

# **City of Manhattan Beach**

*1400 Highland Avenue  
Manhattan Beach, CA 90266*



## **Meeting Minutes - Draft**

**Tuesday, January 15, 2019**

**6:00 PM**

**Regular Meeting**

**City Council Chambers**

## **City Council Regular Meeting**

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

**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/departments/city-clerk/city-council-meetings-agendas-and-minutes](http://www.citymb.info/departments/city-clerk/city-council-meetings-agendas-and-minutes)**

#### **A. PLEDGE TO THE FLAG**

*At 6:00 PM, Mayor Napolitano called the meeting to order and presented a certificate of recognition to Regan Enright, American Martyrs Catholic School, for leading the Pledge of Allegiance.*

#### **B. ROLL CALL**

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

#### **C. CEREMONIAL CALENDAR**

1. Annual City Recognition of Longstanding Local Businesses (Finance Director Charelian).

##### **PRESENT**

*Mayor Napolitano, on behalf of the City Council, presented certificates and plaques of recognition to longstanding businesses in the City of Manhattan Beach.*

*Celebrating 40 years of business:*

*In Attendance:*  
Srour & Associates

*Unable to Attend:*  
Executive Linguist Agency, Inc.  
Stephen A. Schlesinger, C.P.A.

*Celebrating 30 years of business:*

*In Attendance:*

*Body Suite Massage & Facial Studio  
Crimson Hotel  
Dietz Brothers Music, Inc.  
Manhattan Country Club  
Manhattan Law  
Mitchell & Associates  
Von's #2275  
William Raffin Realty*

*Unable to Attend:*

*Carousel Shoes, Inc.  
Cynara Conroy Allison  
El Pollo Loco #5905  
Jefferson/Acker  
Rimpac International  
Robert H. Reinhardt, C.P.A.  
Rockford Insurance Agency  
Subway Sandwiches #2941  
Terry K. Wasserman  
Wright's*

*Celebrating 25 years of business:*

*In Attendance:*

*Ameci Pizza & Pasta Manhattan Beach  
Baja Sharkeez  
Ronald J. Greene, D.D.S.  
Sion's Mexican Restaurant*

*Unable to Attend:*

*Brooklyn Brick Oven Pizza  
Christina Matso  
Prestige Jewelers  
The Gap #271  
Starbucks Coffee #542  
Suds & Duds  
Summer's Sports Bar  
24 Hour Fitness #163  
Weight Watchers #52719*

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

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

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

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

*Suzanne Karger announced that Michael's Learning Place is going to have a Food Truck Grand Opening fundraiser on Saturday, January 19, 2019, from 9:00 AM to 12:00 PM.*

*Senior Management Analyst George Gabriel announced that the City is hosting a deployment site at the Joslyn Community Center for the Greater Los Angeles Homeless Count on Wednesday, January 23, 2019, from 8:00 PM to 11:00 PM.*

*Wayne Powell announced that the Manhattan Beach Coordinating Council is having its monthly luncheon on Thursday, January 17, 2019, at the Belamar Hotel from 11:30 AM to 1:00 PM. He also announced that there is going to be an Emergency Preparedness Training at the Joslyn Community Center from 7:00 PM to 8:30 PM.*

*City Manager Bruce Moe introduced new Human Resources Director Lisa Jenkins.*

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

*Joseph Ungoco expressed his concern regarding the enforcement of the short-term rentals program and suggested conducting a full analysis of the cost of the program.*

*Brian Neitz stated his concerns with the public safety installations and the lighted crosswalks that have been installed near his home. He distributed photos to City Council displaying how large the box is, how it shines into his home, and the location of the light. He requested that the City Council place this issue on a future agenda to consider moving the lights.*

*Mayor Napolitano and City Manager Bruce Moe confirmed that the City is looking into Mr. Neitz's matter.*

*Steve Johnson spoke in favor of allowing non-hosted short-term rentals, as it has benefits to the community and the families that live in and visit Manhattan Beach.*

*Louie Pastor spoke in favor of short-term rentals, and recommended a tiered system for the short-term rentals. He stated that the first tier would be a warning from the City, the second tier would be a written warning and substantial fine, and the last tier would be to prohibit short-term rentals on the property.*

