

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Draft

Wednesday, July 5, 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, City Councilmember Napolitano, City Councilmember Hersman and City Councilmember Montgomery

C. CEREMONIAL CALENDAR

1. Presentation of Plaques to Outgoing Planning Commissioners: [17-0225](#)
Bordokas and Conaway; Outgoing Parking and Public Improvements Commissioners: Fournier and King; Outgoing Cultural Arts Commissioner: Friedman; and Outgoing Parks & Recreation Commissioners Jones and Lauson.

PRESENT

Mayor Lesser introduced the item.

On behalf of the City Council, Community Development Director Anne McIntosh recognized Outgoing Planning Commissioners Penny Bordokas and newly elected City Councilmember Nancy Hersman, (Commissioner Conaway unable to attend); City Traffic Engineer Erik Zandvleit recognized Outgoing PPIC Commissioners Stewart Fournier and Kyle King who were unable to attend; Cultural Arts Manager Martin Betz recognized Outgoing Cultural Arts Commissioner Elise Friedman; Parks and Recreation Director Mark Leyman recognized Outgoing Parks and Recreation Commissioner Janet Jones (Commissioner Grace Lauson unable to attend).

2. Presentation of Certificates of Recognition to the Sponsors of the Annual Manhattan Beach Holiday Fireworks. [17-0269](#)

PRESENT

Mayor Lesser, on behalf of the City Council, presented Pete Moffett, all Manhattan Beach Holiday Fireworks Sponsors and City Staff, with certificates of recognition for making the Manhattan Beach Holiday Fireworks a success.

3. Presentation of a Certificate of Recognition to Carter Gaede for Winning the 2017 Drive, Chip & Putt Championship at Augusta National Golf Club in the 7-9 Boys Division.

[17-0232](#)

PRESENT

Mayor Lesser, on behalf of the City Council, presented Carter Gaede with a certificate of recognition for winning the 2017 Drive, Chip and Putt Championship at Augusta National Golf Club in the age 7-9 division.

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

A motion was made by Mayor Pro Tem Howorth, seconded by Councilmember Montgomery, to approve the agenda and waive the 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)

Jan Buike, Older Adult Programs Supervisor, invited everyone to the Older Adult Art Show, beginning Friday, July 7, 2017, at the Manhattan Beach Cultural Arts Center.

Councilmember Montgomery reported that the Southern California Association of Governments (SCAG) prints a "Profile of the City of Manhattan Beach" with many facts of the City and a copy will be in the City Clerk's Office.

Councilmember Montgomery also displayed a picture of missing resident Nancy Paulikas and asked anyone with information to contact the Manhattan Beach Police Department.

F. PUBLIC COMMENTS (3 MINUTES PER PERSON)

None.

G. CONSENT CALENDAR (APPROVE)

A motion was made by City Councilmember Napolitano, seconded by Mayor Pro Tem Howorth, to approve the Consent Calendar, Item Nos. 4-10. The motion carried by the following vote:

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

4. City Council Minutes: [17-0286](#)

This Item Contains Minutes of the following City Council Meeting:

- a) City Council Adjourned Regular Meeting (Budget Study Session #2) Minutes of May 30, 2017
- b) City Council Adjourned Regular Meeting (Joint City Council/Parks and Recreation Commission, Library Commission and Cultural Arts Commission) Minutes of June 5, 2017

(City Clerk Tamura).

APPROVE

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

5. Financial Report: [17-0238](#)

- a) Schedule of Demands: June 8, 2017
 - b) Investment Portfolio for the Month Ending May 31, 2017
 - c) Month End Report for May 31, 2017
- (Finance Director Moe).

