

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Draft

Tuesday, August 6, 2019

6:00 PM

Regular Meeting

City Council Chambers

City Council Regular Meeting

*Mayor Nancy Hersman
Mayor Pro Tem Richard Montgomery
Councilmember Suzanne Hadley
Councilmember Hildy Stern
Councilmember Steve Napolitano*

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A. PLEDGE TO THE FLAG

Community Development Director Anne McIntosh led the Pledge of Allegiance.

B. ROLL CALL

Present: 5 - Mayor Hersman, Mayor Pro Tem Montgomery, Councilmember Hadley, Councilmember Stern and Councilmember Napolitano

C. CEREMONIAL CALENDAR

1. Presentation of a Commendation to Outgoing Community Development Director Anne McIntosh. [19-0293](#)

PRESENT

Mayor Hersman and City Manager Bruce Moe, on behalf of the City Council, presented outgoing Community Development Director McIntosh with a commendation recognizing her work and service to the City of Manhattan Beach.

2. Recognition of Emily Ford, High School Student and Self-Published Author of "My Totally Intolerable Blocks," for her Effort to Teach Others About the Importance of Tolerance. [19-0312](#)

PRESENT

Emily Ford spoke about her self-published book, "My Totally Intolerable Blocks." She also spoke about the organization she is fundraising for, "OneSky."

Mayor Hersman on behalf of the City Council, presented a certificate of recognition to Emily Ford, for her effort to teach others about the importance of tolerance.

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

Mayor Hersman requested to continue to a future meeting, Agenda Item No. 19: Consider Request by Councilmember Stern and Mayor Pro Tem Montgomery to Revisit the Issue of Re-Striping the Area Leading to Pacific Elementary School.

A motion was made by Mayor Pro Tem Montgomery, seconded by Councilmember Stern, to approve the agenda, waive the full reading of ordinances and continue Agenda Item No. 19 from General Business to a future meeting. The motion carried by the following vote:

Aye: 5 - Hersman, Montgomery, Hadley, Stern and Napolitano

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

Dency Nelson announced "Shakespeare by the Sea," on Friday, August 9, 2019 at 7:00 PM in Polliwog Park with Henry V and on Saturday, August 10, 2019 at 7:00 PM in Polliwog Park with The Comedy of Errors.

Kelly Stroman announced the Manhattan Beach Chamber of Commerce, "Bite at the Beach" on Saturday, August 10, 2019 from 2:00 PM - 6:00 PM at MB Studios and she also thanked Community Development Director Anne McIntosh for her service.

Jill Lamkin announced the Business Owners of Downtown Manhattan Beach, "Sunset Beach Party" on Thursday, August 15, 2019 from 5:00 PM - 8:00 PM at the AVP Skydeck.

Councilmember Napolitano reminded the public that the August 20, 2019, City Council Meeting is cancelled.

Mayor Pro Tem Montgomery thanked Parks and Recreation Department staff for a successful event this past weekend with the "Charlie Saikley - 6 Man Beach Volleyball Tournaments."

F. PUBLIC COMMENTS (3 MINUTES PER PERSON)

City Attorney Quinn Barrow provided an update regarding the house on 39th Street with painted Emojis. At the July 10, 2019, Planning Commission Meeting, members of the public provided public comments regarding the house during the mural ordinance discussion. The Planning Commission gave direction to the City Attorney's law firm to research the issue of what can be done regarding murals and art in residential neighborhoods. At that time the Assistant City Attorney informed the public that the City can adopt regulations on murals and art but they have to be content neutral. The first step will be for the Planning Commission to consider murals in residential zones and the second step will be for City Council to review the Planning Commission's recommendation. The Planning Commission will be considering murals in residential areas on August 28, 2019.

