

City of Manhattan Beach  
City Council Adjourned Regular Meeting  
Friday, March 27, 2020 8:00 AM

City Manager Moe: We're ready.

Mayor Montgomery: That we are. Call to order for the continuation of the City Council Adjourned Regular Meeting. With that, we are not going to do a pledge to the flag, we'll do a roll call please, Martha.

Sr. Deputy City Clerk Alvarez: Councilmember Napolitano

Councilmember Napolitano: Here

Sr. Deputy City Clerk Alvarez: Councilmember Stern

Councilmember Stern: Here

Sr. Deputy City Clerk Alvarez: Councilmember Hersman

Councilmember Hersman: Here

Sr. Deputy City Clerk Alvarez: Mayor Pro Tem Hadley

Mayor Pro Tem Hadley: Here

Sr. Deputy City Clerk Alvarez: Mayor Montgomery

Mayor Montgomery: Yes.

Mayor Montgomery: Confirming Martha we have no public comments in open session.

Sr. Deputy City Clerk Alvarez: That's confirmed. There were no e-comments received, no email comments and no voicemail comments for this meeting.

Mayor Montgomery: Alright, then open session City Manager report an EOC operations center.

City Manager Moe: Yes, Mr. Mayor. Good Morning. Actually my report today is going to focus on a couple of things that are developing. We are expecting later this morning for the County of Los Angeles, to announce a closure of the beaches and bike path. And so that will obviously have an effect on us in Manhattan Beach. We are preparing press releases and information that will go out as soon as we get the official word. Our neighbors to the south, Hermosa, had already planned on closing their bike path or the Strand and beach on Saturday morning. And Redondo announced similar measures with the exception of the

beach for their Esplanade and their parking lots that took effect at midnight this morning. So we're waiting for that and we'll keep the community posted on that. By way of cases of COVID in Manhattan Beach, and I'll give this number, it's actually combined with Hermosa Beach apparently. There are 21 cases. Hermosa has been added to our count because of their population size. So we don't have our own distinct numbers. 21 is combined with Hermosa. And as far as our own parking lot closures that were ordered last Wednesday, those are in full effect right now and we did see some improvement perhaps it was weather based but some improvement in the number of people at the beach or on the Strand has seem to been reduced. That concludes my report.

Mayor Montgomery: Bruce, a question on the closure from the County. Are they saying at noon today or are they saying at midnight today? And there's no end date on what they project to the closures, is that correct?

City Manager Moe: They have not given us information at this point on a start time or an end date. So I will have that information hopefully later this morning.

Mayor Montgomery: Any Council questions?

Nope. No questions.

Mayor Montgomery: Ok, Bruce what about your second item, any other items past that point?

City Manager Moe: Ok, that's Quinn's item.

Mayor Montgomery: Quinn?

City Attorney Barrow: Sorry, I was on mute. The last Council meeting on Wednesday, the Council directed me to do some further research on essential businesses and also what the county rules were with respect to non-essential businesses. And also to look into incorporating the rules for all essential businesses that are still operating. And so we did that research yesterday and came up with we're proposing an amendment to Ordinance 20-0014 to clarify the regulations of businesses. The draft ordinance and a legislative digest has been distributed to the City Council and to the public. If you turn to the legislative digest it explains the changes. And the key change is in section 2a in Ordinance 0014, the language was all non-essential retail businesses shall be closed. And so we took a look at the County order and change that to say all non-essential businesses as determined by a State or County order or guidelines related to COVID-19 shall be closed to the public. So we have tracked the language of the County order that they're closed to the public. So for instance, if we take a real estate office, they cannot accept appointments or visitors to the real estate office. We'll get back to that, if there's some further questions. The second change is section

3k, we've added the language from the county FAQs to enforce social distancing number one. Two is providing access to hand sanitizers and hand washing facilities. And then posting signs. This is applicable to all construction sites and to other essential businesses that are operating. Those are the two key changes. We added in section six to the social distancing, we added more guidelines because as you know both the State and the County keep issuing FAQs and so we want them to be covered by our ordinance. And finally, in violation the councilmembers asked the question, is it six months in prison or a fine? And so we did those research with the statutes and the statutes are interesting the way they write these laws. But that's exactly the way they write the way the statutes are stated. But six months in prison or a fine up to a \$1000, or both. So those are the recommended changes. And it would be a separate ordinance 0015-U which would be amending 0014. Any questions?

Councilmember Hersman: Yes, I do. So, just two points. One is shouldn't that be from section 3d as in dog instead of k. Because section 3 only has a, b and c, unless I'm looking at the wrong thing.