ACCEPT REPORT AND DEMANDS

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

6. Approval of Restated and Amended Agreement with Joan Stein Jenkins for Municipal Code Prosecution Services (City Attorney Barrow). [RES 17-0074](#)

ADOPT RESOLUTION NO. 17-0074 APPROVING AGREEMENT

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

7. Appoint Bruce Greenburg, Manhattan Beach Unified School District Appointee, to the Parks and Recreation Commission (Seat No. 2) (City Clerk Tamura). [17-0285](#)

RATIFY APPOINTMENT

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

8. Adoption of Annual Investment Policy for Fiscal Year 2017-2018 and Delegation of Responsibility for Investing Funds to the City Treasurer (Finance Director Moe). [17-0277](#)

APPROVE

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

9. Resolution Approving the Memorandum of Understanding Between the Beach Cities Watershed Management Group to Fund the Design of the Hermosa Beach Greenbelt Trench Infiltration Project in the Amount of \$21,240.90. (Public Works Director Katsouleas). [RES 17-0094](#)

APPROVE

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

I. PUBLIC HEARINGS (3 MINUTES PER PERSON)

10. Conduct Public Hearing for Second Reading of Ordinance No. 17-0008 Regarding Municipal Code Revisions Provisions to the Zoning Code Regarding Appeal and City Council Review and Introduction of Ordinance No. 17-0010 with Corresponding Changes to the City's Local Coastal Program (City Attorney Barrow, City Clerk Tamura and Community Development McIntosh).

[17-0296](#)**SECOND READING OF ORDINANCE NO. 17-0008 AND FIRST READING OF ORDINANCE NO. 17-0011**

Mayor Lesser introduced the item and Management Analyst George Gabriel provided the staff presentation.

Mayor Lesser opened the Public Hearing for public comment.

Seeing no requests to speak, Mayor Lesser closed the Public Hearing..

City Attorney Quinn Barrow responded to City Council questions.

A motion was made by Councilmember Montgomery, seconded by Mayor Pro Tem Howorth, to adopt Ordinance No.17-0008 regarding Municipal Code revisions provisions to the Zoning Code regarding appeal and City Council review with the change in Section 1. C.: The appeal period ends at the close of the business day for City Hall on the 15th day following the decision. If the 15th day falls on a day when City Hall is closed, the appeals period ends at the close of business on the next working day. (In place of: If the 15th day falls on a weekend or City Holiday). The motion carried by the following vote:

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

City Attorney Barrow read the title of Ordinance No. 17-0011 AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING THE MANHATTAN BEACH LOCAL COASTAL PROGRAM REGARDING APPEALS AND COUNCIL REVIEW PROCEDURE FOR QUASI-JUDICIAL DECISIONS (CHAPTER A.96.160) into the record.

A motion was made by Councilmember Montgomery, seconded by Mayor Pro Tem Howorth, to introduce Ordinance No. 17-0011, as amended. The motion carried by the following vote:

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

J. GENERAL BUSINESS

11. Accept Resignation for Library Commissioner Hustvedt, Declare Vacant Library Commission Seat No. 2 and Appoint (City Clerk Tamura).

[17-0283](#)

ACCEPT RESIGNATION, DECLARE VACANCY, AND APPOINT

Mayor Lesser introduced the item and City Clerk Liza Tamura presented a brief overview of the item.

Mayor Lesser opened the floor to public comment.

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

A unanimous motion was made to appoint Tracey Windes to Seat No. 2 of the Library Commission.

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

12. Resolution to Adopt the 2017 Emergency Operations Plan for Management of Large Scale Natural and Man-Made Disasters in the City of Manhattan Beach (Fire Chief Espinosa).

[RES 17-0092](#)

ADOPT RESOLUTION NO. 17-0084 ESTABLISHING PROCEDURES FOR EMERGENCY MANAGEMENT OF LARGE DISASTERS

Mayor Lesser introduced the item and Fire Chief Robert Espinosa provided the staff presentation.

Mayor Lesser opened the floor to public comment.

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

Fire Chief Espinosa, City Manager Mark Danaj and City Attorney Quinn Barrow responded to City Council questions.