The following individuals spoke:

*Carol Madonna
Kevin Wieland
Greg Doll
Riley Johnson
Chris McFaden
Dina Doll
Michelle Chu
Unknown Speaker
Kay Nam
Jill Lamkin
Heather Kim
Robert Bush
Jon Chaykowski
Aaron Spiewak
Don Ziss
Mark Cermak
Riley Johnson
Hal Kisler*

G. CONSENT CALENDAR (APPROVE)

A motion was made by Mayor Pro Tem Montgomery, seconded by Councilmember Hadley, to approve the Consent Calendar. The motion carried by the following vote:

Aye: 5 - Hersman, Montgomery, Hadley, Stern and Napolitano

3. City Council Minutes:[19-0159](#)

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

a) City Council Adjourned Regular Meeting Minutes (Closed Session) of

July 16, 2019

b) City Council Regular Meeting Minutes of July 16, 2019

(City Clerk Tamura).

APPROVE

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

4. Financial Reports: [19-0226](#)

- a) Schedules of Demands June 20, 2019 and July 3, 2019
- b) Investment Portfolio for the Month Ending June 30, 2019
- c) Preliminary Month End Report for June 30, 2019
(Finance Director Charelian).

ACCEPT REPORTS AND DEMANDS

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

5. Adoption of Annual Investment Policy for Fiscal Year 2019-2020 and [19-0295](#)

- Delegation of Responsibility for Investing Funds to the City Treasurer
(Finance Director Charelian).

ADOPT

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

6. Consideration of an Agreement with Larry Murakami Contracting for a [19-0112](#)

- Three-Year Contract for Sand Dune Park Sand Replenishment Services
with an Estimated Value of \$112,500 (Parks and Recreation Director
Leyman).

ADOPT RESOLUTION NO. 19-0058

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

7. Consider: [19-0317](#)

- a) Approving Two Telecommunications Facilities in the Veterans
Parkway by Adopting:
Resolution No. 19-0078 (Site near Ardmore Avenue and 9th
Street/Place);
Resolution No. 19-0079 (Site near Ardmore Avenue and 2nd Street); and
- b) Authorizing Licenses for Both Facilities (Community Development
Director McIntosh).

ADOPT RESOLUTION NOS. 19-0078 AND 19-0079

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

8. Formally Accept as Complete the Cycle 1 Sewer Main Replacement [19-0272](#)

- Project Constructed by Ramona, Inc.; Authorize Filing a Notice of
Completion with the County Recorder; Release Retention for \$33,337.13;
Adopt a Resolution Approving a Contract Change Order (Final) to
Ramona, Inc. for \$221,792.64; Appropriate \$226,976 for Emergency
Repairs and Approve Funds Transfer (Public Works Director
Katsouleas).

a) ADOPT RESOLUTION NO. 19-0071

b) APPROPRIATE FUNDS AND APPROVE FUNDS TRANSFER

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

H. ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

I. PUBLIC HEARINGS

9. Conduct Continued Public Hearing to Review Use Permit Amendment for an Existing Restaurant/Bar and Consider Request to Amend the Use Permit to Extend Operating Hours and Revise Other Conditions at 900 Manhattan Avenue (900 Club/Downstairs Bar) (Continued from the July 2, 2019, City Council Regular Meeting) (Community Development Director McIntosh). [19-0323](#)
- a) **CONDUCT CONTINUED PUBLIC HEARING**
- b) **DISCUSS AND PROVIDE DIRECTION**

This item was continued from the July 2, 2019, City Council Meeting.

Community Development Department, Associate Planner Angelica Ochoa provided the staff presentation.

Mayor Hersman opened the testimony portion of the public hearing. The following individuals spoke:

*Dave Rohrbacher
Rosanna Libertucci
Denise Arredondo
Chantal Wallin
Robert Bush*

Seeing no further requests to speak, Mayor Hersman closed the testimony portion of the public hearing.

City Attorney Quinn Barrow, Associate Planner Ochoa, 900 Club Applicant Dave Rohrbacher and Denise Arredondo responded to City Council questions.

Mayor Hersman re-opened the testimony portion of the public hearing to include the noticing information as provided by 900 Club Applicant Dave Rohrbacher.

Seeing no further requests to speak, Mayor Hersman closed the testimony portion of the public hearing.

