

# **City of Manhattan Beach**

*1400 Highland Avenue  
Manhattan Beach, CA 90266*



## **Meeting Minutes - Draft**

**Tuesday, December 17, 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

*Kathleen Terry, 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 Plaque to Outgoing Interim Community Development Director Jeffery Gibson. [19-0509](#)

### PRESENT

*Mayor Hersman, on behalf of the City Council, along with City Manager Bruce Moe, presented outgoing Interim Community Development Director Jeffery Gibson with a plaque of Recognition for his dedicated service to the City and the Community Development Department.*

2. Presentation of a Commendation Recognizing James Muth, Laurie Jester and Eve Kelso on Their Retirement. [19-0506](#)

### PRESENT

*Mayor Hersman, on behalf of the City Council, along with Fire Chief Daryn Drum, spoke about retiree Fire Marshal/Captain, James Muth, and read a Commendation for his 22 years of dedicated service to the City of Manhattan Beach.*

*Mayor Hersman, on behalf of the City Council, along with Interim Community Development Director Jeffery Gibson, presented retiree Planning Manager, Laurie Jester, with a Commendation for her 19 years of dedicated service to the City of Manhattan Beach.*

*Mayor Hersman, on behalf of the City Council, along with Parks and Recreation Director Mark Leyman, presented retiree Recreation Manager, Eve Kelso, with a Commendation for her 17 years of dedicated service to the City of Manhattan Beach.*

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

*Councilmember Napolitano requested to remove from the Consent Calendar, Agenda Item No. 8 – Amendments to the Municipal Code and Local Coastal Program, requiring an equal number of replacement units for residential dwelling units that are demolished.*

**A motion was made by Mayor Pro Tem Montgomery, seconded by Mayor Hersman, to approve the agenda, waive full reading of ordinances and remove from the Consent Calendar for individual consideration, Agenda Item No. 8. 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)**

*Mayor Pro Tem Montgomery announced the 27th Annual Beach Cities Toy Drive, on Saturday, December 21, 2019, at the Hermosa Beach Community Center and thanked Parks and Recreation Department staff, for a successful Older Adult Holiday Luncheon, it was well attended.*

*City Attorney Quinn Barrow announced that Agenda Item No. 13, will not be heard tonight, the appellant withdrew his appeal, and the Planning Commission's decision is final.*

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

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

*Alec Hoag and Nicole Burke  
Mary Eno  
Garrison Kim  
Isabella Kim*

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

**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, which was individually considered immediately after the Consent Calendar. The motion carried by the following vote:**

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

3. City Council Minutes: [19-0406](#)

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

- a) City Council Adjourned Regular Meeting Minutes (Closed Session) of December 3, 2019
- b) City Council Special Meeting Minutes (Closed Session) of December 3, 2019
- c) City Council Regular Meeting Minutes of December 3, 2019 (City Clerk Tamura).

**APPROVE**

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

4. Financial Report: [19-0463](#)

Schedule of Demands: November 7, 2019 (Finance Director Charelian).

**ACCEPT REPORT AND DEMANDS**

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

5. Consider Adopting a Resolution Approving Amendment No. 2 Extending the Professional Services Agreement with Granicus Inc. for One Year to Provide Citizen Engagement Services in the Budgeted Amount of \$90,363.77 (City Clerk Tamura and Interim Information Technology Director Griffin). [19-0494](#)

**ADOPT RESOLUTION NO. 19-0115 APPROVING AN AMENDMENT**

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

6. Fiscal Year 2018-2019 Comprehensive Annual Financial Report (Finance Director Charelian). [19-0483](#)

**RECEIVE AND FILE**

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

7. Consider Adopting a Resolution Approving Amendment No. 1 with Vital Medical Services for On-Call Non-Emergency Medical Services for In-Custody Arrestees to Increase the Not-to-Exceed Cap from \$45,000 to \$290,000 and Authorizing Payment of \$13,132 (Police Chief Abell). [19-0433](#)

