

City of Manhattan Beach
City Council Adjourned Regular Meeting
Wednesday, April 1, 2020 8:00 AM

Mayor Montgomery: I'll call the City Council Adjourned Regular Meeting for April 1, 2020 call to order and voice call please, Martha

Sr. Deputy City Clerk Alvarez: Councilmember Hersman

Councilmember Hersman: Here

Sr. Deputy City Clerk Alvarez: Councilmember Stern

Councilmember Stern: Here

Sr. Deputy City Clerk Alvarez: Councilmember Napolitano

Councilmember Napolitano: Here

Sr. Deputy City Clerk Alvarez: Mayor Pro Tem Hadley

Mayor Pro Tem Hadley: Here

Sr. Deputy City Clerk Alvarez: Mayor Montgomery

Mayor Montgomery: Here.

Mayor Montgomery: Thank you all and Martha could you give us the public comments please?

Sr. Deputy City Clerk Alvarez: Yes, we received four public comments and those were emails and e-comments and these are the following individuals that submitted public comments for this specific meeting. Randall Duncan, Greg Sterns, Allison Hales and Matt Domiansic. All these comments will be available to the public to review online through the calendar meeting.

Mayor Montgomery: Perfect. And no one is holding and no one's called in past that.

City Manager Moe: Could you repeat that, Mr. Mayor?

Mayor Montgomery: Right, then we're good to go to open session and next item up is City Manager comments on EOC

City Manager Moe: Yes, thank you. Good Morning again. By way of a report in Manhattan Beach, we now have 40 confirmed cases of COVID-19. We receive daily updates from the

County on that. That is included in each of our EOC reports. Operationally speaking yesterday, this would've been Monday Community Development received 21 calls, 11 for closures of businesses, one for regarding evictions and nine regarding social distancing. Police on Monday also received 11 calls regarding social distancing, there have been a few park violations and one incident on a bike path where an individual was placed on a mental hold. By way of Public Works operations this is kind of an important thing for residents to note is that because people are home and using their facilities in some cases putting things down the toilet that are not kind to the sewer system shall we say we've seen more clog calls and more stoppage calls. So just a reminder that only toilet paper should go down the toilet when flushing. We're going to put out some social media to that effect to remind people.

Mayor Montgomery: Can I, can you stop that for one second? Can you add that item to our website comments?

City Manager Moe: Yes, I was, we...

Mayor Montgomery: It seems like it's common sense but like if everyone's home and obviously not following the same rules in order to avoid the clogged calls. Keep our crews from being running from neighborhood to neighborhood to put that common sense statement on our website.

City Manager Moe: Yes. Yesterday George was working on some public information with Stephanie on that. And something will go out by social media as well as our usual outlets for that.

Mayor Montgomery: Thank you.

City Manager Moe: We do continue to occasionally have people trying to get into locked facilities. The lock at Marine Sports Complex was cut and three teenagers and a family were asked to leave. I know the school district has had similar experiences now that their blacktops and gates are locked. Leadership Manhattan Beach has joined our volunteer group or as a volunteer group I should say. We continue to get a number of offers from community groups and individuals and while we currently have an adequate amount of volunteers, the City does keep that information in case we need it in the future. So we appreciate people stepping forward. We later or tomorrow I should say, I'm sorry, this is on, this would've been on Monday, we held the third conference call with staff in conjunction with our employee assistance program. That continues to be well received and utilized. And to that end tomorrow at 10:30 AM I will be holding an all hands meeting with the employees to keep in touch with them and get feedback. Yesterday, or this would've been Monday we did have a confirmed contact with our paramedics of a COVID patient. Our paramedics are wearing personal protective equipment and so it was a low risk exposure and so we'll

continue to monitor but we are appropriately protected with the equipment that they had and so again it's low risk. Finally, one thing that we can talk about later today, I just want to talk about is the April 7th City Council meeting, but we'll reserve that for after the next item, so that concludes my report.

Mayor Montgomery: Any questions for Bruce and the EOC staff? Hearing none. Any closed session items? Hearing none. How about, do you want to bring up for the next agenda which will be Friday, April 3rd?