After clarification by the City Attorney, the City Council voted on the following motion: direct staff to draft a resolution for City Council Consideration to: 1) Allow the business to provide their own security guard; 2) Reduce notification of entertainment/special events to 3 days, instead of 7 days; 3) Reduce requirement to notify police of security code only if code changes, at least 7 days prior to change, instead of monthly; and 4) Allow the applicant to return in six months with the request of extending operating hours by one hour, to 1:00 AM on Thursdays, as well as an update demonstrating compliance with conditions.

Aye: 5 - Hersman, Montgomery, Hadley, Stern and Napolitano

J. GENERAL BUSINESS

10. Update on Clean Power Alliance of Southern California (Community Development Director McIntosh).

[19-0322](#)

RECEIVE AND FILE

Community Development Department, Environmental Sustainability Manager Dana Murray provided the staff presentation.

Environmental Sustainability Manager Murray, Clean Power Alliance Executive Director Ted Bardacke and City Manager Bruce Moe responded to City Council questions.

Mayor Hersman opened the floor for public comment. The following individual(s) spoke:

Craig Cadwallader

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

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

At 8:47 PM City Council recessed and reconvened at 8:58 PM with all Councilmembers present.

11. Report on Southern California Edison's Power Reliability in the City of Manhattan Beach (Public Works Director Katsouleas).

[19-0285](#)

RECEIVE REPORT

Public Works Department, Utilities Division Manager Shawn Igoe introduced Southern California Edison (SCE) South Bay District Manager Ryan Robbins.

SCE South Bay District Manager Robbins provided the PowerPoint presentation and responded to City Council questions.

Mayor Hersman opened the floor for public comment.

Seeing no requests to speak, Mayor Hersman closed the floor for public comment.

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

12. Presentation of the Underground Utility Assessment Districts 19-12 and 19-14 and Consideration of Resolutions to Initiate District Formation Proceedings, Approve the Preliminary Engineer's Reports, and Set a Date and Time for a Public Hearing (Public Works Director Katsouleas). [19-0248](#)
- a) **ADOPT RESOLUTIONS NOS. 19-0072 AND 19-0073 for DISTRICT 19-12**
- b) **ADOPT RESOLUTIONS NOS. 19-0074 AND 19-0075 for DISTRICT 19-14**

Public Works Department, Senior Civil Engineer Anastasia Seims and NV5 Assessment Engineer Jeffrey Cooper provided the PowerPoint presentation.

Senior Civil Engineer Seims responded to City Council questions.

Mayor Hersman opened the floor for public comment. The following individual(s) spoke:

Richard Whilden

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

NV5 Assessment Engineer Cooper responded to City Council questions.

A motion was made by Mayor Pro Tem Montgomery, seconded by Councilmember Hadley, to adopt Resolution No. 19-0072, accepting the petition and declaring its intention to take proceedings pursuant to the municipal Improvement Act of 1913 and to issue bonds pursuant to the Improvement Bond Act of 1915, and make certain findings and determinations in connection therewith, all relating to the formation of Assessment District No. 19-12. The motion carried by the following vote:

Aye: 5 - Hersman, Montgomery, Hadley, Stern and Napolitano

A motion was made by Mayor Pro Tem Montgomery, seconded by Councilmember Hadley, to adopt Resolution No. 19-0073, preliminarily approving the Assessment Engineer's Report and fixing the time and place of the public hearing for Assessment District No. 19-12. The motion carried by the following vote:

Aye: 5 - Hersman, Montgomery, Hadley, Stern and Napolitano

A motion was made by Mayor Hersman, seconded by Councilmember Hadley, to adopt Resolution No. 19-0074, accepting the petition and declaring its intention to take proceedings pursuant to the municipal Improvement Act of 1913 and to issue bonds pursuant to the Improvement Bond Act of 1915, and make certain findings and determinations in connection therewith, all relating to the formation of Assessment District No. 19-14. The motion carried by the following vote:

Aye: 5 - Hersman, Montgomery, Hadley, Stern and Napolitano

A motion was made by Mayor Hersman, seconded by Mayor Pro Tem Montgomery, to adopt Resolution No. 19-0075, preliminarily approving the Assessment Engineer's Report and fixing the time and place of the public hearing for Assessment District No. 19-14. The motion carried by the following vote:

Aye: 5 - Hersman, Montgomery, Hadley, Stern and Napolitano

13. Consider Assessment Deferment Program for Qualifying Households in Utility Underground Districts (Finance Director Charelian and Public Works Director Katsouleas). [19-0271](#)

DISCUSS AND PROVIDE DIRECTION

Finance Director Steve Charelian provided the PowerPoint presentation.

