

# City of Manhattan Beach

1400 Highland Avenue  
Manhattan Beach, CA 90266



## Meeting Minutes - Draft

Tuesday, December 5, 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*

**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:  
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**A. PLEDGE TO THE FLAG**

*Manhattan Beach School Superintendent Mike Matthews led the Pledge of Allegiance.*

*Bryce Verket, Mira Costa High School student, played the National Anthem on the flute.*

*Veronica Escopete, Robinson Elementary School student, was recognized for outstanding citizenship in the Manhattan Beach Unified School District.*

**B. ROLL CALL**

**C. CEREMONIAL CALENDAR**

1. Presentation of a Plaque to Principal John Jackson of Robinson Elementary School on the Occasion of His Retirement.

[17-0509](#)

**PRESENT**

*Mayor Howorth, on behalf of the City Council, presented a City Plaque and City Challenge Coin to Robinson Elementary School Principal John Jackson, on the occasion of his retirement.*

*Manhattan Beach Unified School District Superintendent Mike Matthews and Mira Costa High School Principal Ben Dale recognized John Jackson on behalf of the school district.*

2. Annual City Recognition of Longstanding Local Businesses (Finance Director Moe).

[17-0463](#)

**PRESENT**

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

*Celebrating 20 years of Business:*

*In Attendance:*

*Beach Cities Endodontics  
Custom Quality Construction Inc.  
David J. Lesser, Attorney at Law  
International Cosmetics & Regulatory Specialists  
Mike Davis  
Money Matters Tax Service  
Orbit Satellite Service  
Power Karate MBK, Inc.  
Southwest Hauling  
Surf Concepts, Inc.*

*Unable to Attend:*

*Artwork Conversion Software  
Check The Do! Hair Salon  
Current Electric Construction, Inc.  
Fonz's  
Framestores  
Joyce G. Flood & Associates  
Law Offices of James A. Shalvoy  
Terry Nathan & Co. Inc.  
Noah's Bagels #2546  
Pacific Acupuncture & Healing Center  
Painters Plus  
Peet's Coffee & Tea  
Reback, McAndrews, Kjar, Warford & Stockalper  
Terry Neil Painting Inc.  
West Coast Orthopedic Design*

*Celebrating 40 Years in Business*

*In Attendance:*

*Manhattan Beach Historical Society  
Pancho's Abjohn, Inc.*

*Unable to Attend:*

*Cotton Cargo*

- 3. Presentation of Certificates of Recognition to the Student Winners of the Manhattan Beach/Los Angeles County Public Library 2017 Bookmark Contest Achievement Award.

[17-0510](#)

**PRESENT**

*Mayor Howorth introduced Manhattan Beach Librarian Melissa McCollum who presented the Bookmark Contest Winners with certificates of recognition:*

*Kindergarten - 2nd Grade*

*First Place: Sofia Rocha of American Martyrs*

*Second Place: Allison Ho of Pacific Elementary*

*3rd - 5th Grade*

*First Place: Hattie Wildes of American Martyrs*

*Second Place: Dane Harris of Pacific Elementary*

*6th - 8th Grade*

*First Place: Maddy Pieronek of American Martyrs*

*Second Place: Mia Lombardo of American Martyrs*

*9th - 12th Grade*

*First Place: Isabel Ding of Mira Costa*

*Second Place: Margot Griggs of Mira Costa*

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

**A Councilmember requested that Item No.8 be removed from the Consent Calendar for individual consideration.**

**A motion was made by Councilmember Hersman, as amended, seconded by Councilmember Lesser, to approve the agenda and waive full reading of ordinances. 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)**

*Mark Lipps, Chamber of Commerce, presented a calendar of events for 2018, and noted a Town Hall Meeting in January.*

*James McCleary reported on the 10th Annual North Manhattan Beach Christmas Stroll on Thursday, December 7, 2017.*