Councilmember Hersman: Mayor?

Mayor Montgomery: Councilmember Hersman yes, please.

Councilmember Hersman: Yeah, is it the appropriate time to ask if we can discuss on Friday additional code enforcement?

Mayor Montgomery: We could put it on the agenda for an April 3rd meeting. City Manager...

Councilmember Napolitano: Your Honor?

Mayor Montgomery: Yes, sir?

Councilmember Napolitano: Can I ask well, what do you mean by that, Councilmember Hersman, just because my point would be that code enforcement, if we have a code in place now we don't need to agendize anything on a meeting to talk about it, it just needs to be done.

Councilmember Hersman: Well that would be fine with me. I have no problem with that. And I also had a question of whether, I know that we have part time employees that have, that are not working presently cause I know it would be very difficult to hire, go through the whole hiring process of new people whether some of those individuals could be used as code enforcement.

City Manager Moe: Yes, they are -

Mayor Montgomery: Allow us to have the City Manager explain.

City Manager Moe: Well to actually issue citations you have to have gone through training so we likely can't use the part time employees for that. However, they can be eyes and ears in the community and report that to those people that are authorized to issue citations. And I will tell you this, that in the past few days we have taken the approach of warnings at construction sites, warnings of social distancing, but today we will begin a more aggressive citation campaign to get the message across just how serious this is. I think we all hear the news every morning about the estimates for the number of people that will die in our

country. And we need people to take this seriously and if it means issuing some citations to get their attention, we're going to do that, beginning today.

Mayor Montgomery: Bruce, Richard, one question about that. The citations now, I like the idea that we actually start. The warning days are over, it's time to start writing and with that at a construction site, let's say you have a repeat offender, you've warned him two or three times about distancing. Now that we've done that, do we actually cite them for that day or do we shut down per Garcetti's comments yesterday? Shutting down that construction site for the day. Which is it?

City Manager Moe: Well I would say we'd issue a citation first and then if they don't comply, then we will shut them down.

[Multiple people talking at once]

Mayor Montgomery: Go ahead, Steve.

Councilmember Napolitano: I was just saying, in the case of a construction site, they've all been warned as far as I'm concerned. [Exactly] They've all got the news, we dealt with the contractors, we heard from them about the closure, we got the Governor's order, we re-opened construction sites. Everyone promised that their people were being socially distanced and doing the right thing. I've done my own walk arounds and drive arounds and obviously they weren't [they're not doing it] so, just, I'm fine with shutting down the project for a day. There's nothing that'll get people's attention faster. So I'd keep that, I wouldn't, I wouldn't just say, "Oh, we'll cite them and if they do something else we'll think about shutting down." Shut it down.

City Manager Moe: For one day? Did I hear?

Mayor Montgomery: City Attorney, Quinn?

Councilmember Hersman: I agree

Mayor Montgomery: We have no issue, Quinn, do we? Escalating from warning, warning, warning right to a shut down, do we?

City Attorney Barrow: Typically for citations, in general there would be an issue, but this is an emergency situation. In general for building code violations which may be different than the social distancing you have to give them an opportunity to cure. And so, once we're off.

Councilmember Hersman: A warning.

Councilmember Napolitano: We gave it to them.

Councilmember Hersman: Yeah

City Attorney Barrow: After this council meeting, I'll talk to Bruce and Ryan about the violators and we will take steps to close repeat offenders down.

We have to get the message across. They've been warned already [Many people speaking at the same time]

City Attorney Barrow: That's what we'll, I'll confer with both Ryan and Carrie and Bruce on that and yes, we will take those necessary steps.

Councilmember Stern: Can we also, going forward with warnings, can we let Carrie know that the warnings should include that we will shut them down if they're not complying the next time. I don't know if that has ever been part of the warning that they're given.

Councilmember Napolitano: No warning. They know. They all know.

Councilmember Stern: But we have been. So are we saying right now we're going to stop warning if we see a complaint at any point whether it's the first time [yeah] we're just going to shut that down.

Councilmember Napolitano: Well site and shut down.

