

City of Manhattan Beach
City Council Adjourned Regular Meeting
Monday, March 30, 2020 8:00 AM

Mayor Montgomery: So in this case, I'll call the City Council Adjourned Regular Meeting for Monday, March 30, 2020 to order. A roll call please, Martha.

Sr. Deputy City Clerk Alvarez: Councilmember Stern

Councilmember Stern: Here

Sr. Deputy City Clerk Alvarez: Mayor Pro Tem Hadley

Mayor Pro Tem Hadley: Here

Sr. Deputy City Clerk Alvarez: Councilmember Napolitano

Councilmember Napolitano: Here

Sr. Deputy City Clerk Alvarez: Councilmember Hersman

Councilmember Hersman: Here

Sr. Deputy City Clerk Alvarez: Mayor Montgomery

Mayor Montgomery: Here.

Mayor Montgomery: At this time Martha would you read or summarize the public comments please?

Sr. Deputy City Clerk Alvarez: Yes, we received four comments. The first public comment was an email from Nicole Andrews. It was regarding the possibility of closed session and she just says, "I want to first and foremost thank the city for doing such a good job during this pandemic, thank you for being available and responsive. My comments should be viewed as criticism but as observations. I walked through the city yesterday and noticed an increase in homeless around Vons, Metlox streets paralleling the Strand. With our normal traffic, I think there will be an increase in homeless migrating the empty city. Once homeless establish themselves, it is very difficult. What is the city's plan to address the increase in homelessness beyond what is already in place since there is a pandemic in the city? The next email comment was from Vicky Pervis. This is an agenda comment to City Council and Chiefs. Please in the daily update provide a statement as to whether the police and fire department are fully staffed. Provide an update on crime in the city. Provide how the city will patrol downtown Strand, parks, bike path, Metlox and Civic Center and other public spaces either

with MBPD, staff or private security. There was an e-comment received by Vicky Pervis regarding the City Manager report on EOC. Please send a daily update provide a statement as to whether the police and fire are fully staffed. Provide an update on crime in the city. Provide how the city will patrol Strand, bike path, Metlox and Civic Center and other public spaces either with MBPD, staff or private security. Then last e-comment was received by Vicky Pervis regarding the possibility of a closed session. Please in the daily update provide a statement to whether the police and fire are fully staffed. Provide an update on crime in the city. Provide how the city will patrol Strand, bike path, Metlox and Civic Center and other public spaces either with MBPD, staff or private security. And that's it for public comments.

Mayor Montgomery: Thank you. They seem to be all one theme. I assume either Chief Drum or Chief Abell and/or George are responding back to these comments for people to let them know what's going on, how we're handling homeless differently than we have during this crisis, that we are staffed in the appropriate fire and PD, but I'll let George address that comment when he gets a chance.

Sr. Management Analyst Gabriel: Would you like me to do that via email or are you asking for me to do it right now?

Mayor Montgomery: It's your open session, if you have an answer now, great. If not, email us all.

Sr. Management Analyst Gabriel: I'll do it via email and I'll make sure to respond to Ms. Pervis as well. If you don't mind.

Mayor Montgomery: Fantastic. Thank you for that.

Mayor Pro Tem Hadley: Your honor. Your honor.

Mayor Montgomery: Yes.

Mayor Pro Tem Hadley: This is Suzanne and George I'd love you to include in there what Harbor Interfaith is able to do and what they are doing now during this state of emergency. I have not been comfortable responding to residents saying that Harbor Interfaith is still responding without checking with you and I didn't want to check with you and add to your work burden. But I am interested in whether they, I know our police are responding, what about Harbor Interfaith?

Sr. Management Analyst Gabriel: Yes, just to clear that up, they are responding. There are some limitations given the coronavirus pandemic and obviously it presents some interesting response techniques they have to adapt to during this time, but they are responsive and they

are still working. But yes, I will for sure include that in the email to Ms. Pervis along with the entire City Council on what those impacts are.

Mayor Pro Tem Hadley: That'd be great and I'll keep that and we can respond to future resident inquiries. Thank you, George.

Mayor Montgomery: Thank you, George. Yes, our first item, see it's actually number one open session City Manager report on EOC.

