

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Draft

Tuesday, May 1, 2018

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*

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A. PLEDGE TO THE FLAG

Mac Bednor, Grand View Elementary School, led the Pledge of Allegiance.

B. ROLL CALL

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

C. CEREMONIAL CALENDAR

1. Presentation of Proclamations for the Month of May 2018: "National Older Americans Month," "May 6-12 as National Municipal Clerks Week," "May 12 as National Fire Service Recognition Day," "May 13-19 as National Peace Officers Memorial Week," and "May 20-26 as National Public Works Week." [18-0050](#)

PRESENT

Mayor Howorth, on behalf of the City Council, introduced the following Department Heads who were presented with proclamations for the month of May:

Parks and Recreation Director Mark Leyman received the Older Americans Month Proclamation, on behalf of the Older Adults for the City of Manhattan Beach.

City Clerk Liza Tamura received the National Municipal Clerks Week Proclamation, on behalf of the City Clerk's Office for the City of Manhattan Beach.

Acting Fire Chief Derrick Abell received the National Fire Services Recognition Day Proclamation, on behalf of the Fire Department for the City of Manhattan Beach.

Police Chief Derrick Abell received the National Peace Officers Memorial Week Proclamation, on behalf of the Police Department of the City of Manhattan Beach.

Public Works Director Stephanie Katsouleas received the National Public Works Week Proclamation, on behalf of the Public Works Department for the City of Manhattan Beach.

2. Presentation of a Commendation to Hannah Bergin for Obtaining the Girl Scout Gold Award. [18-0082](#)

PRESENT

Mayor Howorth, on behalf of the City Council, presented Hannah Bergin with a commendation for obtaining the Girl Scout Gold Award.

3. Presentation of a Proclamation Declaring the Month of May, 2018 as Lupus Awareness Month. [18-0197](#)

PRESENT

Mayor Howorth, on behalf of the City Council, presented President of Looms4Lupus Estela Mata a proclamation declaring the month of May 2018 as Lupus Awareness Month.

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

A motion was made by Councilmember Montgomery, seconded by Councilmember Hersman 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

Due to technical difficulties, at 6:26 PM the City Council recessed and reconvened at 6:37 PM with all Councilmembers present.

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

Public Works Director Stephanie Katsouleas introduced Maintenance Manager Veronica Rodriguez.

Recreation Supervisor Stephanie Kou spoke on MANHAPPENINGS.

Patrick McBride spoke on the senior events including "Senior Fraud Awareness Event" taking place on May 15, 2018, from 1:30 PM – 3:00 PM at the Manhattan Beach Library Meeting Room.

Marketing and Media Coordinator Jojo Cortez announced that there is a City photo contest for Instagram taking place and it includes several different categories.

Melissa McCullom, Manhattan Beach Librarian, announced that the Library celebrated their third anniversary today. She further announced various events taking place at the Library.

Eric Van Fossen announced that the Leadership Manhattan Beach Class of 2018 will be unveiling one of the three locations in the City with bicycle repair stations for the community on Saturday, May 5, 2018, at 12:00 PM by the Pier.

Community Development Director Anne McIntosh, reported that the Planning Commission asked for the public to be notified that May 23, 2018, at 6:00 PM in the City Council Chambers there will be a public hearing on the Sepulveda Initiatives.

F. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Mark Lipps, Manhattan Beach Chamber of Commerce, spoke about the Young Entrepreneurs and projects at the Manhattan Beach Chamber.

G. CONSENT CALENDAR (APPROVE)

A motion was made by Councilmember Hersman, seconded by Councilmember Montgomery, to approve the Consent Calendar Item Nos. 4-8. The motion carried by the following vote:

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

4. City Council Minutes: [18-0051](#)

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

- a) City Council Regular Meeting Minutes of April 3, 2018
- b) City Council Regular Meeting Minutes of April 17, 2018
- c) City Council Adjourned Regular Meeting Minutes (Boards and Commissions Interviews) of April 24, 2018
(City Clerk Tamura).