Councilmember Stern: No more warning. Ok.

Councilmember Hersman: No more warning. They know. They have to know. I mean look at all the emails we received from contractors when we initially banned it and they all promised to do the right thing. All of them. So they had that was their initial warning and now it's been in effect for quite some time and there's nothing being done. They're not doing it. I mean.

Councilmember Napolitano: The initial warning was the shutdown.

Councilmember Hersman: Yeah, the you know, the.

Mayor Montgomery: Temporary ban.

[People talking at the same time]

Councilmember Stern: No, I agree with you. What about, let's think about how long that shut down is. Is it just, we shut them down if it's 2 o'clock in the afternoon. We just shut it down and they can come back the next day. That doesn't seem like a very, you know, a very impactful shutdown. So what do we want to say to them about how long their shutdown.

Councilmember Napolitano: I'll leave that to staff.

Councilmember Hersman: Yeah, I think it is an impactful shutdown because if they're having to tell their workers to go home and they still have to pay them and, you know, telling them you come back tomorrow and do the same thing, we'll do it again. That gets the message across, that we're, we mean business.

Mayor Pro Tem Hadley: I like the idea of the shutdown, but let's make sure they're actually being cited first. I mean, hope springs eternal for sites let alone shutdowns.

[People talking at the same time]

Councilmember Napolitano: Who are we citing? Are we citing the people on the site? The construction manager or the owner?

Mayor Pro Tem Hadley: I think it's gotta be the construction manager and that will get their attention. The construction manager's just need to be on site more.

[People talking at the same time]

Mayor Montgomery: Go ahead, Quinn.

City Attorney Barrow: Mayor?

Mayor Montgomery: Yes

City Attorney Barrow: Under our administrative citation process we can cite the owner of the property as well. And so we might, we'll talk to code enforcement once again, but we may just cite, not just the owner, but the construction manager as well.

Councilmember Napolitano: Good

[People talking at the same time]

Mayor Pro Tem Hadley: I think if we start writing thousand dollar tickets to those people, I think things will change. I think the shutdown can come and that's really a good point and I like that. But let's make sure our code enforcement officers are first, doling out these thousand dollar tickets. And when they do I think we'll see a reaction.

Mayor Montgomery: So Quinn, I think the GC's or contractor is the most effective and there's always someone that's in charge. The owner rarely is ever around. But the GC is always there to manage the crews and the subs. So I think the double whammy in the GC and the owner will get their attention.

City Attorney Barrow: Ok.

City Manager Moe: Alright, well I think we have direction. So staff will get together and talk about the finer points on this but the council's sentiment is clear. Thank you.

Councilmember Stern: Mayor, can we also talk about enforcement on Ocean and what's going on on Ocean and what the observations really are.

Councilmember Napolitano: Cite them.

Councilmember Stern: there something that we can be doing

[People talking at the same time]

Councilmember Napolitano: No, we already put it in place.

City Attorney Barrow: Yeah, it's part of the second item on the agenda additional measures in response to COVID-19. So it can be discussed now if you want. I don't know if Bruce as an update on Ocean other than what was mentioned earlier.

City Manager Moe: No, I perhaps Councilmember Napolitano who is down there frequently can give a better update than I can but it sounded like things were thinning out a little bit yesterday.

Councilmember Napolitano: I've driven down several times I've done that the last couple days. There are, of course, more people than ever on Ocean Drive. It's the new Strand. The social distancing is much better than it was on the Strand but there are a lot of people there. So they're running down the middle of the street, they're biking by, whizzing by each other and stuff. It is not ideal. It's better than the Strand but it is not ideal by any means. And folks down there need to maintain their social distance and I would certainly send the cops cars down. And I would cite anybody who isn't social distanced there either. And go to the parks. I'm sorry but people need to take this seriously. There are always going to those who are not, we've heard many people call out for the shutdown of Ocean Drive to anybody. There's so many misinformed comments out there. Like, shut it just for residents. Let the residents just use the beach. Let just the residents use the Strand. We can't just allow the residents to do that, they're public spaces. If we let residents in, we have to let everybody in. Or nobody. Down Ocean Drive I just think that we need more presence, more enforcement so people get the message. I wouldn't mind putting signs out there though saying go somewhere else too, don't just, you know keep socially distanced on Ocean Drive. And if it gets too crowded then start sending people away.