City Manager Moe: Yes, thank you, Good Morning. As part of my report we have Carrie and Derrick on the line which I will hand it over to them in a moment to give you an update from their perspective on the enforcement side of things. But just as an overall review, as of yesterday the City of Manhattan Beach has 27 confirmed cases of COVID-19. By way of operations, I'm sure you all saw it, excuse me, that the police department issued a citation over the weekend to a surfer who refused to leave the beach. We got a very nice letter of support from the lifeguard who was involved with that, for the support the police provided. So that was helpful for us. By way of the senior support, there were 17 calls on Friday and four calls on Saturday. We've now assisted 100 people through that helpline. So that's been a great success. With the beaches, or with the beach bike path and Strand closed, of course we put out barricades with signage to that effect and as typically is the case people will remove those signs. So we are constantly looking to replace those signs and monitor them so the signs remain up. So that the message can still get out there. Something that George has been working on that we just started publishing late last week was the daily situation report. That is sent out to anybody who is signed up on Nixle and our other electronic notification platforms. It's also posted on the web. The most recent report is on the COVID-19 page so that's helpful. It gives a status of every operation in the city and any changes that may have occurred. So with that, that concludes my report. I'd like to ask Derrick and Carrie to jump in to talk about what their departments have been doing.

Fire Chief Drum: Good morning everyone, this is Chief Drum, I'll start out. The EOC is fully operational at level one, activation level one, which means we have all command and general staff positions filled. We have a number of other essential EOC positions filled. We meet daily via conference call for a briefing and a plan for what the operation of the day is going to include. Specific to essential services within the city they're all still fully operational to address the email that we had the Fire Department is fully staffed and has not seen a significant, has not seen an increase in calls for service. We are tracking all COVID-19 related calls that we respond to but with regard to the EOC it is fully up and running and operational. Any questions?

Mayor Montgomery: Chief, this is the Mayor, I do have one question for you.

Fire Chief Drum: Yes, sir.

Mayor Montgomery: I was asked this one in a rotary in our teleconference meeting. Does the fire department have any or in need of any extra N95 masks? That's question number 1. Question 2, if there's an abundance donated to the city, any way we can give them out to residents? I'll let you respond.

Fire Chief Drum: So, the N95 masks are very specific masks. They're technically a respirator. And when we in the Fire Department, Police Department or any other person in the city is given a mask we give specific training and as I said it is a respirator. We give specific training with a post test for the employee to take to show proficiency on when to use it and how to put it on and take it off. We do a fit test, a qualitative fit test to make sure that it is the proper fit and in addition to that they have a medical clearance given to the employee to streamline that process just recently but they have a medical clearance by a physician giving them the medical authorization to wear that mask. We do have a supply of masks for our first responders and certain employees who have received the training and been established to be in close proximity to potential COVID-19 patients. We are always looking for an additional supply of masks. We do not have enough to give to the community. Did I address all your questions, sir?

Mayor Montgomery: You did, sir. It's just a question I get randomly asked from time to time, do we have any extra masks. Of course, the answer is going to be no. But I want to make sure that people understand that we barely have enough for our own first responders much less enough to hand them out, even if we could to 40,000 residents. You did answer my question. Does anyone else have a question for the chief? Seeing none. Carrie?

Community Development Director Tai: Hi. Good Morning, Mayor Montgomery and members of the City Council. Just a quick update. Most of Community Development functions right now are supporting the permitting, plans and construction industry. And with that responding to an average of about 50 calls per day for COVID-19 related social distancing or closure violations of some sort. The staff has been performing building construction inspections as usual. We're responding to requests next business day and when we're out there and seeing that there are any social distancing violations, certainly the inspector will advise the contractor, or the lead contractor on the site to ensure that compliance is at least forthcoming. And with regard to code enforcement, like I said, around 50 calls per day. We are trying to respond as much as possible through telephone. We do have one building inspector and one code enforcement officer that are home, working remotely, so they are the first line, if you will, they are the gateway. So they will try to phone the business or the site that is the reported violator. And if a follow up is needed then we'll refer it to one of the

inspectors. So to the degree that we can we're trying to respond remotely but we are doing a substantial number of in person visits. So hopefully that provides you some update on how we're doing in the field and let me know if you have any questions.

Mayor Montgomery: Fantastic. Any questions for Comm Dev?

Mayor Pro Tem Hadley: Yeah, your Honor I have a question. Suzanne.

Mayor Montgomery: Go ahead, Suzanne.

Mayor Pro Tem Hadley: Carrie, thank you for that report. And what are we hearing today and yesterday about Ocean Drive after Friday and Saturday where it seems like everyone moved one block east from the Strand to Ocean Drive.