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

Mayor Hersman opened the floor for public comment.

Seeing no requests to speak, Mayor Hersman closed the floor for public comment.

A motion was made by Mayor Pro Tem Montgomery, seconded by Councilmember Hadley, to approve the following: 1) Provide Assessment Deferment Program (ADP) for qualifying households, 2) Approve the continuation of the updated existing loan program parameters, 3) Continue to provide the hardship program as previously established with the same income tiers; and 4) establish a revolving fund not-to-exceed \$250,000. The motion carried by the following vote:

Aye: 5 - Hersman, Montgomery, Hadley, Stern and Napolitano

14. Consider Adoption of the Restated and Amended Civility Policy and Rules of Decorum for Meetings (City Manager Moe, City Attorney Barrow, and Human Resources Director Jenkins). [19-0326](#)

ADOPT RESOLUTION NO. 19-0083

Management Services, Management Analyst Alexandria Latragna provided the staff presentation.

Management Analyst Latragna and City Attorney Quinn Barrow responded to City Council questions.

Mayor Hersman opened the floor for public comment.

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

A motion was made by Councilmember Hadley, seconded by Mayor Pro Tem Montgomery, to adopt Resolution No. 19-0083, endorsing standards of behavior that promote civility at all public meetings and in interactions with the public. The motion carried by the following vote:

Aye: 5 - Hersman, Montgomery, Hadley, Stern and Napolitano

15. Updated Fiscal Year 2019-2020 City Council Work Plan Report (City Manager Moe).

[19-0330](#)

RECEIVE REPORT

Management Services, Senior Management Analyst George Gabriel provided the staff presentation.

Public Works Department Civil Engineer Anastasia Seims, Parks and Recreation Director Mark Leyman and Fire Chief Daryn Drum responded to City Council questions.

Mayor Hersman opened the floor for public comment.

Seeing no requests to speak, Mayor Hersman closed the floor for public comment.

Mayor Hersman requested to add, "City Council Communications" to the Work Plan.

City Manager Bruce Moe and City Attorney Quinn Barrow provided clarification.

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

16. Consider Approving an Exception to the 180-Day Wait Period Pursuant to Government Code Sections 7522.56 and 21221(h) and Approving an Employment Agreement with Jeffery W. Gibson to Serve as Interim Director of Community Development (Human Resources Jenkins).

[19-0331](#)

ADOPT RESOLUTION NO. 19-0081

City Manager Bruce Moe provided the staff presentation and responded to City Council questions.

Mayor Hersman opened the floor for public comment.

Seeing no requests to speak, Mayor Hersman closed the floor for public comment.

A motion was made by Mayor Pro Tem Montgomery, seconded by Councilmember Hadley, to adopt Resolution No. 19-0081, an exception to the 180-day wait period pursuant to Government Code Sections 7522.56 and 21221(h) and approving an employment agreement with Jeffery W. Gibson to serve as Interim Director of Community Development. The motion carried by the following vote:

Aye: 5 - Hersman, Montgomery, Hadley, Stern and Napolitano

K. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS

17. City Council Reports.

None.

18. Consider Request by Mayor Hersman and Mayor Pro Tem Montgomery (City Council Mall Expansion Subcommittee) to Place on a Future Agenda a Digital Media Package Proposal Submitted by Manhattan Village Shopping Center (Community Development Director McIntosh). [19-0324](#)

CONSIDER PLACING ON FUTURE AGENDA TO CONSIDER MERITS OF PROPOSAL

Community Development Director Anne McIntosh introduced JLL Vice President Mark Cermak and Sensory Interactive Director Greg Giordano.

JLL Vice President Cermak and Sensory Interactive Director Giordano provided the PowerPoint presentation.

City Attorney Quinn Barrow responded to City Council questions.