A motion was made by City Councilmember Montgomery, seconded by Mayor Pro Tem Howorth, to adopt Resolution No. 17-0084 establishing procedures for emergency management of large disasters. The motion carried by the following vote:

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

13. Letter of Opposition Regarding Senate Bill 649 - Wireless "Small Cell" Communication Facilities Discretionary Review (Community Development Director McIntosh, Public Works Director Katsouleas and Information Technology Director Taylor).

[17-0304](#)

OPPOSE LEGISLATION

Mayor Lesser introduced the item and Management Analyst George Gabriel provided the staff presentation.

Mayor Lesser opened the floor to public comment.

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

A motion was made by City Councilmember Hersman, seconded by Mayor Lesser, that the City Council write a letter opposing Senate Bill (SB) 649 to the California State Assembly, State Senator Ben Hueso, the Committee on Communications and Conveyance, and the League of California Cities. The motion carried by the following vote:

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

K. CITY COUNCIL REPORTS, OTHER COUNCIL BUSINESS, AND COMMITTEE AND TRAVEL REPORTS

I. Consideration of Cancelling City Council Meeting (Councilmember Montgomery).

Mayor Lesser introduced the item and Councilmember Montgomery initiated the City Council discussion.

Discussion continued among the City Councilmembers regarding cancelling the second meeting in August (August 15, 2017) and the first meeting in January of 2018 (January 2, 2018).

By consensus the City Council direction was given that both meetings will be held during the month of August and the January 2, 2018, meeting will be cancelled subject to later consideration of possibly adding a second meeting for January 2018.

II. Discussion of Public Comment (Councilmember Napolitano).

Mayor Lesser introduced this item and Councilmember Napolitano began the discussion with all Councilmembers participating.

City Attorney Quinn Barrow responded to City Council questions.

A motion was made by City Councilmember Hersman, seconded by Mayor Pro Tem Howorth, to approve the amount of time given for Public Comment: 3 minutes for Public Comment, 3 minutes for Public Hearings and 2 minutes for General Business Items. The motion carried by the following vote:

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

L. FUTURE DISCUSSION ITEMS

Mayor Pro Tem Howorth commented on fireworks code enforcement.

Mayor Lesser spoke of being more proactive next year.

Fire Chief Robert Espinosa responded to City Council questions.

Councilmember Montgomery reported that he and Councilmember Hersman attended the New Mayors and Councilmembers workshop sponsored by the State League and mentioned some of the topics.

City Attorney Quinn Barrow responded to City Council questions.

Councilmember Hersman concurred that she had also attended the workshop.

M. CITY MANAGER REPORT

City Manager Mark Danaj announced that the interim home loan for the Assistant City Manager with a term of 36 months was repaid in 15 months last week.

N. CITY ATTORNEY REPORT

City Attorney Quinn Barrow reported that an appeal was filed on the Planning Commission's decision on the application by the owners of the Manhattan Beach Village Mall to modify certain conditions. The Planning Commission hearing is tentatively scheduled for August 15, 2017.

O. INFORMATIONAL ITEMS**14. Commission Minutes:** [17-0298](#)

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

a) Planning Commission Action Meeting Minutes of June 14, 2017
(Community Development Director McIntosh)

b) Finance Subcommittee Meeting Minutes of June 15, 2017 (Finance Director Moe).

INFORMATION ITEM ONLY

Informational items only, no action necessary.

P. CLOSED SESSION (Continued from 5:30 PM Meeting)

At 7:30 PM a second opportunity was given to speak on the closed session items.

Mayor Lesser opened the floor to public comment.

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

At 7:31 PM City Council recessed into Closed Session.

At 8:15 PM City Council reconvened with all Councilmembers present.

City Attorney Quinn Barrow announced that on Item 1, the City Council, by 5-0 voted, directed the City Attorney to initiate litigation, City Council gave further direction regarding the other two items items on the Closed Session Agenda.

At 8:15 PM the City Council adjourned the Closed Session and Regular Meeting of July 5, 2017.

Q. ADJOURNMENT

R. FUTURE MEETINGS

Martha Alvarez
Recording Secretary

David Lesser
Mayor

ATTEST:

Liza Tamura
City Clerk