*Public Works Director Stephanie Katsouleas reported that Southern California Edison will begin a tower replacement at the corner of Rosecrans and Sepulveda on December 11, 2017, and it will last for 5-6 days.*

*Councilmember Montgomery, related that the Manhattan Beach Fireworks Event is this Sunday, December 10, 2017, and gave an update on the annual Beach Cities Toy Drive taking place on December 16, 2017.*

*Mayor Howorth noted that State Senator Ben Allen sent a certificate of recognition for former Mayor Lesser.*

*Mayor Howorth also announced that the groundbreaking for the Roundhouse Aquarium event with the Greenberg Foundation was held on December 4, 2017.*

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

*Jane Guthrie, Manhattan Beach Conservancy, presented a handout to the City Council and spoke on the cost of Historic Preservation.*

*Jan Dennis reiterated the cost of Historic Preservation and requested that the fees be less.*

*Ella Ferguson, Vice President of the Red Cross Youth Club, spoke about "Totes for Hope" the gathering of supplies for homeless veterans in Los Angeles.*

*James Walker, President of the Red Cross Youth Club, provided information for donating to the Red Cross.*

*Melanie McFarland, spoke in opposition to the AT&T Cell Tower at 2nd/Morningside.*

*Brenda O'Leary spoke of the aesthetics of the cell towers and presented a letter from surrounding neighbors in opposition to the Morningside cell tower.*

*Phil Friedl, representing the Manhattan Village Mall Developers, provided an update on the construction progress and presented pictures on the document reader.*

*Mark Lipps, Chamber of Commerce, presented an update on the Chambers activities and seminars.*

## G. CONSENT CALENDAR (APPROVE)

A motion was made by Councilmember Lesser, seconded by Councilmember Hersman, to approve the Consent Calendar Item Nos. 4-10 with the exception of Item No.8. The motion carried by the following vote:

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

Prior to the vote, Mayor ProTem Napolitano and Councilmember Montgomery requested that the City Clerk record a "NO" vote on the following:

- 7a) Resolution No. 17-0148 - Manhattan Ave. / 35th & 36th St.
- b) Resolution No. 17-0149 - Manhattan Ave. / 29th St.
- c) Resolution No. 17-0150 - Morningside Dr. / 2nd St.
- d) Resolution No. 17-0151 - Alma Ave / 28th St & 28th Pl.

4. City Council Minutes: [17-0511](#)

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

a) City Council Adjourned Regular Meeting Minutes (Closed Session) of November 20, 2017

b) City Council Regular Meeting of November 21, 2017

(City Clerk Tamura).

**APPROVE**

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

5. Financial Report: [17-0424](#)

a) Schedule of Demands: November 9, 2017

b) Investment Portfolio for the Month Ending October 31, 2017

c) Month End Report for October 31, 2017

(Finance Director Moe).

**ACCEPT REPORT AND DEMANDS**

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

6. Adopt Resolution No. 17-0143 Regarding the Restated Section 125 [RES 17-0143](#)

Flexible Benefits Plan (Human Resources Director Zadroga-Haase).

**ADOPT RESOLUTION NO. 17-0143**

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

7. Adopt Resolutions for Telecommunications and Coastal Development Permits, Approving and Denying Sites for AT&T (Community Development Director McIntosh).

[17-0474](#)

**ADOPT THE FOLLOWING RESOLUTIONS**

**RESOLUTIONS FOR CONDITIONAL APPROVAL:**

- a) Resolution No. 17-0148 - Manhattan Ave. / 35th & 36th St.
- b) Resolution No. 17-0149 - Manhattan Ave. / 29th St.
- c) Resolution No. 17-0150 - Morningside Dr. / 2nd St.
- d) Resolution No. 17-0151 - Alma Ave / 28th St & 28th Pl.
- e) Resolution No. 17-0155 - Highland Ave. / 32nd Pl. & 33rd St.
- f) Resolution No. 17-0156 - Bayview Dr. / 26th St.
- g) Resolution No. 17-0158 - Ingleside Dr. / 5th Pl.
- h) Resolution No. 17-0160 - N. Valley Dr. / Pacific Ave.