*Earle Hartling, a Los Angeles County Sanitation District employee and representative from the American Federation of State, County and Municipal Employees (AFSCME), requested a letter from City Council supporting AFSCME's position to oppose Los Angeles County's decision to decrease salaries by half of a percent. He also distributed sample letters to the City Council.*

*Robert Reyes expressed his concern with limiting how many days you can rent your home out. He suggested putting a seven day minimum on short-term rentals. He also stated his concern with limiting rentals to hosted short-term rentals, as none of his clients would be willing to do so.*

*Sergio Sorza, representative with Unite Here Hospitality Union, stated that his union represents hospitality workers and a contract is being negotiated with the Westdrift Hotel management. He stated that the land the Westdrift Hotel is on, is owned by the City of Manhattan Beach. He urged the City Council to support the hospitality workers' requests.*

*Evelyn Rojas, a hospitality worker at the Westdrift Hotel, asked the City Council to support the hospitality workers' contract negotiations.*

*Lorena Valdouino, a housekeeper at the Westdrift Hotel, asked the City Council to support the hospitality workers' negotiations with the hotel for better wages, health insurance, and retirement.*

*Bartlett Mel spoke against the proposed short-term rental ordinance, stating that it is unreasonable to require hosted short-term rentals. He proposed that there should be an exemption for families who live in homes, but want to rent to another family a few weeks out of the year.*

*Bill Victor spoke regarding short-term rentals and expressed his view that banning short-term rentals was a mistake. He stated that while short-term rentals can bring problems to the community, those problems can be eliminated with skillful legislation.*

*John Osten spoke regarding short-term rentals and stated that the City will have to have more police, fire, and trash hauling services should they allow short-term rentals. He suggested including a seven day minimum on any short-term rentals to avoid party houses.*

*An unknown public speaker spoke on behalf of short-term rentals, stating that tourism is the number one industry in California.*

*Coleen Young spoke regarding short-term rentals stating that they are very disruptive to community members and they increase costs to the services provided by the City.*

*An unknown public speaker spoke against short-term rentals, stating that allowing short-term rentals compromises the City's mission statement to "preserve our small beach town character."*

*Jim Burton stated that he is against short-term rentals.*

*Mindy Gellar stated that short-term rentals are a problem and suggested that the City Council put a law in place which restricts short-term rentals and takes individuals living in the sand section into consideration.*

*Greg Ugarte spoke against allowing short-term rentals as it causes a nuisance to the surrounding neighbors.*

*Will Arvizo spoke regarding short-term rentals stating that he turned down many potential renters as he wanted to have a good relationship with his neighbors. He said that the City is having a difficult time enforcing the ordinances that they have, and allowing short-term rentals would be an additional cost to the City.*

*Tami Zamrazil spoke against allowing short-term rentals stating that there is inexpensive software available to monitor short-term rental activity in the City. She expressed her view that short-term rentals cost the City additional resources and she does not want her tax dollars spent on that.*

*Neil Leventhal stated that the City of Manhattan beach is a community, not a tourist destination. He expressed his view that a short-term rental has no place in the City of Manhattan Beach.*

*Scott Frego spoke against short-term rentals in the City of Manhattan Beach. He stated that short-term rentals are disruptive to the neighborhood.*

*Maria Ramirez spoke against short-term rentals as it was a nuisance and lowers the quality of life for her family.*

*An unknown public speaker expressed his frustration that allowing short-term rentals is being considered again. He stated that it is a nuisance to the surrounding community.*

## **G. CONSENT CALENDAR (APPROVE)**

**A motion was made by Councilmember Howorth, seconded by Councilmember Montgomery, that this item be approved. The motion carried by the following vote:**

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

**2. City Council Minutes:**

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

- a) City Council Adjourned Regular Meeting Minutes (Closed Session) of January 2, 2019
- b) City Council Regular Meeting Minutes of January 2, 2019 (City Clerk Tamura).

**APPROVE**

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

**3. Financial Report:**

Schedule of Demands: December 6, 2018 (Finance Director Charelian).

