

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Draft

Monday, August 7, 2017

9:00 AM

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 9:00 AM, 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 David Lesser, Mayor Pro Tem Amy Howorth, City Councilmember Steve Napolitano, City Councilmember Nancy Hersman, and City Councilmember Richard Montgomery

D. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Steven Nicholson spoke about Concerts in the Park and lack of code enforcement and announcements during the events regarding the rules.

E. GENERAL BUSINESS

1. Interim Ordinance Prohibiting the Establishment of New Health Care Uses (Community Development Director McIntosh).

[ORD](#)
[17-0015-U](#)

ADOPT URGENCY ORDINANCE NO. 17-0015-U

City Attorney Quinn Barrow clarified that although a motion typically passes with a 3-2 vote, the IZO item presented at the City Council Meeting on August 1, 2017, had actually failed, because an Urgency Ordinance needs a 4/5 vote in order to pass. Therefore, the item was being brought back to City Council for further consideration.

Mayor Lesser opened the floor for public comments.

Steven Nicholson spoke about a senior center being in place in the City at some point and banning non-generating buildings.

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

City Attorney Barrow and City Manager Mark Danaj responded to City Council questions.

Councilmember Montgomery will not be supporting this IZO moving forward if the Ordinance contains, "D. Assisted care facilities" and "E. Any residential care facility or adult day health center" and does not agree that the implementation is only for 45 days.

Councilmember Hersman, Mayor Pro Tem Howorth and Mayor Lesser agree that there is a need for staff to look at the information regarding health care facilities and only look at Sepulveda Boulevard on its own for now, to make it very clear what are the limitations on health care facilities.

Councilmember Napolitano agrees with the rest of City Council but would like for there to be limitations on what type of buildings exist on Sepulveda, would like only revenue generating buildings only and supports a more in depth look at items A-F as listed in the proposed Ordinance as well as residential and everything that comes up on Sepulveda.

City Attorney Quinn Barrow read the title of the Ordinance into the record: An interim ordinance of the City of Manhattan Beach prohibiting the establishment of new health care facilities on Sepulveda Boulevard in the City and declaring the urgency thereof.

Motion by Councilmember Hersman, seconded by Mayor Lesser, approved with the following adjustments 1) adopt Ordinance No. 17-0015 amended to change "the City" to "Sepulveda Boulevard" and other similar changes, and 2) direct the Community Development staff to come up with a definition on urgency facilities. The motion was carried by the following vote:

Aye: 4 - Mayor Lesser, Mayor Pro Tem Howorth, City Councilmember Napolitano and City Councilmember Hersman

Nay: 1 - City Councilmember Montgomery

**F. ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN
CLOSED SESSION**

City Attorney Quinn Barrow announced the following Closed Session.

**I. CONFERENCE WITH LEGAL COUNSEL (ANTICIPATED LITIGATION)
(Government Code Section 54956.9(d)(2),(e)(3))**

**Singnificant exposure to litigation, based on receipt of a claim
pursuant to the Government Claims Act.**

**II. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
(Government Code Section 54957)**

Titles: City Manager, City Attorney

G. RECESS INTO CLOSED SESSION

At 9:38 AM, Mayor Lesser announced that City Council would recess into Closed Session.

H. RECONVENE INTO OPEN SESSION

At 1:02 PM, the City Council reconvened into Open Session with all Councilmembers present.

I. CLOSED SESSION ANNOUNCEMENT IN OPEN SESSION

City Attorney Quinn Barrow announced that direction was given to the City Attorney and City Manager with respect to Item I, but no reportable action was taken.

J. ADJOURNMENT

At 1:03 PM Mayor Lesser adjourned the meeting.

Martha Alvarez
Recording Secretary

David Lesser
Mayor

ATTEST:

Liza Tamura
City Clerk