**RESOLUTIONS FOR DENIAL:**

- i) Resolution No. 17-0146 - Ocean Dr. / 18th St.
- j) Resolution No. 17-0147 - Manhattan Ave. / 5th Pl.
- k) Resolution No. 17-0152 - Highland Ave. / 19th St & 19th Pl.
- l) Resolution No. 17-0153 - Marine Ave. / Bayview Dr.
- m) Resolution No. 17-0154 - Manhattan Ave. / 11th St.
- n) Resolution No. 17-0157 - 2nd St. / N. Ardmore Ave.
- o) Resolution No. 17-0159 - Church St. / 13th St & 14th St.

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

Prior to the vote Mayor Pro Tem Napolitano and Councilmember Montgomery, stated for the record, a "NO" vote on Item No. 7a, b, c, and d.

8. Introduction of Ordinance No. 17-0022 Authorizing the Implementation of a Community Choice Aggregation (CCA) Program in the City; Adoption of a Resolution Approving the Execution of a Joint Powers Agreement (JPA) to Establish the Los Angeles Community Choice Energy (LACCE) Program Within the City; and Appointing a City Director and Alternate Director to Represent the City (Community Development Director McIntosh).

[ORD 17-0022](#)

**INTRODUCE ORDINANCE NO. 17-0022**

**(PLEASE NOTE THAT THE APPOINTMENTS TO THIS BOARD WILL BE CONSIDERED DURING AGENDA ITEM NO. 14)**

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

9. Request to Extend for Six Months the Director's Authority to Conditionally Allow After-Hours Construction at the Manhattan Village Shopping Center (Community Development Director McIntosh). [17-0472](#)

**APPROVE**

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

10. Adopt Resolution Nos. 17-0128 and 17-0129 Awarding a Construction Contract to Ramona Inc. for the Cycle 1 Sewer Main Replacement Project for \$444,950, and Approving a Professional Services Agreement with SA Associates, Inc. for Inspection Services for the Cycle 1 Sewer Main Replacement Project for \$70,000. (Public Works Director Katsouleas). [17-0515](#)

**ADOPT RESOLUTION NOS. 17-0128 AND 17-0129**

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

## H. ITEMS REMOVED FROM THE CONSENT CALENDAR

8. Introduction of Ordinance No. 17-0022 Authorizing the Implementation of a Community Choice Aggregation (CCA) Program in the City; Adoption of a Resolution Approving the Execution of a Joint Powers Agreement (JPA) to Establish the Los Angeles Community Choice Energy (LACCE) Program Within the City; and Appointing a City Director and Alternate Director to Represent the City (Community Development Director McIntosh).

[ORD 17-0022](#)

### **INTRODUCE ORDINANCE NO. 17-0022**

**(PLEASE NOTE THAT THE APPOINTMENTS TO THIS BOARD WILL BE CONSIDERED DURING AGENDA ITEM NO. 14)**

*Mayor Pro Tem Napolitano expressed concern for the lack of outreach, stated that the awareness level in the community is next to nothing, but noted that he supports the subject matter.*

*Councilmember Lesser referenced direction given in October for public outreach. He stated for the record that he wanted to make sure the community knows about this and that they have an opportunity to express their opinions before the City Council moves further. He further requested an explanation of the deadline.*

*LACCE Manager (Los Angeles County Community Choice Energy Program) Matt Skolnik explained that there was a six month open enrollment period for Cities to join LACCE JPA (Joint Powers Agreement) and the deadline is December 27, 2017. The Cities who join prior to the deadline are covered by the \$10 million County loan for the start-up costs of the program. He further stated, planning efforts are considered to make sure accounts get switched over properly to Edison.*

*Community Development Director Anne McIntosh and City Manager Mark Danaj 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.*