APPROVE

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

5. Financial Report: [18-0188](#)

- a) Schedule of Demands: March 29, 2018
- b) Investment Portfolio for the Month Ending March 31, 2018
- c) Month End Report for March 31, 2018
(Interim Finance Director Charelian).

ACCEPT REPORT AND DEMANDS

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

6. Second Reading and Adoption of Ordinance Nos. 18-0007 and 18-0008 [18-0131](#)

Related to Residential Condominium Standards; Adoption of Resolution No. 18-0037 Transmitting Local Coastal Program Code Amendments to the California Coastal Commission (Community Development Director McIntosh).

- a) ADOPT ORDINANCE NOS. 18-0007 AND 18-0008**
- b) ADOPT RESOLUTION NO. 18-0037**

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

7. Review of the City's Food Waste Collection Program (Continued from the [18-0134](#)

April 17, 2018 City Council Meeting) (Public Works Director Katsouleas).

RECEIVE AND FILE

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

8. Formally Accept as Complete the Parking Lot 1 Retaining Wall Project Constructed by CERCO Inc. dba CERCO Engineering; Authorize Filing a Notice of Completion with the County Recorder; and Release the Retention in the Amount of \$6,097.66 (Public Works Director Katsouleas). [18-0140](#)

APPROVE

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

H. ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

I. PUBLIC HEARINGS

9. Consider a Request to Amend the Use Permit for an Existing Restaurant/Bar at 900 Manhattan Avenue (900 Club and Downstairs Bar), Including a Change in Hours of Operation and Changes to the Entertainment Permit Requirements (Community Development Director McIntosh). [18-0208](#)

a) CONDUCT PUBLIC HEARING

b) DIRECT STAFF TO DRAFT A RESOLUTION CONDITIONALLY APPROVING THE APPLICATION

Mayor Howorth introduced the item and opened the Public Hearing.

Councilmember Montgomery responded to an e-mail that appellant Don McPherson sent and also stated that he met with the applicant, neighbors, some of whom are members of the 900 Club. He further added "I have maintained an open mind, haven't committed to any particular decision and could render a decision based on the hearing".

Councilmember Hersman met with the General Manager and a couple of the members of the 900 Club and she stated that she would keep an open mind and wouldn't commit to a position until hearing all of the evidence.

Mayor Howorth met with the General Manager and other members at their request and will not make a decision after hearing all of the evidence.

Community Development Director Anne McIntosh provided a brief Staff presentation and responded to City Council questions.

Owner/Operator/General Manager David Rohrbacher from the 900 Club gave a brief presentation and responded to City Council questions.

Dave Caskey and Albro Lundy spoke on behalf of the business owner.

Don McPherson gave a presentation in opposition to the applicant's requests.

Architect Michael Rendler and Acoustics Consultant Steve Rodgers spoke on behalf of the appellant.

Nate Hubbard spoke in opposition to the requests.

The following individuals spoke in favor of the applicant:

*Dave Rubenstein
Paul Franklin
Tom Monks
Richard Buckley
Tim Leonard
Bryn Stroyke
James Sudner
Jim Burton
Jeffrey Richards
John Devine
Chad Epeneter
Brad Sherman
Steve Packwood
Denise Arredondo
Chandra Shaw*

Spoke in opposition:

*Bill Victor
Martha Andreani
Grant Peto
Jackie May
Carol Wahlberg
Mark Tuccinardi*

Neutral about the applicant's request:

Patrick McBride

The Apellant Don McPherson was permitted a rebuttal.

The Applicant's Attorney was permitted a rebuttal.

Mayor Howorth closed the public hearing.

At 8:31 PM City Council recessed and reconvened at 8:38 PM.

Community Developent Director McIntosh, Building Official Ryan Heise and Police Chief Derrick Abell responded to City Council questions.