Mayor Hersman requested to bring this item for discussion at the October 15, 2019, City Council Meeting. Mayor Pro Tem Montgomery and Councilmember Hadley concurred.

Community Development Director McIntosh responded to City Council questions.

19. Consider Request by Councilmember Stern and Mayor Pro Tem Montgomery to Revisit the Issue of Re-Striping the Area Leading to Pacific Elementary School (Public Works Director Katsouleas). [19-0329](#)

PROVIDE DIRECTION

Mayor Hersman requested to continue this item to a future City Council Meeting.

L. FUTURE AGENDA ITEMS

20. Agenda Forecast (City Clerk Tamura). [19-0160](#)
DISCUSS AND PROVIDE DIRECTION

Mayor Hersman requested consideration of the following items:

- Boutique Fitness is one of the new tenants for the Manhattan Village Mall and requires approval by both Planning Commission and City Council, requesting for discussion at the September 3, 2019, Mayor Pro Tem Montgomery concurred.

- Schedule a Tri-City Submit with City of Redondo Beach and Hermosa Beach to discuss the Homeless Grant and how the three Cities can work together, there was a City Council consensus.

- Ed Foundation inquired about partnering with the City for a donor installation piece for the endowment, Mayor Pro Tem Montgomery concurred. The item will be agendaized for the MBUSD Ad Hoc Committee to discuss prior to City Council discussion.

City Attorney Quinn Barrow and City Manager Bruce Moe responded to City Council questions.

At 10:26 PM Mayor Hersman requested a motion to extend the meeting.

A motion was made by Mayor Pro Tem Montgomery, seconded by Councilmember Hadley, to extend the meeting past 10:30 PM. The motion carried by the following vote:

Aye: 5 - Hersman, Montgomery, Hadley, Stern and Napolitano

Mayor Hersman requested discussion for the Planning Commission to review the conditions that should be applied to short term rentals with a use permit in a commercial zone, Mayor Pro Tem Montgomery concurred.

Mayor Pro Tem Montgomery requested for discussion on the possibility of waiving solar permit fees, Councilmember Stern concurred.

Councilmember Hadley requested consideration of the following items:

-Beautification of the Downtown area, Mayor Pro Tem Montgomery concurred.

-Amending banner policy to reflect current practices, Mayor Pro Tem Montgomery concurred.

-Requested an update on Sunrise Senior Assisted Living Project.

Community Development Director Anne McIntosh provided a brief update on the Sunrise Senior Assisted Living Project.

City Manager Moe, City Attorney Barrow and Community Development Director McIntosh responded to City Council questions.

Mayor Hersman requested for a City Council Retreat to be scheduled for a future date, Councilmember Hadley concurred.

M. CITY MANAGER REPORT

21. Status Report on Homelessness Initiatives (No Written Report) (City Manager Moe).

Management Services, Senior Management Analyst George Gabriel provided the staff presentation and responded to City Council questions.

N. CITY ATTORNEY REPORT

None.

O. INFORMATIONAL ITEMS

22. Commission Minutes: [19-0334](#)

This Item Contains Minutes of the following City Commission Meetings:

- a) Parks and Recreation Commission Meeting Minutes of June 24, 2019 (Parks and Recreation Director Leyman)
- b) Planning Commission Meeting Minutes of July 10, 2019 (Community Development Director McIntosh)
- c) Finance Subcommittee Meeting Minutes of July 15, 2019 (Finance Director Charelian)
- d) Planning Commission Meeting Minutes of July 24, 2019 (Community Development Director McIntosh)

INFORMATION ITEM ONLY

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

23. Recent Planning Commission Quasi-Judicial Decision: [19-0314](#)

1843 11th Street Use Permit and Vesting Tentative Parcel Map
(Community Development Director McIntosh).

INFORMATION ITEM ONLY

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

P. CLOSED SESSION

None.

Q. ADJOURNMENT

At 10:54 PM, Mayor Hersman adjourned the meeting to a 5:00 PM Closed Session meeting on Wednesday, August 28, 2019, in the City Council Chambers.

Martha Alvarez
Recording Secretary

Nancy Hersman
Mayor

ATTEST:

Liza Tamura
City Clerk