**ADOPT RESOLUTION NO. 19-0109 APPROVING AN AMENDMENT**

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

8. Consider Adoption of Urgency Ordinance No. 19-0019-U and Urgency Ordinance No. 19-0020-U for Amendments to the Municipal Code and Local Coastal Program (LCP), Requiring an Equal Number of Replacement Units for Residential Dwelling Units that are Demolished (Interim Community Development Director Gibson). [19-0504](#)
- ADOPT URGENCY ORDINANCE NOS. 19-0019-U AND 19-0020-U  
AMENDING THE MUNICIPAL CODE AND THE CITY'S LOCAL  
COASTAL PROGRAM REGARDING REPLACEMENT HOUSING**

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

9. Consider: 1) Adopting Resolution 19-0117: Awarding a Construction Agreement to PALP, Inc. DBA Excel Paving Company for the Street Resurfacing Project - Cycle 1 for \$1,329,859; Approving the Plans and Specifications for the Project; and Authorizing the City Manager to Approve Additional Work, if Necessary, for up to \$164,903; 2) Adopting Resolution No. 19-0118 Awarding an Inspection Services Agreement to Quantum Quality Consulting, Inc. for the Project for \$75,250; and 3) Appropriating \$108,021 from the Gas Tax Fund Unreserved Fund Balance (Public Works Director Katsouleas). [19-0461](#)
- a) **ADOPT RESOLUTION NOS. 19-0117 AND 19-0118  
APPROVING AGREEMENTS**
- b) **APPROPRIATE FUNDS**

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

10. Consider Adopting a Resolution Awarding a Three-Year Agreement, with Two Optional One-Year Renewals, to West Coast Arborists, Inc. for Tree Care Services at an Annual Not-to-Exceed Rate of \$298,000 (Public Works Director Katsouleas). [19-0477](#)
- ADOPT RESOLUTION NO. 19-0119 APPROVING AN AGREEMENT**

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

11. Consider Adopting a Resolution Approving Amendment No. 1 to the Agreement with McGowan Consulting, LLC for \$93,043 for Professional Services to assist the City and the Beach Cities Watershed Management Group with Storm Water National Pollutant Discharge Elimination System Permit Requirements (Public Works Director Katsouleas). [19-0484](#)
- ADOPT RESOLUTION NO. 19-0113 APPROVING AN AMENDMENT**

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

12. Consider Adopting a Resolution Awarding a General Services Agreement to Reliable Water Solutions, LLC for \$311,260 for Flushing and Disinfection Services of 110 Miles of the City's Potable Water System (Public Works Director Katsouleas). [19-0479](#)

**ADOPT RESOLUTION NO. 19-0114 APPROVING AN AGREEMENT**

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

**H. ITEMS REMOVED FROM THE CONSENT CALENDAR**

8. Consider Adoption of Urgency Ordinance No. 19-0019-U and Urgency Ordinance No. 19-0020-U for Amendments to the Municipal Code and Local Coastal Program (LCP), Requiring an Equal Number of Replacement Units for Residential Dwelling Units that are Demolished (Interim Community Development Director Gibson). [19-0504](#)

**ADOPT URGENCY ORDINANCE NOS. 19-0019-U AND 19-0020-U  
AMENDING THE MUNICIPAL CODE AND THE CITY'S LOCAL  
COASTAL PROGRAM REGARDING REPLACEMENT HOUSING**

*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 to public comments.*

**A motion was made by Mayor Hersman, seconded by Mayor Pro Tem Montgomery, to adopt Urgency Ordinance No. 19-0019-U, an interim ordinance amending the Municipal Code to regulate residential development projects that require the demolition of dwelling units, and making a determination of exemption under CEQA. The motion was carried by the following vote:**

*City Attorney Barrow read the title for Urgency Ordinance No. 19-0019-U:*

**AN INTERIM ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING THE MANHATTAN BEACH MUNICIPAL CODE TO REGULATE RESIDENTIAL DEVELOPMENT PROJECTS THAT REQUIRE THE DEMOLITION OF DWELLING UNITS, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA.**