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A motion was made, subject to certain conditions, by Mayor Pro Tem Napolitano, seconded by Councilmember Hersman, to amend the use permit for an existing restaurant/bar at 900 Manhattan Avenue (900 Club and Downstairs Bar) to:

1. Extend hours of operation for the 900 Club only by one hour on Thursday nights from 12:00 AM. to 1:00 AM
2. Removing the last call provision and the extension is for the upstairs only.
3. Replace downstairs window on the south side (9th St.) with fixed glass.
4. A one-year review will be conducted to evaluate the location and its compliance. City Council will retain the jurisdiction of the review.
5. At the time of the review, the applicant may also request an extension of operational hours for the Downstairs Bar, located beneath the 900 Club without initiating a separate appeal process.

(Before the vote, City Attorney Quinn Barrow clarified that the motion is to direct Staff to draft a resolution with the stated conditions, modifying the Planning Commission Conditions, and confirming there is no extension of hours for the downstairs. At the time of the review, the applicant may also request an extension of operational hours for the Downstairs Bar, located beneath the 900 Club, without initiating a separate appeal process and the City Council will retain jurisdiction of the review.)

The motion carried by the following vote:

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

J. GENERAL BUSINESS

10. Appointments to City Boards and Commissions (City Clerk Tamura). [18-0178](#)
APPOINT/REAPPOINT

City Clerk Liza Tamura provided a brief presentation regarding the Boards and Commission Seats.

The following appointments were approved:

Planning Commission - Seat No. 2 - 1 Member-at-Large - Richard Thompson

Parking and Public Improvements Commission - Seat No. 5 - 1 Member-at-Large - Joe Franklin

Parks and Recreation Commission - Seat No. 4 - 1 Member-at-Large - Steven Nicholson

Seat No. 5 - 1 Older Adult - Sue Allard

Seat No. 7 - 1 Student Representative - Jason Apostol

Library Commission - Seat No. 5 - Janet Jones

Seat No. 6 - 1 Student Representative - Nadia Owen

Cultural Arts Commission - Seat No. 3 - 1 Member-at-Large - Shannon Ryan

Seat No. 6 - 1 Student Representative - Grayson Matsumoto

Los Angeles County West Vector Control Board - Seat No. 1 - John Frazee

Councilmember Hersman asked if a student should be included in the PPIC (Parking and Public Improvements Commission). Mayor Howorth and Councilmember Montgomery are in favor of having the item agendized at a future City Council Meeting as a request to discuss a potential increase in the number of commissioners on various City Commissions and adding a Student Representative Seat to the PPIC.

City Attorney Quinn Barrow clarified that the item would be agendized.

11. Presentation of Proposed Two-Year Operating Budget for Fiscal Years 2018-2019 and 2019-2020 (Interim Finance Director Charelian). [18-0166](#)
RECEIVE REPORTS

City Manager Bruce Moe provided a brief presentation on this item.

Interim Finance Director Steve Charelian and Financial Analyst Libby Bretthauer provided the PowerPoint presentation and 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 Manager Moe responded to City Council questions.

At 10:32 PM a motion was made by Mayor Pro Tem Napolitano, seconded by Councilmember Hersman, to extend the meeting past 11:00 PM. The motion carried by the following vote:

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

12. Consideration of Resolutions Regarding the Manhattan Village Field: [18-0176](#)
- (1) Resolution No. 18-0055 Awarding a Contract to Sprinturf LLC for Manhattan Village Field Turf Replacement for \$457,942;
 - (2) Resolution No. 18-0056 Awarding a Contract to Quality Fence Co., Inc. for Manhattan Village Field Fencing & Netting Replacement for \$195,500;
 - (3) Resolution No. 18-0057 Awarding an Inspection Services Agreement to Transtech Engineers Inc. for Manhattan Village Field Turf and Fencing & Netting Replacement for \$68,000;
 - (4) Resolution No. 18-0058 Approving Amendment No. 1 for \$14,600 to David Volz Design Landscape Architects Inc. for Construction Support Services; and
 - (5) Resolution No. 18-0059 Approving: a) the Re-Appropriation of \$82,000 from the Begg Field Synthetic Turf and Light Fixtures Replacement Project to Manhattan Village Field Turf Replacement; b) an Appropriation of \$699,999 from Private Party Contributions for Manhattan Village Field Turf Replacement; and c) Manhattan Village Field Use Letter Agreements Between the City and Various User Groups for a Combined Total of \$699,999 (Public Works Director Katsouleas).