Community Development Director Tai: Well thank you for your question. I haven't actually heard a report from this morning but I know over the weekend and also the end of last week I was hearing that Ocean Drive was already more congested and I knew that closing the Strand, my officers were saying that even as of Friday things were reported to be a little more crowded but I haven't received a report this morning. But yeah, I think we're seeing the same thing that everybody else is seeing.

City Manager Moe: Derrick, are you on the line?

Mayor Montgomery: Go ahead.

Mayor Pro Tem Hadley: Wait, Carrie and Bruce, so you don't think it's time to do anything on Ocean Drive like barricades that say residential traffic or resident traffic only or I haven't been down there to be honest. How bad is it? Has anybody seen it first hand?

Councilmember Napolitano: I have.

Mayor Pro Tem Hadley: And Steve what do you think?

Mayor Montgomery: Go ahead Steve.

Councilmember Napolitano: I've driven it more than a couple times the entire length. For the most part I saw proper social distancing but I'll tell you so much better social distancing than what was on the Strand. So I did not see an issue, there's obviously more people there, I understand that it is tougher to traverse for example in a car or for residents who are gonna go back and forth who actually live in the area, sure it's more crowded maybe with the wind, maybe after a couple of days people just get the idea that yeah, we can't do the Strand. I think there was a period of adjustment over the last day, two days for folks who realized they couldn't go on the Strand anymore, are using that instead. Hopefully that tapers off. We can certainly put signs out there saying keep socially distanced and keep to the sides but it was

pretty well maintained. Definitely more people than ever using Ocean Drive as a pedestrian and bike lane. But if they were in my observation, for the times I went down there and checked it out, much more socially distanced than what was happening on the Strand.

Mayor Montgomery: Thank you, Steve.

Police Chief Abell: This is Chief Abell.

Mayor Montgomery: Go ahead, Chief.

Police Chief Abell: Councilmember Napolitano was spot on with his assessment. I will say a couple of days ago when I was down there, we had people coming from other cities asking me questions about where they could go in terms of the beach and Strand and things of that nature. The fact that they were even asking was a positive. Point is, shortly thereafter I started to see a reduction in people coming from other places. Our residents are frustrated and I get that with regard to people now utilizing Ocean. I do see a reduction. I would not want to put up signs right now and congest it even more cause they're already frustrated with construction and people and cars. So I think, what we've asked our people, whether it be parking enforcement or our officers is to not only patrol, but get out and talk to some of our residents along the way. The people that are walking help them to understand how that's affecting the very people that live there and we'll try to get people to move back east and you know, as we do that somebody else is going to complain about another area. But we just have to manage it on a day to day basis, try to navigate through this and calm people's frustrations and I think that's what we're trying to do at this point without taking any additional steps as we had the other day with enforcement. So that's where we are right now but we'll continue to patrol the areas just to be a face in the community and especially on Ocean right now.

Mayor Pro Tem Hadley: Thank you, Chief.

Mayor Montgomery: Yes, well said Chief, especially everybody has to adjust like Steve said. We're all adjusting. And hopefully if we believe the presidential health standards, we can be all done with this by April 30th. But whatever it takes. I appreciate you guys getting in your cars and talking to people. Being visible that's the main thing people are talking about. They don't see enough of us. Well, even if I double the police force, Chief, tomorrow we did, there still wouldn't be enough of us to handle every single person and every single question. We just can't do it. Do the best we can with what we have and make our self visible like you're doing. So, thank you for that. Any other questions for the Chief? If not, item B then City Manager, City Attorney or City Council to consider additional measures to address COVID-19 whether it's Bruce or Quinn Barrow, City Attorney.

City Manager Moe: I have nothing.

City Attorney Barrow: And I have nothing, as well.

Mayor Montgomery: So neither there. So no need for a Closed Session?

City Manager Moe: Wait, excuse me, I believe one of the Councilmembers wanted to bring up a future agenda item.

Mayor Montgomery: Alright. This will be the time.

Councilmember Hersman: Bruce, are you referring – this is Nancy – are you referring to the questioning whether we could actually help some of our residents with fencing around the construction sites? Or some type of barrier?

City Manager Moe: This actually was Councilmember Stern that asked about revisiting some of the construction restrictions.

Councilmember Stern: Ok, thank you, Bruce for...

