

# **City of Manhattan Beach**

*1400 Highland Avenue  
Manhattan Beach, CA 90266*



## **Meeting Minutes - Draft**

**Tuesday, October 17, 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*

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#### A. PLEDGE TO THE FLAG

*Mayor Lesser led the Pledge of Allegiance.*

#### B. ROLL CALL

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

#### C. CEREMONIAL CALENDAR

1. Presentation of Certificate of Recognition to the Friendship Foundation for Improving the Lives of Children and Young Adults with Special Needs Throughout the South Bay. [17-0429](#)  
**PRESENT**

*Mayor Lesser, on behalf of the City Council, presented a certificate of recognition to the Skechers Friendship Foundation for improving the lives of children and young adults with special needs. Mayor Lesser noted that the ninth annual Skechers Friendship Pier to Pier Walk will take place on Sunday, October 29, 2017.*

2. Presentation of a Certificate of Recognition from Assemblymember Al Muratsuchi Awarding Police Chief Eve Irvine as "Woman of Distinction 2017". [17-0430](#)  
**PRESENT**

*Mayor Lesser announced that this ceremonial item would be continued to a future meeting.*

3. Presentation of a Proclamation Declaring November 2017 as National Family Caregivers Month. [17-0431](#)  
**PRESENT**

*Mayor Lesser, on behalf of the City Council, presented a proclamation to Melene McBride declaring November 2017 as National Family Caregivers Month.*

*Melene McBride explained the value of the Family Caregivers.*

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

A motion was made by Councilmember Hersman, seconded by Mayor Pro Tem Howorth, 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)**

*Steve DeBaets, Senior Advisory Committee, announced a "Coffee, Technology and You" on October 21, 2017 at the Joslyn Community Center from 9 AM-12 Noon. Senior students from Mira Costa High School teach senior residents how to use technology.*

*Melissa McCollum, Manhattan Beach Library Manager, provided updates for the Manhattan Beach Library.*

*Kelly Stroman, Executive Director for the Downtown Business Association, announced the Downtown Safe Trick or Treat on Sunday, October 29, 2017, from 11 AM-5 PM and the Holiday Open House and Pier Lighting on November 15, 2017, from 5-9 PM.*

*David Ibarra, Parks and Recreation Department Recreation Specialist, announced that Saturday, October 21, 2017, at Manhattan Heights Park is the annual Halloween Carnival from 12 Noon to 4 PM. He further added that the Pumpkin Race will be held on Sunday, October 29, 2017, beginning at 12 Noon at the Manhattan Beach Pier.*

*Raunda Frank, Behavioral Health Services, announced that Sunday, October 29, 2017, is National Prescription Drug Take Back Day from 10 AM to 2 PM.*

*Stephanie Katsouleas, Public Works Director, spoke of the Trash Survey and reported that it can be accessed on the City's Website.*

*Kate Burgon, in charge of the Tedx event, announced that the 8th annual Tedx Manhattan Beach Event will be held on November 4, 2017, from 9 AM to 3 PM at Mira Costa High School.*

*Mayor Lesser announced an information session regarding Earthquake Preparedness at the Joslyn Community Center at 7 PM on Monday, November 6, 2017.*

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

*City Attorney Quinn Barrow clarified the procedural protocol for public comments throughout the City Council Meeting.*

*Karla Mendelson, Director of "Keep LA Moving", spoke on Playa Del Rey "Road Diets" and provided an update on the status of the project moving forward and how the group is moving forward with their lawsuit.*

*Ed Leung spoke about the Conditional Use Permit requirement for medical uses and noted his interest in the Sepulveda Corridor.*

*Raunda Frank spoke in favor of banning the sales of commercial cannabis in the City of Manhattan Beach and noted that it would allow less access for youth.*

*Karen Darling spoke against the proposal of putting a telecommunications pole on 9th Place and Valley and provided pictures for display.*

*City Attorney Barrow responded to City Council questions and informed the public that property owners on Sepulveda Boulevard affected by the interim ordinance may apply for a hardship from the terms of Ordinance No.17-0020-U.*

**G. CONSENT CALENDAR (APPROVE)**

A motion was made by Councilmember Hersman, seconded by Councilmember Napolitano, to approve the Consent Calendar Item Nos. 4-11  
The motion carried by the following vote:

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

Prior to the vote Councilmember Montgomery stated for the record that he voted "NO" on Item No. 8. (Adopt Ordinance No. 17-0021 to Amend Title 9 to Modify the Plan Review and Permit Expiration Sections of the Manhattan Beach Municipal Code and Clarify the Issuance of Permits to Owner-Builders).

**4.** City Council Minutes: [17-0404](#)

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

- a) City Council Special Meeting Minutes (Joint City Council/MBUSD Board of Trustees Meeting) of September 19, 2017
- b) City Council Special Meeting Minutes (Closed Session) of October 3, 2017
- c) City Council Regular Meeting Minutes of October 3, 2017 (City Clerk Tamura).