**ACCEPT REPORT AND DEMANDS**

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

**4. Resolution No. 19-0001 Approving Amendment No. 1 to the Professional Services Agreement with Granicus Inc. to Extend the Term for Legislative and Broadcast Services in the Amount of \$41,020.87 (City Clerk Tamura).**

**ADOPT RESOLUTION NO. 19-0001**

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

5. Resolution No. 19-0002 of Intention to Provide for Annual Levy and Collection of Assessments for the North Manhattan Beach Business Improvement District and Setting February 19, 2019, for a Public Hearing (Finance Director Charelian).

**ADOPT RESOLUTION NO. 19-0002**

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

6. Resolution No. 19-0003 Renewal of License Agreement for the Manhattan Beach Botanical Garden Between the City of Manhattan Beach and the Manhattan Beach Botanical Garden Nonprofit Corporation (Parks and Recreation Director Leyman).

**ADOPT RESOLUTION NO. 19-0003**

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

7. Updated Facility and Parks Reservation Policy and Fees (Parks and Recreation Director Leyman).

**APPROVE**

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

8. Resolution No. 19-0004 Accepting 2017 State Homeland Security Grant Funds in the Amount of \$103,124 for the Purchase of Equipment that will Enhance Regional Communication Capabilities (Police Chief Abell).

**a) ADOPT RESOLUTION NO. 19-0004****b) APPROPRIATE FUNDS**

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

9. Resolution No. 19-0008 Approving a Pass-Thru Agreement with Willdan Engineering for Project Management, Mitigation and Compliance Monitoring, Plan Check and Inspection Services for the Manhattan Village Mall Renovation Project (Community Development Director McIntosh).

**ADOPT RESOLUTION NO. 19-0008**

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

10. Resolution No. 19-0010 Electing to be Exempt from the California Congestion Management Program (Community Development Director McIntosh).

**ADOPT RESOLUTION NO. 19-0010**

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

11. Request to Extend for the Community Development Director's Authority to Conditionally Allow After-Hours Construction at the Manhattan Village Shopping Center (Community Development Director McIntosh).

**AUTHORIZE DIRECTOR**

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

12. 2018 Pavement Management Program Final Report (Public Works Director Katsouleas).

**RECEIVE AND FILE**

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

*At 7:16 PM the City Council recessed and reconvened at 7:26 PM with all City Councilmembers present.*

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

*None.*

**I. PUBLIC HEARINGS**

13. Introduction of Ordinance Nos. 19-0001 and 19-0002 Amending the Manhattan Beach Municipal Code and Local Coastal Program to Allow Short-Term Rentals That Meet Certain Zoning Requirements and Performance Standards On a Limited Basis; and Consider Establishing Related Fees (Community Development Director McIntosh).

**a) CONDUCT PUBLIC HEARING**

**b) INTRODUCE ORDINANCE NOS. 19-0001 AND 19-0002**

**c) ADOPT RESOLUTION NO. 19-0011 ESTABLISHING FEES**

*Community Development Director Anne McIntosh introduced Community Development Senior Management Analyst Nhung Madrid who provided the staff presentation and responded to City Council questions.*

*Finance Director Steve Charelian and Building Official Ryan Heise responded to City Council questions.*

*Mayor Napolitano opened the public hearing.*

*Will Arvizo stated that there are other code enforcement issues to work on besides short-term rental compliance. He expressed that he is against allowing any short-term rentals.*

*Carol Perrin spoke against short-term rentals, as it is a nuisance to her community.*

*Suzanne Lerner spoke against short-term rentals and urged the City Council to preserve the small town character in the City of Manhattan Beach.*

*Stephan spoke regarding short-term rentals and stated that there are a lot of City resources that would go into implementing a short-term rental program.*

*Karol Wahlberg spoke against short-term rentals, requesting a full analysis. She expressed that the policing issue is a problem, is an undue and unnecessary burden on the staff, and it destroys the community.*

*Martha Andreani stated that there are three negative results of allowing short-term rentals. First, the quality of life and ambiance is sacrificed. Second, there are additional costs to the City. Finally, there is not enough parking in the residential neighborhoods. She urged the City Council to preserve the small town character of Manhattan Beach.*

*Mark Burton stated that when he sat on the City Council, he made a motion to ban short-term rentals. He expressed his view that the City's General Plan was intended to protect the community*

*Wayne Powell stated that he sat on the City Council when they imposed the prohibition on short-term rentals. He urged the City Council to keep the small town character of Manhattan Beach and only allow short-term rentals in commercially zoned areas.*