*City Attorney Quinn Barrow read the title of Ordinance No. 17-0022: An Ordinance of the City of Manhattan Beach approving the Joint Powers Agreement for Los Angeles Community Choice Energy and authorizing the implementation of a Community Choice Aggregation Program.*

**A motion was made by Councilmember Lesser, seconded by Councilmember Hersman, to introduce Ordinance No. 17-0022, adopt Resolution approving the JPA Agreement and for Staff to come back to the City Council with an update and a plan for proactive outreach in January. The motion carried by the following vote:**

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

*At 7:23 PM City Council recessed and reconvened at 7:33 PM with all Councilmembers present.*

## I. PUBLIC HEARINGS

11. Conduct Public Hearing for Consideration of Amendments to the Municipal Code and Local Coastal Program (LCP) Related to Urgent Care Medical Uses (Community Development Director McIntosh). [17-0470](#)  
**CONDUCT PUBLIC HEARING AND INTRODUCE ORDINANCE NOS. 17-0028 AND 17-0029**

*Community Development Director Anne McIntosh summarized the item and Assistant Planner Ted Faturos provided the PowerPoint presentation.*

*Mayor Howorth opened the public hearing.*

*Steve Packwood disagrees with the recommendations of the Planning Commission and was concerned with parking.*

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

*Assistant Planner Faturos responded to City Council questions.*

*City Attorney Quinn Barrow read into the record the title of Ordinance No. 17-0028: An Ordinance of the City of Manhattan Beach amending Municipal Code Sections 10.08.040, 10.080050, and 10.64.030, related to Urgent Care Offices.*

**A motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Napolitano, to introduce Ordinance No. 17-0028. The motion carried by the following vote:**

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

*City Attorney Barrow read into the record the title of Ordinance No. 17-0029: An Ordinance of the City of Manhattan Beach amending Local Coastal Program Sections A.08.040, A.08.050, and A.64.030, related to Urgent Care Offices.*

**A motion was made by Councilmember Lesser, seconded by Mayor Pro Tem Napolitano, to introduce Ordinance No. 17-0029. The motion carried by the following vote:**

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

12. Conduct Public Hearing to Consider Extending Interim Ordinance No. 17-0001-U for Accessory Dwelling Units (ADU's) (Community Development Director McIntosh).

[ORD](#)  
[17-0032-U](#)

**CONDUCT PUBLIC HEARING AND ADOPT URGENCY  
ORDINANCE NO. 17-0032-U EXTENDING THE INTERIM ZONING  
ORDINANCE FOR ONE YEAR**

*Community Development Director Anne McIntosh provided the Staff presentation.*

*Community Development Director McIntosh and Planning Manager Laurie Jester responded to City Council questions.*

*Mayor Howorth opened the public hearing.*

*Bill Victor stated he would like the public to have an opportunity to discuss the item.*

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

*Councilmember Hersman asked if the ordinance had to be extended for one whole year.*

*City Manager Mark Danaj responded to City Council questions and noted that he recommends approving for one year, but Staff will do their best to bring it to the City Council before six months.*

*City Attorney Quinn Barrow clarified that the square footage could be changed as it is making it easier for property owners to have an Accessory Dwelling Unit.*

*City Attorney Barrow read the title of Urgency Ordinance No. 17-0032-U into the record: An interim ordinance of the City of Manhattan Beach extending interim Ordinance No.17-0001-U prohibiting new Accessory Dwelling Units, except those that satisfy specified standards, and declaring the urgency thereof as amended to make the maximum square footage 700 rather than 500 square feet.*

**A motion was made by Councilmember Montgomery, seconded by Councilmember Lesser, to adopt Interim Ordinance No. 17-0032-U. A friendly amendment by Mayor Pro Tem Napolitano to expand the maximum square footage from 500 to 700 square feet, was accepted by the maker. The motion, as amended, carried by the following vote:**