**APPROVE**

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

**5.** Financial Report: [17-0389](#)

Schedules of Demands: September 14, 2017 (Finance Director Moe).

**ACCEPT REPORT AND DEMANDS**

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

**6.** Resolution No. 17-0125 Approving Side Letter Agreement with the [RES 17-0125](#)

Manhattan Beach Mid-Management Employee Association (Human Resources Director Zadroga-Haase).

**ADOPT RESOLUTION NO. 17-0125**

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

**7.** Resolution Nos. 17-0110 and 17-0133 Approving Two Three-Year [17-0435](#)

Contracts with Melad & Associates and The Code Group, dba VCA Code for Building Plan Check, Building Inspection, and Fire Plan Check Services (Community Development Director McIntosh).

**ADOPT RESOLUTION NOS. 17-0110 AND 17-0133**

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

8. Adopt Ordinance No. 17-0021 to Amend Title 9 to Modify the Plan Review and Permit Expiration Sections of the Manhattan Beach Municipal Code and Clarify the Issuance of Permits to Owner-Builders (Community Development Director McIntosh).

[ORD 17-0021](#)

**ADOPT ORDINANCE NO. 17-0021**

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

Prior to the vote Councilmember Montgomery, stated for the record, a "NO" vote on Item No. 8.

9. Accept as Complete the Marine Avenue Park Skate Spot Project Constructed by Salix Development Company; Authorize Filing a Notice of Completion with the County Recorder; and Release the Retention Amount of \$22,212.95 (Public Works Director Katsouleas).

[17-0248](#)

**APPROVE**

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

10. Accept as Complete the Highland Avenue at 38th Street and Rosecrans Avenue at Highland Avenue Street Improvement Projects Constructed by Alfaro Communication Construction Inc.; Authorize Filing a Notice of Completion with the County Recorder; and Release the Retention Amount of \$16,988.79 (Public Works Director Katsouleas).

[17-0420](#)

**APPROVE**

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

11. National League of Cities City Summit Conference - November 15-18, 2017 (City Manager Danaj).

[17-0439](#)

**RECEIVE REPORT AND APPROVE**

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

**H. ITEMS REMOVED FROM THE CONSENT CALENDAR**

*None.*

## I. PUBLIC HEARINGS

12. Consideration of Amendments to the Municipal Code and the Local Coastal Program to Prohibit All Commercial Cannabis Activity in the City, and to Allow Limited Indoor Cannabis Cultivation Consistent with State Law (Community Development Director McIntosh).

[17-0422](#)

**CONDUCT PUBLIC HEARING AND INTRODUCE ORDINANCE  
NOS. 17-0024 AND 17-0025, AND ADOPT URGENCY  
ORDINANCE NO. 17-0025-U**

*Mayor Lesser opened the public hearing.*

*Community Development Director Anne McIntosh introduced Planning Manager Laurie Jester who provided the Staff presentation.*

*Planning Manager Jester responded to City Council questions.*

*Mayor Lesser opened the floor for public comment.*

*Jim Burton noted that he is in support of the City Council moving forward with the Urgency Ordinance.*

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

*City Attorney Quinn Barrow read the title of Ordinance No. 17-0024: An Ordinance of the City of Manhattan Beach amending Municipal Code Title 10 to add thereto Chapter 10.82 prohibiting all commercial cannabis activity in all Zones in the City and to allow limited indoor cannabis cultivation consistent with State law amending Municipal Code Section 4.117.020 and Chapter 4.136 of Title 4 and deleting Municipal Code Section 10.60.160.*

**A motion was made by Councilmember Napolitano, seconded by Councilmember Hersman, to introduce Ordinance No. 17-0024. The motion carried by the following vote:**

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

*City Attorney Barrow read the title of Ordinance No. 17-0025 into the record: An Ordinance of the City of Manhattan Beach amending Local Coastal Program Title A to add thereto Chapter A.82 prohibiting all commercial cannabis activity in the Coastal Zone in the City, and to allow limited indoor cannabis cultivation consistent with State Law, and deleting Local Coastal Program Section A.60.160.*

**A motion was made by Councilmember Montgomery, seconded by Councilmember Napolitano, to introduce Ordinance No. 17-0025. The motion carried by the following vote:**

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

*City Attorney Barrow read the title of Ordinance No. 17-0025U into the record: An interim Ordinance of the City of Manhattan Beach amending Local Coastal Program Title A to add thereto Chapter A.82 prohibiting all commercial cannabis activity in the Coastal Zone in the City, and to allow limited indoor cannabis cultivation consistent with State Law, and deleting Local Coastal Program Section A.60.160, and declaring the urgency thereof.*

**A motion was made by Councilmember Hersman, seconded by Councilmember Montgomery, to adopt Ordinance No. 17-0025U. The motion carried by the following vote:**

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

## **J. GENERAL BUSINESS**

- 13.** Update on Telecommunications and Coastal Permits for Four AT&T Telecom Sites in the Public Right of Way on Light Poles in the Appealable Area of the Coastal Zone Located at Manhattan Avenue and 5th Place, Manhattan Avenue and 29th and 36th Streets and Ocean Drive and 18th Street (Community Development Director McIntosh).

