

City of Manhattan Beach

*1400 Highland Avenue
Manhattan Beach, CA 90266*



Meeting Minutes - Draft

Tuesday, October 1, 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

Kristen Wysh Weinstein 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 Proclamation Declaring the Month of October, 2019, as [19-0375](#)
"National Community Planning Month."

PRESENT

Mayor Hersman, on behalf of the City Council, presented the proclamation to Interim Community Development Director Jeff Gibson declaring the month of October 2019 as "National Community Planning Month."

2. Presentation of Proclamation Declaring the Month of October, 2019, as [19-0376](#)
"National Fire Prevention Month."

PRESENT

Mayor Hersman, on behalf of the City Council, presented the proclamation to Fire Chief Daryn Drum declaring the month of October 2019 as "National Fire Prevention Month."

3. Presentation of a Proclamation Declaring the Month of October, 2019, as [19-0388](#)
"National Breast Cancer Awareness Month."

PRESENT

Mayor Hersman, on behalf of the City Council, presented the proclamation to Kelly Fogarty and Dr. Maria Capaldo from Soroptomist International of Manhattan Beach, declaring the month of October 2019 as "National Breast Cancer Awareness Month."

4. Presentation of a Proclamation Declaring the Month of October, 2019, as "National Cybersecurity Awareness Month."

[19-0391](#)

PRESENT

Mayor Hersman, on behalf of the City Council, presented the proclamation to Interim Information Technology Director Lisa Jenkins declaring the month of October 2019 as "National Cybersecurity Awareness Month."

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

A motion was made by Mayor Pro Tem Montgomery, seconded by Councilmember Hadley, to approve the agenda, waive the full reading of ordinances, and record a Nay vote for Councilmember Napolitano for Agenda Item No. 8 in the Consent Calendar. 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)

Community Development Department, Environmental Sustainable Manager Dana Murray announced a "Free Workshop on Residential Solar" on Wednesday, October 16, 2019 from 6:00 PM - 7:30 PM in the Joslyn Community Center.

Parks and Recreation Department, Recreation Supervisor Eilen Stewart announced the "Ceramics Open House and Art Market", on October 5 and 6, 2019, at the Hometown Fair.

Bob Perkins announced the "Older Adults: Poetry Circle" at Joslyn Community Center the 2 and 4th Tuesday of the month. Mira Costa students will be doing a joint poetry reading at the Hometown Fair, 3:00 PM.

Hometown Fair, President Bea Zimbalist announced the Hometown Fair on October 5 and 6, 2019.

City Manager Bruce Moe announced that the City will be publishing road closures or the event.

Mayor Pro Tem Montgomery announced that he is collecting airport noise complaints.

Mayor Hersman announced the South Bay Cities Council of Governments, "Free Workshop: Food Waste: What Is It and What Can We Do About It?," on Thursday, October 3, 2019 from 7:00 PM - 9:00 PM at the South Bay Adult School (Mira Costa High School Campus). She also announced the Volley4Sound event on Saturday, October 19, 2019 from 8:00 AM - 4:00 PM. Last, she announced that Assemblymember Al Muratsushi will be hosting a "Vaping Prevention Town Hall" on Monday, October 14, 2019, at 6:30 PM - 8:00 PM in the Manhattan Beach Middle School (Gymnasium).

F. PUBLIC COMMENTS (3 MINUTES PER PERSON)

The following individuals spoke:

*Kristen Wysh Weinstein
Maya Clem
Ben Dale
Rose Ahrens
Unknown Speaker
Jon Chaykowski
Kate Bergin
Colleen Soulis
Claire Worch
Karen Komatinsky
Kelsey Brandin
Ella Scalabrini
Marisusan Trout
Regina Patton
Mike Matthews
Ali Steward
Harry Andreas
Heather Kim
Feras Adamo
Mark Snelgrove
Kay Nam
Michael Olivares*

G. CONSENT CALENDAR (APPROVE)

A motion was made by Mayor Pro Tem Montgomery, seconded by Councilmember Hadley, to approve the Consent Calendar, with the exception of Agenda Item No. 8, Councilmember Napolitano requested a Nay Vote. The motion carried by the following vote:

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

5. City Council Minutes: [19-0339](#)
This Item Contains the City Council Regular Meeting Minutes of
September 17, 2019
(City Clerk Tamura).
APPROVE

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

6. Financial Reports: [19-0320](#)
a) Schedule of Demands August 29, 2019
b) Investment Portfolio for the Month Ending August 31, 2019
c) Month End Report for August 31, 2019
(Finance Director Charelian).
ACCEPT REPORTS AND DEMANDS