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

A motion was made by Mayor Pro Tem Montgomery, seconded by Councilmember Hadley, to adopt Urgency Ordinance No. 19-0020-U, an interim ordinance amending the City's Local Coastal Program to regulate residential development projects that require the demolition of dwelling units, and making a determination of exemption under CEQA. The motion was carried by the following vote:

*City Attorney Barrow read the title for Urgency Ordinance No. 19-0020-U:*

*AN INTERIM ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING THE CITY'S LOCAL COASTAL PROGRAM TO REGULATE RESIDENTIAL DEVELOPMENT PROJECTS THAT REQUIRE THE DEMOLITION OF DWELLING UNITS, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA*

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

## **I. PUBLIC HEARINGS**

- 13.** Consider a Resolution Adopting the Third Addendum to the Environmental Impact Report and Modifying Conditions of Approval in the Manhattan Village Shopping Center's Master Use Permit to Allow: (1) Fitness Studios and (2) Ancillary Off-Site Alcohol Sales for up to Four Restaurants (1180-1200 Rosecrans Avenue and 2600-2600 Sepulveda Boulevard) (Interim Community Development Director Gibson). [19-0498](#)
- a) CONDUCT PUBLIC HEARING**
- b) ADOPT RESOLUTION NO. 19-0120**

*This public hearing was previously cancelled because the appeal was withdrawn by the appellant.*

## J. GENERAL BUSINESS

14. Consider Adopting an Urgency Ordinance No. 19-0021-U and Urgency Ordinance No. 19-0022-U for Amendments to the Municipal Code and Local Coastal Program (LCP), Regulating Accessory Dwelling Units (ADU's) and Junior Accessory Dwelling Units (JADUs) Consistent with New State Requirements (Interim Community Development Director Gibson).

[19-0505](#)

**ADOPT URGENCY ORDINANCE NOS. 19-0021-U AND 19-0022-U  
AMENDING THE MUNICIPAL CODE AND THE CITY'S LOCAL  
COASTAL PROGRAM REGARDING ACCESSORY DWELLING  
UNITS**

*Community Development Department, Planning Manager Laurie Jester provided the staff presentation.*

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

*Wil Arvizo*

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

*Planning Manager Jester responded to City Council questions.*

**A motion was made by Mayor Pro Tem Montgomery, seconded by Councilmember Stern, to adopt Urgency Ordinance No. 19-0021-U, an interim ordinance amending the Municipal Code to regulate accessory dwelling units and other accessory structures, and making a determination of exemption under CEQA. The motion was carried by the following vote:**

*City Attorney Barrow read the title for Urgency Ordinance No. 19-0021-U:*

*AN INTERIM ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING THE MANHATTAN BEACH MUNICIPAL CODE TO REGULATE ACCESSORY DWELLING UNITS AND OTHER ACCESSORY STRUCTURES, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA.*

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

**A motion was made by Councilmember Napolitano, seconded by Councilmember Stern, to adopt Urgency Ordinance No. 19-0022-U, an interim ordinance amending the City's Local Coastal Program to regulate accessory dwelling units and other accessory structures, and making a determination of exemption under CEQA. The motion was carried by the following vote:**

*City Attorney Barrow read the title for Urgency Ordinance No. 19-0022-U:*

*AN INTERIM ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING THE MANHATTAN BEACH LOCAL COASTAL PROGRAM TO REGULATE ACCESSORY DWELLING UNITS AND OTHER ACCESSORY STRUCTURES, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA.*

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



15. Consider Introducing an Ordinance to Prohibit the Sale of Tobacco Products in the City and Discuss and Provide Direction Relating to Incentives for Tobacco Retailers (City Manager Moe and City Attorney Barrow).