a) ADOPT RESOLUTION NOS. 18-0055, 18-0056, 18-0057, 18-0058 AND 18-0059

b) APPROPRIATE

Public Works Director Stephanie Katsouleas introduced Senior Civil Engineer/Project Manager Luis Osuna and Recreation Services Manager Jessica Vincent who provided the Staff presentation and 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 Lesser, to adopt the Resolutions regarding the Manhattan Village Field

1. Resolution No. 18-0055 Awarding a Contract to Sprinturf LLC for Manhattan Village Field Turf Replacement for \$457,942;
2. Resolution No. 18-0056 Awarding a Contract to Quality Fence Co., Inc. for Manhattan Village Field Fencing & Netting Replacement for \$195,500;
3. Resolution No. 18-0057 Awarding an Inspection Services Agreement to Transtech Engineers Inc. for Manhattan Village Field Turf and Fencing & Netting Replacement for \$68,000;
4. Resolution No. 18-0058 Approving Amendment No. 1 for \$14,600 to David Volz Design Landscape Architects Inc. for Construction Support Services; and
5. Resolution No. 18-0059 Approving: a) the Re-Appropriation of \$82,000 from the Begg Field Synthetic Turf and Light Fixtures Replacement Project to Manhattan Village Field Turf Replacement; b) an Appropriation of \$699,999 from Private Party Contributions for Manhattan Village Field Turf Replacement; and c) Manhattan Village Field Use Letter Agreements Between the City and Various User Groups for a Combined Total of \$699,99.

The motion carried by the following vote:

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

13. Resolution Awarding a Design Services Agreement to Wolff/Lang/Christopher (WLC) Architects, Inc. for Design and Construction Support Services for the New Fire Station No. 2 for \$764,710; Transfer of \$547,600 from the Unreserved General Fund Balance to the Capital Improvement Project (CIP) Fund; and Appropriation of \$547,600 from the Capital Improvement Project Fund (Public Works Director Katsouleas).

- a) **ADOPT RESOLUTION NO. 18-0039**
- b) **APPROVE FUNDS TRANSFER**
- c) **APPROPRIATE FUNDS**

Public Works Director Stephanie Katsouleas provided a brief overview of the item and introduced Associate Engineer Mamerto Estepa who provided the Staff presentation.

Public Works Director Katsouleas and City Manager Bruce Moe 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 Councilmember Montgomery, seconded by Mayor Pro Tem Napolitano, to adopt Resolution No. 18-0038 awarding a Design Services Agreement to Wolff/Lang/Christopher (WLC) Architects, Inc. for Design and Construction Support Services for the New Fire Station No. 2 for \$764,710; Transfer of \$547,600 from the Unreserved General Fund Balance to the Capital Improvement Project (CIP) Fund; and Appropriation of \$547,600 from the Capital Improvement Project Fund. The motion carried by the following vote:

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

At 11:29 PM City Council recessed and reconvened at 11:34 PM with all Councilmembers present.

14. Application and Selection Process for Public Art in City Hall and Other City Facilities; Update on Alternative Locations for "LOVE" Sculpture (Parks and Recreation Director Leyman). [18-0192](#)

RECEIVE AND FILE

Cultural Arts Manager Martin Betz provided the Staff presentation.

Mayor Pro Tem Napolitano stated that the Manhattan Beach Pier is not even a consideration on his list and money would be better spent elsewhere.

Cultural Arts Manager Betz, City Manager Bruce Moe and City Attorney Quinn Barrow responded to City Council questions.