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

## J. GENERAL BUSINESS

13. Adopt Resolution No. 17-0134 Authorizing the City Manager to Reimburse South Bay Regional Public Communications Authority for Purchase of Mobile and Portable Radios in an Amount Not-to-Exceed \$1,673,894.56 (Police Chief Irvine, Fire Chief Espinosa and Finance Director Moe). [RES 17-0134](#)

**WAIVE FORMAL BIDDING; ADOPT RESOLUTION NO. 17-0134**

*Police Chief Eve Irvine provided the Staff presentation.*

*City Manager Mark Danaj and Police Chief Irvine responded to City Council questions.*

*Mayor Howorth opened the floor to public comment.*

*Bill Victor requested that the amount of the purchase be included in the resolution.*

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

**A motion was made by Mayor Pro Tem Napolitano, seconded by Councilmember Montgomery, to approve the purchase of Mobile and Portable Radios in an amount not-to-exceed \$1,673,894.56, to waive formal bidding and adopt Resolution No. 17-0134, as amended, adding the not-to-exceed cost in the Resolution. The motion carried by the following vote:**

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

14. Approval of City Council Assignments (Mayor Howorth). [17-0508](#)  
**DISCUSS AND APPROVE**

*Mayor Howorth provided brief details regarding the City Council assignments.*

*City Clerk Liza Tamura 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.*

**A motion was made by Mayor Pro Tem Napolitano, seconded by Councilmember Montgomery, to approve the City Council assignments, as amended. The motion carried by the following vote:**

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

15. Results of On-Demand Electric Vehicle Shuttle RFP and Downtowner Program Update (Economic Vitality Manager Sywak). [17-0466](#)

**RECEIVE REPORT (UPDATE) AND PROVIDE DIRECTION**

*Economic Vitality Manager Andy Sywak provided the Staff presentation.*

*Economic Vitality Manager Sywak, Downtowner Owner Jake Allsop and City Manager Mark Danaj responded to City Council questions.*

*Mayor Howorth opened the floor to public comment.*

*Kelly Stroman, Executive Director of the Downtown Manhattan Beach Business and Professional Association, related that the Downtowner was a tremendous success.*

*Mark Lipps also echoed the success of the Downtowner and questioned how to find the money to keep the program going and if grant funding had been pursued.*

*Bill Victor encouraged expansion of the Downtowner to the East.*

*Craig Cadwallader also encouraged keeping this transportation option.*

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

*This item was received and filed and no action was taken.*

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

16. Request by Mayor Howorth to Consider a New Design to the City Lapel Pin. [17-0512](#)

**DISCUSS AND PROVIDE DIRECTION**

*Mayor Howorth provided a brief presentation of this item.*

*Mayor Howorth opened the floor to public comment.*

*Craig Cadwallader recommended opening the design to a contest, or getting input from people with experience designing logos.*

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

*City Council concurred to return with a few other alternatives.*

**L. FUTURE AGENDA ITEMS**

*Mayor Pro Tem Napolitano suggested agendaizing charges for historic designation applications and the City Council concurred.*

*Councilmember Montgomery requested agendaizing an item to clarify speaking times on the agenda.*

*Mayor Howorth asked about adding a big belly compactor downtown.*

*City Manager Mark Danaj responded that it is in the Public Works Work Plan.*

*Mayor Pro Tem Napolitano stated that an informational item could be e-mailed.*

**M. CITY MANAGER REPORT**

*None.*

**N. CITY ATTORNEY REPORT**

*None.*

**O. INFORMATIONAL ITEMS**

*None.*

**P. CLOSED SESSION**

*None.*

**Q. ADJOURNMENT**

*Mayor Howorth noted for the record that Manhattan Beach has sent a team to help with the recent fires.*

*At 10:18 PM the Regular City Council Meeting was adjourned to December 19, 2017.*

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

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**Amy Howorth**  
**Mayor**

**ATTEST:**

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