*Coleen Young spoke against short-term rentals and stated that the City of Manhattan Beach does not have to do what other cities are doing, and urged the City Council to give the ban enforcement "teeth."*

*Tammy Zanzervo asked how much the fine is for conducting commercial activity in non-commercial zones and urged the City Council to reconsider opening up short-term rentals.*

*Kathy Clark spoke regarding short-term rentals and the burden they put on neighborhoods.*

*Greg Ugarte spoke against allowing non-hosted short-term rentals in commercial zones, as they can be very close to residential zones.*

*Joe Franklin spoke regarding short-term rentals and stated that some of the short-term rental platforms seem to be working with different jurisdictions in the registration process. He suggested that the program include a restriction on renting for less than 7-30 days and include penalties for violations.*

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

*Mayor Napolitano stated that he would like to increase enforcement on prohibited short-term rentals throughout the City and not change the current restrictions.*

A motion was made by Councilmember Lesser, seconded by Councilmember Montgomery, requesting staff to return to the City Council at a future meeting with more information on the following:

- Registration;
- Enforcement;
- Cost to the City; and
- An analysis of programs in other jurisdictions.

Additionally, directing staff to provide a revised ordinance which includes the following provisions:

- Making it unlawful to accept advertisements of short-term rentals without a permit;
- If ordinance is violated three times, another permit will not be issued to the property; and
- Limiting hosted short-term rentals to 60 days per year, and non-hosted short term rentals to 21 days per year with a seven day minimum.

The motion carried by the following vote:

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

**Nay:** 1 - Napolitano

At 9:21 PM City Council recessed and reconvened at 9:32 PM with all City Councilmembers present.

## **J. GENERAL BUSINESS**

**14.** Review and Consideration to Approve a 7-Year Franchise Agreement for Integrated Solid Waste Management Services (Public Works Katsouleas).

**a) DISCUSS AND PROVIDE DIRECTION**

**b) CONSIDER ADOPTING RESOLUTION NO. 19-0007**

Public Works Director Stephanie Katsouleas provided the staff presentation, discussed next steps, and introduced Laith Ezzet, HF&H Consultants, who presented the proposals and responded to City Council questions.

Representatives from Athens Services and Waste Management presented their proposals and responded to City Council questions.

At 10:16 PM Mayor Napolitano requested a motion to extend the meeting.

A motion was made by Councilmember Howorth, seconded by Councilmember Lesser to extend the meeting past 10:30 PM. The motion carried by the following vote:

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

*Representatives from Waste Resources Technologies presented their proposal.*

*Mayor Napolitano opened the floor for public comments.*

*Bill Victor said Athens Services cleans the street and do a great job.*

*Joe Franklin suggested that the City Council request that the proposers present options for residents to opt into a company to clean out trash cans.*

*Suzanne Hadley expressed her concern with a provision in Athens Services' proposal to allow flexibility for a rate adjustment due to the change in market price for recyclables.*

*Will Arvizo suggested that the City Council examine the provisions of the contracts relating to recycling. He also urged the City Council to negotiate the prices.*

*Jorge Contreras and Janson Vartanian, two drivers for Waste Management, stated that they both love their jobs at the company, enjoy the City of Manhattan Beach community, and do not want to start over at a new company.*

*V. Feliz from Waste Management expressed his gratitude for the City of Manhattan Beach.*

*Felipe Barrera from Waste Management stated that he started at Manhattan Beach in 1994, and that he enjoys serving the City.*

*Wayne Powell stated that many have criticized the City for using consultants, and this is an example of a consultant who provided excellent service. He urged the City Council to approve a company who would consider environmental sustainability.*

*Robert Nothoff a representative from Los Angeles Alliance for a New Economy, stated that drivers know this city, they have the institutional knowledge and value safety.*

*Lisa Ryder, consultant for Waste Management stated that many of the green programs that Waste Management has put into place have been very successful. She provides concierge service to the City, pursuant to the contract.*

*Christian Warner of Athens Services spoke regarding how they provide sorting and recycling to customers.*

*Seeing no further requests to speak, Mayor Napolitano closed the floor for public comments.*

*City Manager Bruce Moe and Finance Director Steve Charelian responded to City Council questions.*

**By order of the Chair, discussion of the Franchise Agreement for Integrated Solid Waste Management Services was continued to the February 5, 2019, City Council meeting.**

17. Quarterly Update on City Work Plan (City Manager Moe).

**RECEIVE REPORT**

*By order of the Chair, item was moved to the Consent Calendar at the next City Council meeting on February 5, 2019.*

15. Cultural Arts Commission Recommendation to Implement a Community Arts Grant Program (Parks and Recreation Director Leyman).

