

City of Manhattan Beach

1400 Highland Avenue
Manhattan Beach, CA 90266



Meeting Minutes - Draft

Tuesday, May 5, 2020

6:00 PM

Regular Meeting

City Council Chambers

City Council Regular Meeting

ELECTED OFFICIALS

Mayor Richard Montgomery

Mayor Pro Tem Suzanne Hadley

Councilmember Hildy Stern

Councilmember Steve Napolitano

Councilmember Nancy Hersman

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A. ROLL CALL

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

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

A motion was made by Councilmember Hersman, seconded by Councilmember Stern, to approve the agenda. The motion carried by the following vote:

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

C. PUBLIC COMMENTS (3 MINUTES PER PERSON)

Mayor Montgomery announced the following two ceremonies:

Public Service Recognition Week

National Teaching Appreciation Week

Management Services, Senior Deputy City Clerk Martha Alvarez confirmed that the following public comments were received by the City for the May 5, 2020, City Council Regular Meeting.

<i>Nicole Andrews</i>	<i>Mike Michalski</i>	<i>Maureen Lull</i>
<i>James Smith</i>	<i>Morgan Sank</i>	<i>Gary Osterhout</i>
<i>Peter Flax</i>	<i>Andrew McCarthy</i>	<i>Sana Radville</i>
<i>Sandra Calleros</i>	<i>Ron Hayes</i>	<i>Henry von Buttlar Rachel</i>
<i>Anna Kissell</i>	<i>Robert Draves</i>	<i>Judson</i>
<i>Ken Bush</i>	<i>W. Griffin</i>	<i>Larry Daniels</i>
<i>Kirsten Helvey</i>	<i>Kathy Beckwith</i>	<i>Kirk Fabrizio</i>
<i>Tristy Patterson</i>	<i>Marilyn Norrie</i>	
<i>Amy Digiaro</i>	<i>Matt Domyancic</i>	
<i>Blaine Kuiper</i>	<i>Yee-Mee Landry</i>	
<i>Edward Gajdicar</i>	<i>Beverly Grossman Palmer</i>	
<i>Marilyn Morris</i>	<i>Tiffany Mesko</i>	
<i>Kevin Whilden</i>	<i>Veronica Stahl</i>	
<i>Jody Leventhal</i>	<i>Don McPherson</i>	
<i>David Jina</i>	<i>Frederick Pereival</i>	
<i>Lori Nolting</i>	<i>Camela Ott</i>	
<i>Elizabeth Mozilo</i>	<i>Rutger Dungan</i>	
<i>Bill von Behren</i>	<i>Adam Goldston</i>	
<i>Andrew Cheng</i>	<i>Kathy Beckwith</i>	
<i>Christine Bucklin</i>	<i>Michael Monaghan</i>	
<i>Sarah Nedelman</i>	<i>Nancy Raiche</i>	
<i>Janice Liu</i>	<i>Suzanne Lerner</i>	
<i>Jeff Cohn</i>	<i>John Ramirez</i>	
<i>Staci Carey</i>	<i>Carol Perrin</i>	
<i>Spencer Trotta</i>	<i>John and Evelyn Schmitt</i>	
<i>Dan Mackenchnie</i>	<i>Martha Andreani</i>	
<i>John Cochran</i>	<i>Roy Gonella</i>	
<i>Kristen Lukas</i>	<i>Larry Zimbalist</i>	
<i>Renee Simone</i>	<i>Linda Lau</i>	
<i>Kim Komick</i>	<i>Bill Hory</i>	
<i>Ross Mitchell</i>	<i>Kathy Clark</i>	
<i>Kirsten Helvey</i>	<i>Randy Childs</i>	
<i>Erin Freeman</i>	<i>Jeff Serota</i>	
<i>Anne Wharton</i>	<i>Peter Hartshorn</i>	
<i>Yael Feder</i>	<i>Becki May</i>	
<i>William Elkman</i>	<i>Dan Zamsky</i>	
<i>Laura Kiely</i>	<i>Talia Frederick</i>	
<i>Brian Thomas</i>	<i>Jane Reitz</i>	
<i>Deidra Tran</i>	<i>Perry Colligan</i>	
<i>Peter Pham</i>	<i>Don Carpenter</i>	
<i>Lee Breisacher</i>	<i>Kathi Colligan</i>	
<i>Blaine Kuiper</i>	<i>Robyn Dvorak</i>	

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

*Jeffrey Serota
Dean Schneider
Neil Leventhal
Sarah Wilson
Tyler
Dean DeBoher
Ellen Girder
Unknown Speaker*

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

D. PUBLIC HEARINGS

1. Conduct Public Hearing to Consider Adopting New Refuse Rates for Residential and Commercial Solid Waste Collection Services, Effective July 1, 2020, Through June 30, 2025 (Public Works Director Katsouleas). [20-0070](#)
OPEN PUBLIC HEARING AND CONTINUE PUBLIC HEARING TO MAY 12, 2020

Mayor Montgomery introduced the item and opened the Public Hearing.

Public Works Director Stephanie Katsouleas provided a brief report and recommended that the public hearing be opened tonight and continued to the public hearing scheduled for Tuesday, May 12, 2020.

Mayor Montgomery opened the floor to public comment.

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

By order of the Chair the public hearing was continued to Tuesday, May 12, 2020.

Public Works Director Katsouleas reminded the public that protest letters will continue to be accepted up until Tuesday, May 12, 2020, during the continuation of the public hearing.