Councilmember Hersman: Question

Mayor Montgomery: Go ahead, go ahead.

Councilmember Hersman: So my concern reading all of this about Ocean Drive, so what changes if everybody moves one street east and now we're getting it another street east. I mean, I don't know that shutting down one street is going to necessarily help.

Councilmember Napolitano: I'm not suggesting shutting down the street.

Councilmember Hersman: Yeah, no no, I get you. I get you. I'm just saying is that, I mean, do we see more people on some of the other north south streets? Just like east of Ocean, are there more there too?

Councilmember Napolitano: Yeah, I've seen more people on Manhattan Ave. I've seen more people everywhere. If there's, you know, any benefit to this, it's I've seen more people out and about than ever before. They have that ability now and that's great but yeah, everywhere is a bit more crowded than it used to be.

Councilmember Hersman: Ok.

Mayor Montgomery: I would add that

[People speaking at the same time]...give my observation.

Mayor Montgomery: Go ahead.

So, I've been going down to Ocean in the morning and I, all of this has, while it has increased Ocean at Tuesday's point, it is not what the Strand was. So these efforts have decreased the concentration to some extent. In the morning, you know there's Ocean is far less traversed than the Strand was. And to your point it is fanning people out. If we encourage people off of Ocean and they do then fan out to the next subsequent the next parallel street, that's ok because it is then a fan out, it's not all, it's not a complete concentration on the next street. But we are seeing people out and they are really working hard to stay away from people. It sounds like it's really difficult at impactful times on Ocean, so encouraging people off of that street would be a very good thing. It would not result in just moving everybody from creating another Ocean Ave on another street. What we're seeing isn't just help the decrease and that's what we're looking for. So if enforcement can get down there and encourage people off of Ocean, that's great. I don't think it's going to create another problem, I think it's going to create a solution.

Mayor Montgomery: I would add to that, to Steve's point as well that with all the issues we're talking about there's construction going on, so of course you've got trucks, small space, skinny street. So congestion's normal. We're just seeing an overflow from the Strand which exacerbates it. But other than that, I agree with Steve. I think, everybody's been warned, they've all read the paper, no one can say they've been under a rock and doesn't know

what's going on. So I'll leave it to Quinn and Bruce and staff and Ryan to figure out a way to say, you know what, warning days are over, you've had a month now to get used to the system, start citing everybody that's there and then people will get the message. And they'll split out, same thing with our construction sites. You shut them down for a day even if it's three hours. That's three hours they can't work. They'll get the message as well. So I'll leave it Bruce. It's up to you guys, in your hands to handle that part of that. [Unclear]

City Manager Moe: Ok, we will meet on that this morning.

Mayor Montgomery: Anyone else have any comments

Mayor Pro Tem Hadley: Yes, Mayor, may I make a suggestion? What I think might be helpful in some of the MB literature, and the notices and the updates on the website would be just a suggestion to walk in ones own neighborhood. And certainly these are all public places and everyone can walk or drive to any of these streets, but if people just tried to walk out their own front door that would be helpful. My, I haven't been on the wood chip path for a few days but my family has and they said that's getting more crowded with the Strand closure. That's another destination, people are driving there and focusing there. The walking is great, I agree with Steve. It's great that people are getting out. But the streets are less crowded, the sidewalks obviously are less crowded right around where we all live and it would be great if people could spread out and consider walking in their own neighborhood.

Councilmember Napolitano: I agree, I think we should encourage that.

Mayor Montgomery: Anyone else have any comments?