City Attorney Barrow: Yes, well so what's happened here is this new section 3 totally replaces the old section 3 so we no longer have a, b and c.

Councilmember Hersman: Oh, we no longer have a, b and c.

City Attorney Barrow: Right. If you take a look at the actual ordinance, not the legislative digest.

Councilmember Hersman: Ok

City Attorney Barrow: That was the other change. It was, I hear some echo, but we re-formatted that to be really clear so you can see the new section 3.

Councilmember Hersman: Ok, and you changed them from numbers to letters. I get you. Ok. Then the other question is so when you say, "All non-essential businesses shall be closed to the public." So you used the real estate office. So a retail store could operate within the store with their employees, so for example, mailing out things. They just can't have people, public, coming to the store to pick them up. Is that what you're saying?

City Attorney Barrow: Yes, that's my understanding of the County's position on this as expressed in the FAQs.

Councilmember Hersman: Ok.

City Attorney Barrow: But they would have to then enforce, well they would have to have social distancing. If we had a bookstore for instance. Within the...My understanding is that

they would be able to, let's say it's a small business, they might be able to have one person there or maybe two people there sitting at least six feet apart.

Councilmember Hersman: Picking books up doing whatever they do. Clerical things. Right. For reference. Well he was using that as an example. Yeah. Ok, thank you.

Councilmember Stern: Um, so I'm assuming then that would include leaving something on the sidewalk for customers to pick up. Would not be authorized under this section? Is that correct? Because that would be transacting with the public. Ok.

City Attorney Barrow: Right. Yes.

Councilmember Hersman: It also goes in violation of the stay at home unless you're going to the grocery store or doctor.

Councilmember Stern: Well this whole section kinda does. Yeah.

Councilmember Hersman: Picking up stuff doesn't fall in that.

City Attorney Barrow: Yes, and as we reported earlier, for the City of Los Angeles, for instance, the mayor said we don't want anybody out. Just stay at home.

Mayor Montgomery: Questions?

Councilmember Hersman: No.

Mayor Montgomery: Quinn, are you looking for an ordinance, I mean a vote?

City Attorney Barrow: A motion, yes. If there's a first and second on the ordinance, I'll read the title.

Mayor Montgomery: Please

Councilmember Hersman: I move to approve urgency ordinance number 20-0015U

Councilmember Napolitano: A motion by council. I approve.

Mayor Montgomery: Is that a second by Steve?

Councilmember Napolitano: What's that?

Mayor Montgomery: A second by Councilmember Napolitano?

Councilmember Napolitano: Sure.

Mayor Montgomery: Ok, Quinn.

City Attorney Barrow: Ok, urgency ordinance number 200015-U, an urgency ordinance of the City of Manhattan Beach amending urgency ordinance number 200014-U to clarify regulations of businesses and social distancing in response to the threat of COVID-19 and declaring the urgency thereof.

Mayor Montgomery: Roll call please vote Martha.

Sr. Deputy City Clerk Alvarez: Mayor Pro Tem Hadley

Mayor Pro Tem Hadley: Yes

Sr. Deputy City Clerk Alvarez: Councilmember Napolitano

Councilmember Napolitano: Yes

Sr. Deputy City Clerk Alvarez: Mayor Montgomery

Mayor Montgomery: Yes

Sr. Deputy City Clerk Alvarez: Councilmember Hersman

Councilmember Hersman: Yes

Sr. Deputy City Clerk Alvarez: Councilmember Stern

Councilmember Stern: Yes

Sr. Deputy City Clerk Alvarez: Motion passes 5-0

Mayor Montgomery: Thank you, Martha. Quinn, do you have any items to go to closed session?

City Attorney Barrow: No.

Mayor Montgomery: City Attorney, I'm sorry City Manager?

City Manager Moe: Yes, I would like to get some direction from the council on the Strand, whether we want to keep that open or not, given what is the impending County order to close the beaches, the bike path and of course, our neighbors' action's taking place today and tomorrow.

Mayor Montgomery: Council comments?

Councilmember Hersman: Sure, I'll make a comment. I have not been in favor of closing the Strand. However, and I've wanted to wait to see what happens with the parking. Closing our lots like we did. But it seems that if Hermosa's Strand is going to be closed if we get all those folks walking in Manhattan Beach, we're in big trouble. So it just seems like it only makes

sense because Redondo also closed the Esplanade and their walkways. People want to be out looking at the beach, they're going to do it on our Strand. And so, it only makes sense to close it, in my mind.