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

7. Consideration of an Agreement with the El Camino College Fire Academy for the Donation of Surplus Fire Equipment (Finance Director Charelian). [19-0325](#)

APPROVE

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

8. Formally Accept as Complete The Strand Resurfacing Project Constructed by EBS General Engineering, Inc.; Authorize Filing a Notice of Completion with the County Recorder; and Release the Retention for \$8,359.57 (Public Works Director Katsouleas). [19-0336](#)

APPROVE

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

Nay Vote: Councilmember Napolitano

9. Consider Approving Amendment No. 1 to the Professional Services Agreement with Kitchell/CEM, Inc. for \$182,784 for Design Services to Repair/Upgrade the City Hall Heating, Ventilation, and Air Conditioning (HVAC) System (Public Works Director Katsouleas). [19-0327](#)

ADOPT RESOLUTION NO. 19-0087

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

H. ITEMS REMOVED FROM THE CONSENT CALENDAR

None.

I. PUBLIC HEARINGS

10. Consider: 1) Approving the Underground Utility Assessment District Final Engineer's Report and Confirming the Assessments and Proceedings for Each District Approved by a Majority Vote of the Weighted Returned Ballots in Districts 19-12 and 19-14, or 2) Declaring Abandonment of Proceedings for Each District Not Approved by a Majority Vote of the Weighted Returned Ballots (Public Works Director Katsouleas). [19-0344](#)
- a) **ADOPT RESOLUTION NO. 19-0091 FOR DISTRICT 19-12 (APPROVING ASSESSMENT ENGINEER'S REPORT AND CONFIRMING ASSESSMENTS OR DECLARING ABANDONMENT)**
- b) **ADOPT RESOLUTION NO. 19-0092 FOR DISTRICT 19-14 (APPROVING ASSESSMENT ENGINEER'S REPORT AND CONFIRMING ASSESSMENTS OR DECLARING ABANDONMENT)**

Mayor Hersman stated that she wanted to remind residents that they can still submit ballots up until the end of the public hearing. The ballots received by the City will be counted at the Police/Fire Conference Room. Wanted remind the public on the City Council's role for the undergrounding assessments and Prop 218 guidelines. The public is welcome to join the ballot opening group in Police/Fire Conference Room. Announced that all bills are due November 5, 2019 if paying with cash. If a district fails there is a one year moratorium.

Public Works Department, Senior Civil Engineer Anastasia Seims provided the PowerPoint presentation.

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

*Bob Sievers
Michelle Murphy
Bob Perkins
Will Arvizo
Guy Katich*

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

Finance Director Steve Charelian and Public Works Stephanie Katsouleas responded to City Council questions.

City Clerk Liza Tamura left the room with the ballots at 7:57 PM to Police/Fire Conference Room.

J. GENERAL BUSINESS

11. Consider Prohibiting the Retail Sale of Tobacco Products and Electronic Smoking Devices and Paraphernalia (City Manager Moe and City Attorney Barrow). [19-0307](#)

DISCUSS AND PROVIDE DIRECTION

Management Services, Management Analyst Alexandria Latragna provided the PowerPoint presentation and responded to City Council questions.

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

*Michael Olivares
Craig Cadwallader*

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

City Attorney Quinn Barrow responded to City Council questions.

A motion was made by Councilmember Napolitano, seconded by Councilmember Stern, for staff to return with an urgency ordinance that prohibits the sale of all vaping products and flavored tobacco to take effect immediately and to return with an ordinance that: 1) Prohibits the sale of all vaping products and flavored tobacco, 2) Prohibits the sale of all tobacco products, and 3) Provides a hardship exemption application process for existing tobacco retailers. As part of the motion, staff was directed to provide options on a reasonable effective date for the second ordinance to take effect. The motion carried by the following vote:

Aye: 4 - Hersman, Montgomery, Stern and Napolitano

Nay: 1 - Hadley

12. Consider Increasing City Sponsorship Funding for the TEDxManhattanBeach Event From \$1,500 to \$5,000 (City Manager Moe). [19-0408](#)

DISCUSS AND PROVIDE DIRECTION

Mayor Hersman opened the floor to public comment.

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

A motion was made by Councilmember Napolitano, seconded by Mayor Pro Tem Montgomery, to approve an increase of the City's sponsorship funding for the TEDxManhattanBeach Event from \$1,500 to \$5,000. The motion carried by the following vote:

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

13. Receive this Report on the City's Municipal National Pollutant Discharge Elimination System (NPDES) Storm Water Requirements, Activities and Expenditures (Public Works Director Katsouleas).