Councilmember Hersman: My only concern about that [go ahead] My only concern about, well one, it only makes common sense, which we're dealing with people not using common sense right now. And, I mean because I walk in my neighborhood and I see people that I've never seen before walking which is great. But you're going to get that the folks that we have heard from that say the Strand is my neighborhood. The sand people, the sand area saying this is our neighborhood. As soon as you say that you're going to get push back from them saying, well this is our neighborhood and so you should open it so we can walk there and nobody else. That's, I'm just worried that that kind of thing is going to just create an issue again. I mean, it should be common sense to walk in your neighborhood. Why would you get in your car?

Mayor Pro Tem Hadley: Their streets and sidewalks are still open. It's just the Strand, and the bike path and the beach that are closed. But they're driving in and out of their own garages right now. So, yeah, if they stay and walk on Ocean, you know, that's fine, but I can walk in the tree section and you know. [No, I get it] We're saying a lot of common sense stuff that

shouldn't need to be said but we might as well say, hey consider you know, exploring your own neighborhood. Not bossing people and not saying you can't walk somewhere else but just planting the seed and somebody might say, yeah, why am I driving to walk on the wood chip or why am I driving to walk on Ocean. Why don't I just walk out my front door and let walking the dog.

Mayor Montgomery: So Bruce we'll leave this in your capable hands. Obviously we're all getting the same emails and comments and everyone else about what's happening. I think the first time you have someone out there and actually are writing the citation, we'll see a little easing and separation happen naturally or forcibly. One way or the other.

City Manager Moe: Yes, we understand the desire of the council and we'll take care of it.

Mayor Montgomery: Ok, anyone else have any comments for today and/or for Friday, April 3rd? Hearing none. We'll be adjourned to...

City Manager Moe: Wait, Mr. Mayor, excuse me.

City Attorney Barrow: Mayor, there's one more issue that Bruce wants to bring up about the Tuesday night council meeting.

City Manager Moe: Yes, thank you, as you know, we have our regularly scheduled council meeting next Tuesday, April 7th, however, given the fact that we have these Monday, Wednesday, Friday meetings, I have added a couple of minor, routine items on to Friday's agenda and don't see the need to have Tuesday night's meeting. Frankly, I think it would be best if our staff's families can be together in the evenings and we can accomplish what minor things we have on these three day a week meetings. Like we are doing this next Friday we've got the warrant register and a resolution that need to be passed but nothing controversial. And of course we would blast out through our social media and all other channels that the meeting is cancelled if the council would give us that direction. By way of future council meetings the April 21st meeting we'll play it by ear, that of course is still within our state of emergency period right now. And so we will take a look at that the closer we get to it but at this point, if the council concurs, I recommend that we cancel Tuesday night April 7th and continue to bring you minor routine items on the Monday, Wednesday, Friday schedule.

Mayor Montgomery: Council comments?

Councilmember Napolitano: Yeah, I'm fine with that.

Mayor Pro Tem Hadley: Sounds good to me. Bruce, staff you're doing a great job. Hang in there.

City Manager Moe: Thank you.

Mayor Montgomery: Thank you, Mayor Pro Tem. Steve?

Councilmember Napolitano: Yeah, just as long as we can bring items forward at these meetings and just have the background shot to us by email and we're providing comment, then I'm good with that. The more frequent meetings over the one every two weeks is good.

Mayor Montgomery: Thank you. Hildy?

Councilmember Stern: No, I have no comments. I agree.

Mayor Montgomery: Nancy?

Councilmember Hersman: Fine with me.

Mayor Montgomery: Good. Bruce, one more item. When you hear from Carrie regarding the application from Mike Simms to expand into the old Subway space let us all know when that date may be. Whether he extends the hearing date or keeps it to sixty days, you and Quinn let us know in advance what happens there.

City Manager Moe: Yes, we've been discussing that and we'll let you know what the plan is.

Mayor Montgomery: Fantastic. Any other City Manager announcements?

City Manager Moe: None today.

Mayor Montgomery: City Attorney?

City Attorney Barrow: Nothing more.

Mayor Montgomery: Council?

Nope. Nothing.

Mayor Montgomery: Hearing none. Go ahead. We'll adjourn until April 3rd, Friday, 8:00 AM. Thank you all. Safe week, stay healthy.

Thank you. Bye-Bye. Good night guys, bye-bye.

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