Mayor Montgomery: Thank you, Nancy. Bruce, I have a question for you. So is Chief Abell and Director Katsouleas Public Works, they're both ready for this as far as signage, barricades, personnel as needed to keep our end the Strand, upper and lower protected and actually blocked. But does not include the County bike path below. Is that correct?

City Manager Moe: The County will be closing the bike path when they close the beaches. But that is up to the County.

Councilmember Hersman: The County...

City Manager Moe: That is up to the County...

Mayor Montgomery: Go ahead Bruce.

City Manager Moe: To close that off.

Mayor Montgomery: So we expect the County to enforce its own bike path down below, not relying on our PD to go down to the bike path. They can use lifeguards or whatever to enforce their bike path down below.

Councilmember Napolitano: Lifeguards will not enforce that. I guarantee you. They do not consider themselves peace officers and their eyes will always be on the water they'll tell you, they are not going to be on the bike path. We're the enforcing agency for the bike path.

City Manager Moe: And our police department is prepared to go down to the beach in their appropriate vehicles to enforce the beach closure and we will, of course, make announcements to anybody on the bike path it is closed.

Mayor Montgomery: So we'll have barricades from our North end of the city down to the South like we've done in the past. So this just put more pressure on the PD to keep bike path, Strand upper and lower, and the enforcement you're talking about with barricades, we'll start as soon as the County rolls out and we blockade our ends off.

City Manager Moe: Correct.

Councilmember Napolitano: The question too is whether bikers go on the Strand since they're not supposed to now either, but with the bike path closed do we find more people trying to do that as well.

Mayor Montgomery: That's a great question.

Councilmember Hersman: Exactly.

Councilmember Stern: I just want to say that the other consideration is not only just that we will see and we anticipate we will see an increase which we're already having trouble enforcing social distancing as it is on the walk path, but we also recognize that there's not any one local agency that can affect this without recognizing that this obviously has no borders. If Hermosa is doing this and Redondo is doing this the crystal ball says we will end up doing this at some point. We should be joining together to send a common message that we need to get serious. I hate to close, I mean, I was out there this morning. I'm out there every morning. I hate to close it, but it is inevitable and it probably should have been done sooner because there is not a social distancing. There hasn't been and we really should be joining together to really underscore how important this is. I am in favor, unfortunately, of closing our pedestrian Strand, as well.

Mayor Pro Tem Hadley: I'm with Hildy and Nancy. I'm really reluctant, this is Suzanne, I'm really reluctant to close it and I'm not unhappy we waited as long as we did. I generally haven't wanted to be leading on any of these closures. I've wanted to stick with County and State directives. But yes, I do think Hermosa and Redondo have forced our hand. So I think it goes without saying our Strand and bike paths will be closed. But we are gonna get, my concern now is for the MBPD. I just don't know how their staffing, what they're doing. Everyone is reaching out to me and my colleagues asking for more enforcement. We can't ask our police. So I just want us to be realistic. I'm fine with closing it. The 80/20 rule 80% of our residents and visitors will observe the closure. 10-20% won't. I think we just have to live with that. We can't keep, and maybe I'm wrong. But I feel like we keep piling mandates and enforcement requests on to the police. They can't and won't be able to keep up. And so we just have to be united as a council in responding to residents saying we're doing the best we can. Our police are doing the best we can. We can't arrest, cite everyone who violates this. And there will be many who violate this.

Councilmember Stern: And maybe it will make enforcement even easier because it's pretty black and white. You can't be on the Strand. Right? It's not even, oh, are you six feet apart, it's just pretty straightforward. So,

Mayor Pro Tem Hadley: But the longer the stay at home order lasts, just the tougher it becomes on the police. This isn't what they want to be doing. This isn't...

Councilmember Stern: Of course.

Mayor Pro Tem Hadley: It's just really tough on them. So I just really, really want to be mindful of the, you know it's hard for them to enforce the homelessness stuff and it's even harder to be asking residents and visitors...It's just really hard, so yes, close it down. But we're dreaming

if we think we're going to get 100% of the people to stay off the Strand and we're also dreaming if we expect our police to round them all up.

Councilmember Stern: Sure

Mayor Montgomery: Agreed. Steve do you any comments?

Councilmember Hersman: I had a...oh,

Councilmember Napolitano: Just I agree with comments have already been made. I don't see that there's a choice anymore in this. We can't have our neighboring cities close their down and then we are the ones that stand down and say no, it's ok. So I think it's right, I think it's appropriate at this time. If people haven't gotten the message, I hope they do. I defer to staff on how it's going to be manned. I keep asking for my cite book but I don't know if we've got explorers that can help, I don't know who can, who we have, I don't know if we have some CERT volunteers we can mask up and give gloves to help spread the word out there when the time comes, but I know this has to be turned around fairly quickly, so I'm going to say yes and let's get going on it.