[19-0465](#)

**a) INTRODUCE ORDINANCE NO. 19-0016**

**b) DISCUSS AND PROVIDE DIRECTION**

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

*Los Angeles County Department of Public Health, Director of the Division Chronic Disease and Injury Prevention, Dr. Tony Kuo, MD, provided a brief presentation and responded to City Council questions.*

*University of San Francisco – Center for Tobacco Control Research and Education, Professor of Social Behavioral Sciences, Ruth Malone, RN, PhD, FAAN, provided a brief presentation and responded to City Council questions.*

*Management Analyst Latragna, City Attorney Quinn Barrow and Professor Malone responded to City Council questions.*

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

*Tom Bakaly  
Courtney Hamilton  
Mike Matthews  
Hilary Mahan  
Alice Kuo  
Craig Cadwallader  
Tomas Torices  
Ali Steward  
Heather Kim*

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

*City Attorney Barrow provided the following points that will be included for the introduction of the Ordinance at a future City Council Meeting:*

- Prohibition on vaping products and flavored tobacco.*
- Staff will consider an interim license for 2020 calendar year period.*
- No further licenses will be issued.*

**A motion was made by Mayor Hersman, seconded by Councilmember Stern, to direct staff to return at a future City Council meeting with an Ordinance reflecting Option No. 2, having the enforcement go into effect on January 1, 2021. The motion was carried by the following vote:**

**Aye:** 4 - Hersman, Montgomery, Stern and Napolitano

**Nay:** 1 - Hadley

*At 8:13 PM City Council recessed and reconvened at 8:26 PM with all Councilmembers present.*

16. Review Pedestrian Safety Measures and Consider Transferring [19-0497](#)  
\$200,000 from the General Fund Unreserved Fund Balance to the CIP  
Fund and Appropriating Those Funds for Assessment, Design, and  
Implementation Services (Public Works Director Katsouleas).

**DISCUSS AND PROVIDE DIRECTION**

**APPROPRIATE FUNDS AND APPROVE FUNDS TRANSFER**

- a) *Public Works Department, Senior Civil Engineer, Adilia Miller provided the PowerPoint presentation.*  
b)

*Senior Civil Engineer Miller and Public Works Director Stephanie Katsouleas responded to City Council questions.*

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

*Jill Lamkin*

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

*Public Works Director Katsouleas responded to City Council questions.*

**A motion was made by Councilmember Napolitano, seconded by Mayor Pro Tem Montgomery, directing staff to investigate more permanent alternative safety measures at Valley Drive and 13th Street and to appoint Mayor Pro Tem Montgomery and Councilmember Napolitano to a subcommittee to work with the Public Works Director to review options. 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**

*Mayor Pro Tem Montgomery reported that he attended the League of California Cities Board Meeting, and provided a brief report on the meeting.*

## L. FUTURE AGENDA ITEMS

### 17. Agenda Forecast (City Clerk Tamura).

[19-0407](#)

#### **DISCUSS AND PROVIDE DIRECTION**

*Mayor Hersman requested for a review of the tobacco retailer permit fee at a future agenda.*

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

## M. CITY MANAGER REPORT

*None.*

## N. CITY ATTORNEY REPORT

*None.*

## O. INFORMATIONAL ITEMS

### 18. Commission Minutes:

[19-0510](#)

This Item Contains Minutes of the following City Commission Meetings:

- a) PPIC Minutes of October 24, 2019 (Interim Community Development Director Gibson)
  - b) Parks and Recreation Commission Meeting Minutes of October 28, 2019 (Parks and Recreation Director Leyman)
  - c) Library Commission Meeting Minutes of November 4, 2019 (Parks and Recreation Director Leyman)
  - d) Planning Commission Action Meeting Minutes of November 13, 2019 (Interim Community Development Director Gibson).
- INFORMATION ITEM ONLY**

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

## P. CLOSED SESSION

*None.*

## Q. ADJOURNMENT

*At 9:15 PM, Mayor Hersman adjourned the meeting in memory of Manhattan Beach resident Brian Neitz.*

*The meeting was adjourned to a 6:00 PM, Joint City Council/Parks and Recreation Commission, Cultural Arts Commission and Library Commission meeting, on Monday, January 6, 2020, in the City Council Chambers.*

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

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**Nancy Hersman**  
**Mayor**

**ATTEST:**

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