2. Public Hearing to Consider: Application for the Expansion of an Existing Restaurant with Full Alcohol Service (Manhattan Beach Post) Into an Adjacent Vacant Restaurant Space (Formerly Subway) and Expansion of Hours of Operation, at 1142 Manhattan Avenue, and Make an Environmental Determination in Accordance with the California Environmental Quality Act (Simms Restaurant Group/Simms) (Community Development Director Tai).
- a) CONDUCT PUBLIC HEARING DE NOVO**
- b) MAKE AN ENVIRONMENTAL DETERMINATION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**
- c) CONSIDER DIRECTING STAFF TO DRAFT A RESOLUTION CONDITIONALLY APPROVING THE USE PERMIT AMENDMENT FOR COUNCIL CONSIDERATION AT A SUBSEQUENT COUNCIL MEETING**

[20-0177](#)

Mayor Montgomery introduced the item and opened the Public Hearing.

Community Development Director Carrie Tai provided a brief introduction.

Community Development Department, Assistant Planner Ted Faturos, provided the PowerPoint presentation.

Assistant Planner Faturos and Community Development Director Tai responded to City Council questions.

Applicant, Mike Simms from MB Post, gave a brief presentation.

Jim Quilliam provided a brief presentation on behalf of the Appellant, Don McPherson.

City Attorney Quinn Barrow provided clarification.

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

*Jill Lamkin
Steve Rogers
Beverly Palmer
Don McPherson
Carol Perrin
Kelly Stroman
Peter Hartshorn
Linda Finley*

Applicant Simms was permitted a rebuttal.

Applicant Simms responded to City Council questions.

Mayor Montgomery offered another opportunity for public comment, and the following people spoke:

*Jim Burton Neil
Leventhal
Suzanne Lerner
Michael Zislis*

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

Mayor Montgomery closed the public hearing.

City Attorney Barrow stated the following for the record:

The document that Peter Hartshorn wanted to share was provided to the Planning Commission, City Council and the public.

The City Attorney entered into the record all documents considered by the Council, including emails, correspondence from the Appellant, and other documents presented to City Council and the public prior to the City Council Meeting, including the supplemental staff report addressing the issues that were raised by Appellant's attorney.

City Attorney Barrow responded to City Council questions.

A motion was made by Councilmember Hersman, seconded by Mayor Pro Tem Hadley, to make an environmental determination of categorical exemption in accordance with the California Environmental Quality Act (CEQA). The motion carried by the following vote:

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

A motion was made by Councilmember Hersman, seconded by Mayor Pro Tem Hadley, to direct staff to draft a resolution conditionally approving the application with the same conditions imposed by the Planning Commission in Resolution PC No. 20-01, including a one-year review by the City Council. The motion carried by the following vote:

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

City Attorney Barrow announced that the draft resolution would be considered by the City Council at the May 14, 2020 City Council Meeting.

E. GENERAL BUSINESS**3. Consideration of Parks Re-Opening Plan.
DISCUSS AND PROVIDE DIRECTION**

City Manager Bruce Moe provided a brief introduction.

Parks and Recreation Director Mark Leyman provided the PowerPoint presentation.

Parks and Recreation Director Leyman and City Manager Moe responded to City Council questions.

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

Janice Lou

Dean Boerher

Michael Karr

Unknown Speaker

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

A motion was made by Mayor Pro Tem Hadley, seconded by Councilmember Napolitano, to open the following parks: Live Oak Park, Sand Dune Park and Bruce's Beach in the next two-four days. The motion carried by the following vote:

Aye: 2 - Hadley and Napolitano

Nay: 3 - Montgomery, Stern and Hersman

Parks and Recreation Director Leyman, responded to City Council questions.

A motion was made by Mayor Pro Tem Hadley, seconded by Councilmember Napolitano, to open the tennis courts. The motion carried by the following vote:

Aye: 4 - Montgomery, Hadley, Stern and Napolitano

Nay: 1 - Hersman

Parks and Recreation Director Leyman responded to City Council questions.

A motion was made by Mayor Pro Tem Hadley, seconded by Mayor Montgomery, to open Live Oak and Dorsey Field and Sand Dune Park with the exclusion of the steps, Tot Lot and Sand Dune itself, Bruce's Beach and dog parks. The motion carried by the following vote:

Aye: 3 - Montgomery, Hadley and Napolitano

Nay: 2 - Stern and Hersman

4. City Council to Consider Additional Measures to Address COVID-19.

City Manager Bruce Moe provided a report on the Los Angeles County plan to re-open the beach and responded to City Council questions.

Mayor Montgomery opened the floor to public comment.

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

City Council gave direction to staff to write a letter to Beaches and Harbors regarding the re-opening plan of the beaches.

F. CITY COUNCIL REQUESTS AND REPORTS INCLUDING AB 1234 REPORTS

None.

G. FUTURE AGENDA ITEMS

None.

H. CITY MANAGER REPORT**5. City Manager Report on EOC (Emergency Operations Center).**

City Manager Bruce Moe reported on the EOC (Emergency Operations Center) and responded to City Council questions.

I. CITY ATTORNEY REPORT

City Attorney Quinn Barrow, thanked staff for a smooth public hearing through Zoom.

J. ADJOURNMENT

At 10:18 PM, Mayor Montgomery adjourned the meeting to an 8:00 AM, Adjourned Regular Meeting, on Thursday, May 7, 2020, in the City Council Chambers.

Martha Alvarez
Recording Secretary

ATTEST:

Liza Tamura
City Clerk

Richard Montgomery
Mayor