Mayor Montgomery: Agreed. Who else had a comment? Nancy, was that you?

Councilmember Hersman: Oh, I just had a quick question. Do we know how many of those beach buggies, for lack of a better word, that police have that they can ride out onto the beach? You know they're like little beach buggies.

Mayor Montgomery: ATVs

Councilmember Hersman: I mean...What are they called? ATVs

Mayor Montgomery: ATVs – All Terrain Vehicles.

Councilmember Hersman. Yeah, do we have a number of those?

City Manager Moe: I'm not sure what the exact.

Councilmember Hersman: Because I think initially that will help if we've got them riding along the beach as opposed to other places.

City Manager Moe: Right, we have a number of vehicles that can be utilized for those purposes. The Chief will deploy them appropriately.

Councilmember Hersman: Ok.

Mayor Montgomery: Bruce, you have direction from Council I think it's unanimous that we have to take that step for the reasons already cited. What else do you need from us?



City Manager Moe: Yes, very clear. Thank you. If there's a tag line to this, let's call it spread the word, not the virus.

Councilmember Hersman: I didn't hear any of that, could you say it again?

City Manager Moe: I said if we're going to put a tag line on this it'll be spread the word, not the virus.

Councilmember Stern: There you go.

[Many speaking at once]

Councilmember Hersman: Is that with the County?

City Manager Moe: I'm sorry, say that again?

Councilmember Hersman: The effective time, date will be whatever the County does?

City Manager Moe: We will proceed on the Strand immediately and wait for the County to do their part but the Strand we'll do immediately.

Councilmember Hersman: Ok.

Mayor Pro Tem Hadley: Your Honor, I have a question of the City Manager please.

Mayor Montgomery: Please Mayor Pro Tem, go ahead.

Mayor Pro Tem Hadley: Bruce, has the programming been done on the lots on the parking meters that say, lot closed, COVID-19?

City Manager Moe: Yes, that was in place same day, on Wednesday.

Mayor Pro Tem Hadley: Great, ok thank you.

City Manager Moe: Mmm hmm.

Mayor Montgomery: Any other questions for the City Manager? Bruce what else do you have for us?

City Manager Moe: I have nothing further, thank you.

Mayor Montgomery: City Attorney, anything else on your end?

City Attorney Barrow: No, I think we're ready to adjourn this meeting until Monday at 8 o'clock.

Mayor Montgomery: Monday at 8:00 AM, is that correct?

Mayor Pro Tem Hadley: Your Honor?

Mayor Montgomery: Yes please.

Mayor Pro Tem Hadley: City Manager, Bruce Moe, how is the staff holding up? Can you give us an update on you, on Quinn? Quinn, I'd love an update from you. How is the staff feeling? Are people still coming? Are there people possibly self-isolating or being diagnosed or burning out? I am really concerned about the staff. You guys have done an amazing job at lightning speed getting these press releases out, but I know it comes at a cost.

City Manager Moe: Sure, and I really appreciate your asking about that. Staff is holding up well. It is stressful for us, but it's stressful for everybody in the community. But we're doing well and I don't see any breaking points at this time. But we do offer our employees access to the employee assistance program and do have support systems in place to help people that perhaps are feeling a little more stressed than what they can handle. So, we do monitor the staff. We talk to them as frequently as we can. We have communications with them and we're getting through it, but thank you.

Mayor Montgomery: Thank you.

Mayor Pro Tem Hadley: So proud of our staff. Hang in there and please take care of your own health.

City Attorney Barrow: And Suzanne, thanks for asking as well. We're doing well here I think we at least in terms of ordinances, we see the light at the end of the tunnel. It's not that easy to keep putting together ordinances in 24 hours, but I think we're in good shape right now at least in protecting Manhattan Beach.

Mayor Pro Tem Hadley: And you and Kathy are well.

City Attorney Barrow: Yes.

Mayor Montgomery: We all appreciate what you guys are doing. It doesn't go unnoticed as Suzanne said. So thank you all. With that, we will adjourn to the regular meeting at 8am on Monday, March 30<sup>th</sup>. 8:00 AM regular time, 8:00 AM conference call, call in. Thank you all very much and have a good weekend. Safe weekend.

Councilmembers: Thank you. Be well everybody. Thank you all. Thank you. Bye-Bye. Thank you.

\*Transcription provided by Caroline Choi, Administrative Clerk, Department of Management Services, City of Manhattan Beach