Councilmember Hersman: I mentioned that, I mentioned that as well that I think that the, we need to actually look at that and see if, cause I had asked whether we actually could make it stricter on the construction sites. Based on what we're hearing. So, go ahead Hildy.

Councilmember Stern: Hi all, this is Hildy. So, we've heard, at first I have to apologize, my phone dropped during the initial discussion when Carrie started to talk about code enforcement so I don't know if some of this conversation already came up with respect to how the, how well we are enforcing or how well construction is complying with social distancing and the hygiene but we are getting a lot of comments about lack of social distancing or the inconvenience this construction is causing. Not with, and certainly because some of the people are home all the time and they are very highly impacted by living with all this construction. So is it, it seems to me that maybe we can re-visit how we can make this more palatable living the way we are now with respect to the construction being in these neighborhoods. And are there, Nancy had mentioned fencing as an option but maybe we could be looking at greater or more expansive ways to make this less impactful. Maybe looking at, do we change the time, is 7:30 AM construction start, given that people are now home and their children are home at 7:30 AM, should they look at that? Is there something more that we can do to limit the number of people that come on to any one site since we don't really have those kind of limitations? Are things like, the comments that we got about being too close that there is not even a possibility of social distancing in certain construction situations. So, that is a long explanation for can we maybe brainstorm and think about ways

that we can make this a little bit easier. Anybody else has comments that would be welcomed.

City Manager Moe: So Quinn, just to be clear, this is to get a second Councilmember to have this on a future agenda, is that correct?

Councilmember Stern: Oh, is that the way we have to do this, we have to agendize this?

Councilmember Hersman: Really, this isn't an opportunity since these are emergency meetings that we can't just talk about them?

City Attorney Barrow: Yes, you can talk about them. It's just, I guess Bruce's point is, if you want to get a full report from Carrie perhaps on Wednesday, maybe Carrie will have some ideas but if that's what the Council, two of the Councilmembers want to explore that issue and see if there's some additional measures.

Councilmember Hersman: You know my question to you, Quinn, was can we even do that based on what the state is telling us that they are essential workers and they should be, you know, it almost sounded like they should have free reign to do what they gotta do. And so my question that I had sent in an email was about can we even look at restrictions on them? Is that within our purview to do that? And I think that, one, an important question to know. And if we can, then what kinds of things like Hildy said, what kinds of things can we do? Whether it's hours or fencing or whatever it might be.

Mayor Montgomery: Quinn, just a suggestion, why don't we let Carrie respond first then we can go on from there if they want to continue the item.

Community Development Director Tai: So, this is Carrie. Just some, just a quick response here. So, certainly any existing requirement in the municipal code governing construction sites, we can actively enforce and we are actively enforcing. For example, when we get a call about noise that might be too loud, or early construction, we're responding to those the same way we did prior to the COVID-19 pandemic. Same with issues like fencing. Fencing's already required and a site that isn't properly fenced our inspectors will correct that condition. Now, there are situations, for example, we did receive a complaint, I believe that there was a fence on the site, so the site technically complied with our regulations but the mere existing separation between the property line and the house that was being occupied by a family staying at home is less than six feet and so that turned into a potential social distancing complaint. But you know, the solution for example aren't going to be any different from what our existing requirements are which is that they have to be fenced and that if there are people on the side of the fence where there is no construction going on that workers have to give that berth. In other words, they have to give that space. It wouldn't be fair, for example

to move a fence on to either property six feet in and restrict use of it in one way or another. Our existing codes don't have that. And so that would be something the council could discuss but I believe that ends up more being perhaps a civil issue and ways, there are easier ways to manage that simply by advising both members on both sides of the properties to maintain six feet at all times. You know and certainly there are going to be cases where work has to be done within six feet of an existing property and for that, I mean, people who manage their construction sites have the ability to go to their neighbor and say, "Hey, you know, can we talk about scheduling something where we can work without being an impact to your family?" You know, that can be an example of neighbors working together where it doesn't necessarily involve a new city regulation. So, you know, just reiterating, we do have the ability to enforce all existing regulations and are continuing to do so but we're hoping to solve some of these social distancing issues that again, neighbors will afford each other consideration and work together. I hope that helps.

Mayor Montgomery: Nancy or Hildy, any questions for Carrie?

Councilmember Stern: No, no questions for Carrie.

Councilmember Hersman: No, not really. Go ahead, Hildy.