**a) APPROVE**

**b) DISBURSE FUNDS**

*Cultural Arts Program Manager Martin Betz provided the staff presentation and responded to City Council questions.*

*Mayor Napolitano opened the floor for public comments.*

*Seeing no requests to speak, Mayor Napolitano closed the floor for public comments.*

**A motion was made by Mayor Napolitano, seconded by Councilmember Montgomery, to approve the Cultural Arts Commission recommendation to implement a Community Arts Grant Program. The motion carried by the following vote:**

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

16. Approve Location and Disburse Funds to Add the Sculpture *Circles*, by CJ Rensch, to the Sculpture Garden Program (Parks and Recreation Director Leyman).

**a) DISCUSS AND PROVIDE DIRECTION**

**b) APPROVE**

**c) DISBURSE FUNDS**

*Cultural Arts Program Manager Martin Betz provided the staff presentation and responded to City Council questions.*

*Mayor Napolitano opened the floor for public comments.*

*Seeing no requests to speak, Mayor Napolitano closed the floor for public comments.*

**A motion was made by Mayor Napolitano, seconded by Councilmember Montgomery, to approve Polliwog Park as the location for the sculpture Circles, by CJ Rensch, to the Sculpture Garden Program, and disburse funds. The motion carried by the following vote:**

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

18. Additional Information Regarding South Bay Cities Council of Governments Request to Send a Letter Opposing Measure A Steering Committee Recommendations (Parks and Recreation Director Leyman).

**DISCUSS AND PROVIDE DIRECTION**

*Parks and Recreation Director Mark Leyman provided the staff presentation and responded to City Council questions.*

*Mayor Napolitano opened the floor for public comments.*

*Seeing no requests to speak, Mayor Napolitano closed the floor for public comments.*

**This item was received and filed by order of the Chair.**

19. Fiscal Year 2017-2018 Comprehensive Annual Financial Report (Finance Director Charelian).

**RECEIVE AND FILE**

*Finance Director Steve Charelian provided the staff presentation and responded to City Council questions.*

*Mayor Napolitano opened the floor for public comments.*

*Seeing no requests to speak, Mayor Napolitano closed the floor for public comments.*

**A motion was made by Mayor Napolitano, seconded by Mayor Pro Tem Hersman, that this item be received and filed. The motion carried by the following vote:**

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

**K. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS**

*Mayor Napolitano reported that he attended the Contract Cities Legislative Lobbying Tour in Sacramento.*

**L. FUTURE AGENDA ITEMS**

*Mayor Pro Tem Hersman requested an update on the 8th Street and Sepulveda Blvd protected turn lane and traffic light near Gelson's Market.*

*Councilmember Lesser requested an update on the Community Choice Aggregation outreach, and City Manager Bruce Moe stated that an update will be provided at the next meeting.*

*Mayor Napolitano requested to have the vending machines removed from City property as well as a discussion regarding the City not using plastic utensils and plates.*

*Councilmember Montgomery requested an update on parking meters.*

20. Agenda Forecast (City Clerk Tamura).  
**DISCUSS AND PROVIDE DIRECTION**

**M. CITY MANAGER REPORT**

None.

**N. CITY ATTORNEY REPORT**

None.

**O. INFORMATIONAL ITEMS**

None.

**R. FUTURE MEETINGS**

None.

**P. CLOSED SESSION**

None.

**Q. ADJOURNMENT**

*At 11:43 PM Mayor Napolitano adjourned the meeting to 5:00 PM on February 5, 2019, for a Closed Session meeting.*

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**Alexandria Latagna**  
Recording Secretary

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**Steve Napolitano**  
Mayor

**ATTEST:**

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**Liza Tamura**  
City Clerk