[19-0411](#)

RECEIVE REPORT

Utilities Manager Shawn Igoe provided the PowerPoint presentation and responded to City Council questions.

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

Craig Cadwallader

Kate Bergin

Will Arvizo

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

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

K. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS

L. FUTURE AGENDA ITEMS

14. Agenda Forecast (City Clerk Tamura).
DISCUSS AND PROVIDE DIRECTION

[19-0377](#)

Councilmember Hadley requested consideration to move the art sculpture on the Green Belt to another location. This matter was referenced to the Cultural Arts Commission.

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

Mayor Hersman requested consideration for City Lot Number 1 permit parking. This item was referenced to staff.

City Manager Moe responded to City Council questions.

Councilmember Napolitano requested discussion on scheduling the Fire Feasibility Study Session. Mayor Hersman concurred.

M. CITY MANAGER REPORT

None.

N. CITY ATTORNEY REPORT

None.

O. INFORMATIONAL ITEMS**15. Commission Minutes:**[19-0417](#)

This Item Contains Minutes of the following City Commission Meetings:

- a) Library Commission Meeting Minutes of July 8, 2019 (Parks and Recreation Director Leyman)
- b) Cultural Arts Commission Meeting Minutes of July 15, 2019 (Parks and Recreation Director Leyman)
- c) Parks and Recreation Commission Meeting Minutes of July 22, 2019 (Parks and Recreation Director Leyman)
- d) Library Commission Meeting Minutes of August 12, 2019 (Parks and Recreation Director Leyman)
- e) Planning Commission Action Meeting Minutes (Cancelled) of August 14, 2019 (Interim Community Development Director Gibson)
- f) Cultural Arts Commission Meeting Minutes of August 19, 2019 (Parks and Recreation Director Leyman)
- g) Parking and Public Improvements Commission Meeting Minutes (Cancelled) of August 22, 2019 (Interim Community Development Director Gibson)
- h) Planning Commission Action Meeting Minutes of August 28, 2019 (Interim Community Development Director Gibson)

INFORMATION ITEM ONLY

Councilmember Napolitano requested for the Library Commission to include all ages as well as adults in the MB Writer Awards, Mayor Hersman concurred.

City Attorney Quinn Barrow responded to City Council questions.

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

P. CLOSED SESSION

None.

10. Consider: 1) Approving the Underground Utility Assessment District Final Engineer's Report and Confirming the Assessments and Proceedings for Each District Approved by a Majority Vote of the Weighted Returned Ballots in Districts 19-12 and 19-14, or 2) Declaring Abandonment of Proceedings for Each District Not Approved by a Majority Vote of the Weighted Returned Ballots (Public Works Director Katsouleas).

[19-0344](#)

- a) **ADOPT RESOLUTION NO. 19-0091 FOR DISTRICT 19-12
(APPROVING ASSESSMENT ENGINEER'S REPORT AND
CONFIRMING ASSESSMENTS OR DECLARING
ABANDONMENT)**
- b) **ADOPT RESOLUTION NO. 19-0092 FOR DISTRICT 19-14
(APPROVING ASSESSMENT ENGINEER'S REPORT AND
CONFIRMING ASSESSMENTS OR DECLARING
ABANDONMENT)**

At 9:16 PM City Council recessed and reconvened at 9:50 PM with all Councilmembers present.

Mayor Hersman read the following results:

District 12:

167 parcels voted (73.2% of parcels returned ballots)

105 parcels voted yes.

62.27% in favor.

62 parcels voted no

37.73% opposed.

District 14:

174 parcels voted (71.3% of parcels returned ballots)

114 parcels voted yes.

64.19% in favor.

60 parcels voted no.

34.45 % opposed.

A motion was made by Councilmember Hadley, seconded by Mayor Pro Tem Montgomery, to adopt Resolution No. 19-0091, confirming assessments and proceedings and designating the superintendent of streets to collect and receive assessments and to establish a special fund for City of Manhattan Beach 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 Councilmember Hadley, seconded by Mayor Pro Tem Montgomery, to adopt Resolution No. 19-0092, confirming assessments and proceedings and designating the superintendent of streets to collect and receive assessments and to establish a special fund for City of Manhattan Beach Assessment District No. 19-14. The motion carried by the following vote:

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

Q. ADJOURNMENT

At 9:54 PM, Mayor Hersman adjourned the meeting to a 9:00 AM, City Council Retreat on Wednesday, October 2, 2019, at Westdrift Hotel.

Martha Alvarez
Recording Secretary

Nancy Hersman
Mayor

ATTEST:

Liza Tamura
City Clerk