Councilmember Stern: So thank you for that. And I really appreciate, you know, how, the seriousness of this and I, Carrie, I didn't understand that it's a difficult and it is a lot of work and it is added a lot of work to your department. I'm wondering if beyond just what we have if there's way to make this less impact, so for instance, I know that the 7:30 AM start time will be enforced and I appreciate that because that is such a form of contention with so many, I'm wondering if there's a way to, if we want to visit whether changing that start time would make it less impactful at this time. So, going beyond or maybe being a little bit more creative with what we have to look at whether what we have, what we have on the books right now works with a community that's not in the situation that we're in right now. Given what we're, given the situation we're in right now, are there additional things that we could be changing to make this less impactful. That was my, that was you know, kind of where I was coming from with respect to this.

Community Development Director Tai: Yeah, sure. Thank you councilmember Stern. Yes, I mean there are certainly regulations that the Council could discuss and I'll let Quinn let me know if you know maybe there's an outer boundary at which we can have this discussion but certainly existing regulations consist of hours, there are, there's noise exemptions in other words during construction hours, you know there's certain, most noise items that would normally would be governed by the noise ordinance are exempted simply because of the fact that construction, you know, has the potential to create noise. I mean, and you certainly

could talk about regulations temporarily that you could enact to manage construction going on in close knit neighborhoods. I would say if you're talking about hours what we find in the field is that construction workers are I mean, they're really itching to start early. Construction seems to be an early in the day industry. They would start as early as 6:00 AM if we let them, quite frankly. But the reality is that most sites are, they go home by 3:00 PM, 3:30 PM or so. So I would say if you're looking at decreasing the number of hours that construction could be allowed daily that perhaps, you know, maybe in the afternoon might be a little better simply because the industry already does that. And you would decrease the stragglers that are still working late in the afternoon. I think early morning you're going to hear a lot from the construction industry simply because that's the way they are accustomed to working. As we enter into later into spring and into summer, also the days are cooler in the morning and so again, they tend to work in the morning. So just some considerations there. With regard to activities, I mean, I think the Council could think about things and we could help with a menu of, sort of, different types of construction that could occur at different hours. For example, you may say that at certain hours only these things can happen. I think there are many, many variations and we're going to get, obviously our staff is going to have to respond to a lot of requests for exemptions and things like that but you know if you would say let me take an extreme example of pile driving or something that's loud, that creates vibrations and you say that stuff can only happen between 9:00 AM and 3:00 PM so that you relieve the shoulder hours, the early hours and the late hours of that kind of more impactful activity. I think that's certainly something the Council could discuss. Enforcement would be a big hurdle there cause our staff, I'm down to, like I said I have three inspectors that do requests and inspections and two officers, two code officers that are in the field but upwards of 300 construction sites and so I think enforcement can be a huge challenge there. But you know, with all rules the majority will try to comply and we're running around managing the 10 - 20% that perhaps that either don't know about the rule or don't wish to comply. And so, it could help. I just want to advise the Council that enforcement would be pretty difficult for something like that. So there's just, I'm just throwing out some ideas for things that you might want to discuss I think it's certainly possible to respond to the temporary situation. So, I don't know if that helps a little bit, but yeah, I think it's within your purview to adopt regulations and certainly to customize the construction industry for the community.

Mayor Montgomery: So what I'm hearing is if Hildy and/or Nancy want to make a motion to put this on a future hearing item now is the time to do so.

Councilmember Hersman: I doesn't sound like there's much we can do so I'm not interested at this point.

Mayor Montgomery: Councilmember Stern?

Councilmember Stern: No, I can't I absolutely don't want to add to what the department has to do now and if enforcement is such a difficult issue I can't imagine adding any more to that burden. So thank you Carrie for explaining all that and maybe we can just be case by case a little more creative and communicating to contractors that there's something that's just too impactful. So thank you Carrie. I appreciate that.

Community Development Director Tai: Sure thing, sure thing.

Mayor Montgomery: I appreciate both you bringing that up. Mayor Pro Tem Hadley did you have an item that you wanted to bring up?

Mayor Pro Tem Hadley: I do not. Thank you.

Mayor Montgomery: Anyone else have any other issues? Seeing none, we will adjourn to April 1st, 2020 the meeting at 8:00 AM. April 1st, 2020 8:00 AM. All of you, good and safe day. Thank you all.

Mayor Pro Tem Hadley: Thank you, be well.

City Manager Moe: Thank you

Thank you, Mayor. Bye-Bye.

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