A motion was made by Councilmember Hersman, seconded by Mayor Howorth, to reconsider the placement of the "LOVE" Sculpture. The motion carried by the following vote:

Aye: 4 - Howorth, Hersman, Montgomery and Lesser

Nay: 1 - Napolitano

City Attorney Barrow clarified that the item would return with a new resolution regarding the placement of the sculpture and including the \$10,000 donated for placement.

By order of the Chair this item was received and filed.

K. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS

15. City Council Reports.

Mayor Howorth reported on the Community meeting regarding Opioid Awareness.

Mayor Howorth attended a session in Los Angeles of a new roll out of "Sexual Harassment in the Workplace", with a reporting tool called "My Voice LA" and it is free if the City Council chooses to look into it.

Councilmember Lesser stated that he joined the SBCCOG (South Bay Cities Council of Governments) on a tour of the Inglewood Football Stadium, which is the largest construction project in the United States.

Councilmember Montgomery attended the CERT (Community Emergency Response Team) Board Meeting and he will be attending the SCAG (Southern California Association of Governments) Meeting this coming Thursday and Friday.

16. Request by Councilmember Montgomery to Consider Changing the Annual City Business Recognition Program (Continued from the April 17, 2018 City Council Meeting).

Councilmember Montgomery provided a brief overview of the item.

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 Councilmember Montgomery, seconded by Mayor Pro Tem Napolitano, to change the Annual City's Business Recognition Program to the month of January and to change the interval of years of recognition to include 10, 25, 30, 40 and 50. The motion carried by the following vote:

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

17. Request by Mayor Howorth and Councilmember Hersman to Discuss the Possibility of Cancelling or Rescheduling the July 3, 2018 City Council Meeting (Continued from the April 17, 2018 City Council Meeting).

Mayor Howorth provided a brief presentation of the item.

After City Council discussion, it was decided not to cancel the July 3, 2018, City Council Meeting date.

18. Request by Mayor Howorth to Authorize the Mayor to Sign a Pledge in Support of Net Neutrality (Continued from the April 17, 2018 City Council Meeting).

Mayor Howorth provided a brief overview of the item.

Mayor Pro Tem Napolitano stated that he is a supporter of "Net Neutrality" but stated this is a meaningless gesture. He further added that he doesn't want to make a practice of taking a stand on nationally decided issues.

Councilmember Montgomery stated that he would only be interested if it was addressed to Congress.

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 Howorth, seconded by Councilmember Lesser, to authorize the Mayor to sign a pledge in support of Net Neutrality. The motion carried by the following vote:

Aye: 3 - Howorth, Hersman and Lesser

Nay: 1 - Montgomery

Abstain: 1 - Napolitano

L. FUTURE AGENDA ITEMS

19. Agenda Forecast (City Clerk Tamura). [18-0052](#)
DISCUSS AND PROVIDE DIRECTION

Councilmember Montgomery stated that he would like to agendaize increasing the size of the Boards & Commissions Seats and Councilmember Hersman concurred.

M. CITY MANAGER REPORT

City Manager Bruce Moe reported that the Fire Chief recruitment closed and that the City received 70 applications. Oral Boards are scheduled for later this month.

City Manager Moe further added that the City does receive "Fan Mail" or letters of appreciation and at a future meeting he will share these with the City Council.

N. CITY ATTORNEY REPORT

None.

O. INFORMATIONAL ITEMS

20. Commission Minutes: [18-0205](#)
Finance Subcommittee Meeting Minutes of March 28, 2018 (Interim
Finance Director Charelian).
INFORMATION ITEM ONLY

P. CLOSED SESSION

None.

Q. ADJOURNMENT

On Wednesday, May 2, 2018 at 12:08 AM the City Council adjourned to the Budget Study Session on Tuesday, May 8, 2018, at 6 PM in the City Council Chambers in said City.

Martha Alvarez
Recording Secretary

Amy Howorth
Mayor

ATTEST:

Liza Tamura
City Clerk