 Approving the Chamber of Commerce Work Plan Contract (Economic Vitality Manager Sywak).

[RES 17-0115](#)

ADOPT RESOLUTION NO. 17-0115

Economic Vitality Manager Andy Sywak provided the presentation for the item.

Economic Vitality Manager Sywak responded to City Council questions.

Mayor Lesser opened the floor to public comment.

Bill Victor stated that he could not identify what the deliverables were in the staff report.

Mark Lipps, Chamber of Commerce, spoke about the deliverables and the Young Entrepreneurs Academy (YEA).

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

Economic Vitality Manager Sywak and Chamber of Commerce President Lipps responded to City Council questions.

A motion was made by Councilmember Montgomery, seconded by Councilmember Hersman, to support the contract with the Chamber of Commerce not-to-exceed \$60,000 with the Youth Entrepreneurs Academy receiving \$500 and everything else in line with the costs established in the Staff report. A friendly amendment, accepted by the maker, was for an amount not-to-exceed \$57,250. The motion carried by the following vote:

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

City Attorney Quinn Barrow clarified that the contract would be amended to reflect \$57,250 and the City Manager is directed to sign the contract.

A motion was made by Councilmember Hersman, seconded by Councilmember Montgomery, to adopt Resolution No. 17-0115, as amended to reflect replacing the word “transportation” with “professional” in the erata distributed to the public at the meeting. The motion carried by the following vote:

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

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

9. Request by Mayor Pro Tem Howorth for a Debrief of the March 7, 2017 [17-0189](#)
General Municipal Election (City Clerk Tamura).

RECEIVE AND FILE

In consideration of the late hour and the amount of information provided in the staff report, Mayor Pro Tem Howorth requested to bring the item back at a future City Council meeting on the consent calendar.

By order of the chair and without objection, the City Council concurred to bring back the item on the consent calendar.

City Manager Danaj suggested that the City Council receive and file the report since the item was already agendaized for tonight's meeting.

By order of the chair and without objection, the City Council received and filed the report.

10. Discussion of City's Mission Statement (Assistant City Manager Nader). [17-0378](#)
DISCUSS AND PROVIDE DIRECTION

A motion was made by Councilmember Montgomery, seconded by Councilmember Hersman, to continue this item at a future City Council meeting. The motion carried by the following vote:

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

11. Discuss City Support for Manhattan Beach Inclusion Pledge (Assistant City Manager Nader). [17-0379](#)
DISCUSS AND PROVIDE DIRECTION

Management Analyst Kendra Davis gave a brief overview of the item.

Mayor Lesser opened the floor to public comment.

Bill Victor stated that it is unnecessary to bring an item like this before the City Council and requested that the City Council not consider similar items in the future.

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

A motion was made by Councilmember Hersman, seconded by Councilmember Napolitano, to accept the pledge as provided. The motion carried by the following vote:

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

L. FUTURE AGENDA ITEMS

Councilmember Montgomery requested to discuss a potential fee waiver for the Manhattan Beach Hometown Fair and Councilmember support to place the item for consideration on the next agenda.

Councilmember Hersman concurred.

M. CITY MANAGER REPORT

Community Development Director Anne McIntosh presented a brief update on the status of the Gelsons project relating that the Applicant has been putting together civil and construction drawings. The applicant submitted the drawings to plan check on August 14th and the City is expecting the applicant to pull building permits once they are out of plan check and their demolition permit is processed.

N. CITY ATTORNEY REPORT

City Attorney Quinn Barrow clarified for the public that a lawsuit was filed by residents against Gelson's but there was a settlement between Paragon, who is the developer, and the residents. It was a confidential settlement and the City was not a party to it. The City is unaware of the terms of the settlement, but it will not interfere with the processing of the application. Additionally, Paragon has not proposed any changes to the conditions.

O. INFORMATIONAL ITEMS**12. Commission Minutes:**[17-0387](#)

This Item Contains Minutes of the following City Commission Meetings:

- a) Cultural Arts Commission Meeting Minutes of June 19, 2017 (Parks and Recreation Director Leyman)
- b) Library Commission Meeting Minutes of July 10, 2017 (Parks and Recreation Director Leyman)
- c) Cultural Arts Commission Meeting Minutes of July 17, 2017 (Parks and Recreation Director Leyman)
- d) Parks and Recreation Commission Meeting Minutes of July 24, 2017 (Parks and Recreation Director Leyman)
- e) Finance Subcommittee Meeting Minutes of July 26, 2017 (Finance Director Moe).

INFORMATION ITEM ONLY**P. CLOSED SESSION**

None.

Q. ADJOURNMENT

At 10:37 PM the City Council meeting was adjourned.

George Gabriel
Recording Secretary

David Lesser
Mayor

ATTEST:

Liza Tamura
City Clerk