[17-0436](#)

### **RECEIVE UPDATE AND CONTINUE ITEM TO A FUTURE DATE**

*Community Development Director Anne McIntosh clarified the information being presented for City Council consideration and provided the Staff presentation.*

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

*Mayor Lesser opened the floor to public comment.*

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

*City Attorney Barrow clarified the process for the waiver of calling the items for City Council discussion.*

*Mayor Pro Tem Howorth and Councilmember Montgomery each called up the other 12 applications for review.*

*Mayor Lesser gave direction to Staff to schedule a public hearing on November 16, 2017, at 6:00 PM with the only item on the agenda the City Council consideration of 16 applications for telecommunication devices throughout the City.*



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

14. Request by Councilmember Montgomery to Discuss adding Ygrene Energy Fund as an Additional Option for Property Assessed Clean Energy ("PACE") Financing in Manhattan Beach (Community Development Director McIntosh).

[17-0397](#)

### **ADOPT RESOLUTION NOS. 17-0123 AND 17-0124**

*Community Development Director Anne McIntosh introduced Environmental Programs Manager Dana Murray who provided a brief overview of the item.*

*Community Development Director McIntosh, Ygrene Energy Fund Regional Manager of Government Relations Monica Garcia and also Ygrene Representative Glyn Milburn responded to City Council questions.*

*Mayor Lesser opened the floor to public comment.*

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

*Councilmember Napolitano is opposed to the City being a part of approving Ygrene. He thinks that even with a disclaimer it would be implied that it was endorsed by the City and the program should be accomplished through the County who is in a better position for oversight and vetting with their resources.*

*Mayor Lesser concurred with Councilmember Napolitano and noted that he is not comfortable with the challenge of the vetting process, and the fact that it attaches to residents property tax bills. He further added that he voted against it when it was presented at the SBCCOG (South Bay Cities Council of Government).*

*City Manager Mark Danaj and Environmental Programs Manager Murray responded to City Council questions.*

**A motion was made by Councilmember Napolitano, seconded by Mayor Lesser, to deny the approval of including Ygrene Energy Fund as an additional option for Property Assessed Clean Energy (PACE). The motion failed by the following vote:**

**Aye:** 2 - Lesser and Napolitano

**Nay:** 3 - Howorth, Hersman and Montgomery

**A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Montgomery, to approve adopting Resolution Nos. 17-0123 and 17-0124 subject to the condition that the JPA (Joint Power Authority) agrees to cause its PACE (Property Assessed Clean Energy) Administrator to enter into an agreement to indemnify the City and to include in its marketing material and loan documents, a disclosure information statement that the City is not endorsing the program and the other things mentioned such as the City is not endorsing the program and full disclosure. The motion carried by the following vote:**

**Aye:** 3 - Howorth, Hersman and Montgomery

**Nay:** 2 - Lesser and Napolitano

**L. FUTURE AGENDA ITEMS**

*City Attorney Quinn Barrow clarified that the next City Council Meeting will be held on Tuesday November 7, 2017, not November 8, 2017.*

*City Clerk Liza Tamura responded to City Council questions.*

*Councilmember Montgomery and Mayor Lesser requested to have a conversation on the amount of time allowed for Public Comments, particularly speaking on the same item more than once.*

*Councilmember Hersman and Councilmember Montgomery would like to discuss extending the bagging of parking meters for the holidays from three weeks to four weeks.*

*Mayor Lesser requested that the City Council reconsider the inclusion of the Agenda Forecast in the bi-weekly City Council update.*

*Councilmember Hersman asked to add the word "tentative" to the Agenda Forecast.*

*City Clerk Liza Tamura and City Manager Mark Danaj responded to City Council questions*

**M. CITY MANAGER REPORT**

*None.*

**N. CITY ATTORNEY REPORT**

*None.*

**O. INFORMATIONAL ITEMS****15. Commission and Subcommittee Meeting Minutes: [17-0437](#)**

This Item Contains Minutes of the following City Commission and Subcommittee Meetings:

- a) Parking and Public Improvements Commission Meeting Minutes of May 25, 2017 (Community Development Director McIntosh)
- b) Parking and Public Improvements Commission Meeting Minutes of June 22, 2017 (Community Development Director McIntosh)
- c) Parks and Recreation Commission Meeting Minutes of August 28, 2017 (Parks and Recreation Director Leyman)
- d) Finance Subcommittee Meeting Minutes of September 28, 2017 (Finance Director Moe).

**INFORMATION ITEM ONLY**

*By order of the Chair these items are received and filed.*

**P. CLOSED SESSION**

*None.*

**Q. ADJOURNMENT**

*At 8:06 PM the Regular City Council Meeting of October 17, 2017, was adjourned.*

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

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**David Lesser**  
**Mayor**

**ATTEST:**

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