



## Legislation Details (With Text)

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**File #:** 21-0040      **Version:** 1

**Type:** Info. Only - Staff Report      **Status:** Agenda Ready

**In control:** City Council Regular Meeting

**On agenda:** 1/19/2021      **Final action:**

**Title:** Consider Request by Mayor Hadley and Councilmember Montgomery to Agendize Belated Requests for Hardship Exemptions from Arco and Player's Liquor, Due to Extenuating Circumstances (Finance Director Charelian).  
DISCUSS AND PROVIDE DIRECTION

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance No. 20-0007

Date	Ver.	Action By	Action	Result
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**TO:**  
Honorable Mayor and Members of the City Council

**THROUGH:**  
Bruce Moe, City Manager

**FROM:**  
Steve S. Charelian, Finance Director  
Alexandria Latragna, Management Analyst

**SUBJECT:**  
Consider Request by Mayor Hadley and Councilmember Montgomery to Agendize Belated Requests for Hardship Exemptions from Arco and Player's Liquor, Due to Extenuating Circumstances (Finance Director Charelian).  
**DISCUSS AND PROVIDE DIRECTION**

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**RECOMMENDATION:**  
Staff recommends that the City Council discuss and provide direction regarding the request by Mayor Hadley and Councilmember Montgomery to agendize the consideration of requests for hardship exemptions from Arco and Player's Liquor, at a future City Council meeting.

**FISCAL IMPLICATIONS:**  
There are no fiscal implications associated with the recommended action. However, should the City Council direct staff to analyze the request, staff time and resources may be expended to accommodate the request.

**BACKGROUND/DISCUSSION:**

On February 4, 2020, the City Council introduced Ordinance No. 20-0007, prohibiting the retail sale of tobacco in Manhattan Beach, and on February 18, 2020, the City Council adopted Ordinance No. 20-0007. The Ordinance gave retailers from September 1, 2020, through October 31, 2020, to submit an application for a hardship exemption, providing businesses with ample time to facilitate a transition to non-tobacco products, deplete stock, and assess whether they might need more time to comply with the prohibition. The City did not receive applications from Arco and Player's Liquor during the application time period.

On January 5, 2021, the City Council approved resolutions concerning three businesses who had applied for a hardship exemption, providing them with an additional six months to comply with the Ordinance, and also directed staff to return with a resolution providing an additional 90 days for compliance to a fourth business. A fifth business' timely application is being considered on a separate agenda item at tonight's meeting.

Also at the January 5, 2021, meeting, Mayor Hadley and Councilmember Montgomery requested to discuss at a future City Council meeting a belated request for hardship exemptions from two additional tobacco retailers, Arco and Player's Liquor, due to extenuating circumstances.

One of the new owners of Arco sent an email to the Council, and spoke at the January 5 City Council meeting that the prior owner had promised to timely apply for the exemption. The prior owner did not.

The proprietor of Player's Liquor has informed the City that there was a death in his immediate family which prevented him from seeking an extension on a timely basis, and that he still has existing tobacco inventory.

Individual Councilmembers can initiate future agenda items by following the following three-step process:

**STEP ONE:**

During "Future Agenda Items," a Councilmember may request that an item be placed on the agenda. If another Councilmember concurs with placing the item on the agenda, the item is placed on a future agenda. As noted above, this was done at the January 5, 2021, meeting when Mayor Hadley and Councilmember Montgomery requested that this item be placed on a future agenda.

**STEP TWO:**

The item is placed on the agenda at the section titled, "City Council Requests and Reports Including AB 1234 Reports" at the end of the agenda with this report. After discussion of whether to consider agendizing the requests, the City Council has the following options:

- a) Receive and File the report.
- b) Direct staff to perform the necessary work to prepare a more comprehensive staff report and schedule the item for a future City Council meeting.
- c) Continue the item to a future date.

**STEP THREE:**

If City Council chooses option b) in Step Two above, the item is placed on a future City Council meeting agenda for action, and staff will request that the two businesses submit applications to support the need for an extension.

**ATTACHMENT:**

1. Ordinance No. 20-0007